

Legislature of Ontario Debates

Monday, June 23, 1969–Friday, October 24, 1969

RODERICK LEWIS, Q.C., Clerk of the House

No. 157

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Monday, June 23, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Monday, June 23, 1969

Regional Municipality of Ottawa-Carleton Act, 1968, bill to amend, Mr. McKeough, first reading 5957

Municipality of Metropolitan Toronto Act, bill to amend, Mr. McKeough, first reading 5957

Ontario police association and wiretapping, questions to Mr. Wishart, Mr. Nixon 5957

Classifications of assessors, questions to Mr. MacNaughton, Mr. MacDonald 5958

ONR meal service, Cochrane-Moosonee run, question to Mr. Kerr, Mr. MacDonald 5959

Salaries re nursing units, questions to Mr. Dymond, Mr. MacDonald 5959

Free hospital insurance for students at Elliot Lake, questions to Mr. Dymond, Mr. Ben 5959

Ingredients of hot dog wieners, questions to Mr. Stewart, Mr. Makarchuk 5960

OPP Inspector Armstrong report, questions to Mr. Wishart, Mr. Trotter 5960

Bugging equipment recovered from Bell Telephone Company, questions to Mr. Wishart, Mr. Trotter 5961

Toronto air-pollution control study, questions to Mr. Dymond, Mr. Trotter 5962

Sale of DDT in Norfolk county, question to Mr. Dymond, Mr. Shulman 5962

Civilian review boards re complaints about police, questions to Mr. Wishart, Mr. Shulman 5962

Highland Creek sewage treatment plant, question to Mr. Kerr, Mr. T. Reid 5963

Eight samples at Levack and OWRC, questions to Mr. Kerr, Mr. Martel 5964

Three northern development conferences, questions to Mr. A. F. Lawrence, Mr. MacDonald 5964

Provincial mine rescue championship results, statement by Mr. A. F. Lawrence 5964

Presenting report, Alcoholism and Drug Addiction Research Foundation, Mr. Dymond 5965

Health services insurance, bill respecting, Mr. Dymond, on second reading 5965

Recess, 6 o'clock 5998

LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 23, 1969

The House met at 2.00 o'clock p.m.

Prayers.

Mr. Speaker: Today as our guests we have, either now or later, students from the Adult Education Centre at Keele Street in Toronto; also in the east gallery students from McConaghy public school, Richmond Hill and from Ryerson senior public school, Brantford; and in the west gallery from Huttonville public school, Huttonville.

Later we will have students from St. Andrew's separate school in Welland and from Talbot Street school in Blenheim. This evening we will have scout troops from Maple, Toronto and Agincourt with us.

Petitions.

Presenting reports.

Motions.

Mr. Reilly moves, seconded by Mr. R. G. Hodgson, that Mr. Hamilton be substituted for Mr. Kerr on the standing legal and municipal committee.

Motion agreed to.

Mr. Speaker: Introduction of bills.

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON ACT, 1968

Hon. W. D. McKeough (Minister of Municipal Affairs) moves first reading of bill intituled, An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968.

Motion agreed to; first reading of the bill.

Hon. Mr. McKeough: Mr. Speaker, there are some 21 sections to this bill. I think they could all be described as housekeeping, tidying up or clearing up oversights in last year's legislation.

THE MUNICIPALITY OF METROPOLITAN TORONTO ACT

Hon. Mr. McKeough moves first reading of bill intituled, An Act to amend The Municipality of Metropolitan Toronto Act.

Motion agreed to; first reading of the bill.

Hon. Mr. McKeough: Mr. Speaker, again this is a housekeeping bill, with possibly three exceptions. Section 3 provides for representation of the city of Toronto on the Metropolitan Toronto executive committee, which amendment is necessary arising out of the city of Toronto private bill.

Section 9 provides for agreements for emergency call systems on Metro roads; and section 10 authorizes a $2.4 million grant to York University over ten years.

Mr. Speaker: Before the orders of the day, I would like to advise the House that the Deputy Speaker drew to my attention certain remarks by the member for Downsview (Mr. Singer) made Friday morning when I was not in the House. I have gone over the record of the proceedings on Thursday evening and Friday morning and I would advise the House that I have nothing that I could usefully add to what I said on Thursday evening as so recorded.

The hon. member for Eglinton.

Mr. L. M. Reilly (Eglinton): Mr. Speaker, the Minister of Tourism and Information (Mr. Auld) asked me if I would remind hon. members of this House that the visit to the science centre tomorrow morning will commence at 9.30; the buses will be leaving right outside the door.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, I have a question for the Attorney General: will he investigate charges made by the Ontario Police Commission chairman, Percy Milligan, that the Ontario Police Association has bugged commission investigator Fred Davies in hearings associated with the Brantford investigation?

Will the Attorney General reconsider his decision not to legislate against wire tapping pending federal legislation?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, on the first part of the question I would say that I do not think I should pursue that matter. It seems to be a dispute between the chairman of the police commission and Mr. Latten. I think they are going to settle that discussion themselves. I noticed

something in the newspaper, published a short time ago today, to the effect that Latten admits there was some discussion about this matter and he is going to get in touch with the chairman of the commission and attempt to clear it up. I do not think it is a matter for the Attorney General to follow.

With respect to the second part of the question, I am still of the same attitude, I may say, with respect to wire tapping. We should not move pending the federal legislation, which is well under way—at least in the studies which are going on before the committee on justice, the Parliamentary committee.

I think the Act should preferably be a federal Act. I feel the legislation will be wide in its coverage, going into not only what may be the field of police wire-tapping, but invasion of privacy by citizens. I would prefer to wait, and see if there is a field left for Ontario. I think we should wait until we see what the federal legislation is before we move.

Mr. Nixon: Mr. Speaker, I have two supplementary questions if the hon. Minister will permit.

The first refers to the power of the police commission. Have they the power to undertake an investigation themselves into circumstances described in the first page of my question? And second, has the Attorney General any indication from Ottawa when that legislation might be coming down?

Hon. Mr. Wishart: To answer the supplementary: the first part of the question, will the Attorney General investigate charges made by the Ontario Police Commission chairman that the Ontario Police Association has bugged commission investigator Fred Davies? As I say, I do not think I shall go into that.

Now the question is: has the commission the power—

Mr. Nixon: Why should he make a charge if he could investigate himself?

Hon. Mr. Wishart: Well, I think from what I have read of Mr. Milligan's statement, he was aware that a certain member of the police association had used a wire tapping electronic device to pick up some material in connection with the investigation carried on by Davies.

Mr. D. C. MacDonald (York South): He was accusing others of doing it, so that he could justify his own action. It is an old tactic.

Hon. Mr. Wishart: As I say, apparently Mr. Latten has said, "Yes, I had a conversation and gave some information about what we had in the way of equipment and what we were doing with it." So I did not feel I should investigate, and I do not think the police commissioners are planning an investigation of this.

Mr. Nixon: What was the point of making that charge?

Hon. Mr. Wishart: I do not know.

Mr. Nixon: Well, I suppose it is not even illegal.

Hon. Mr. Wishart: No, I did not see much point in making it except to say that wire tapping apparently is not all one-sided. I did not see much point in it, frankly.

Was there another supplementary?

Mr. Nixon: Yes. When are we going to get federal legislation? Has the Attorney General any information?

Hon. Mr. Wishart: I do not know how soon. As the hon. member knows, we have been urging this, particularly since last year. Last fall—I think it was before the opening of Parliament—the Minister of Justice said, "I will be studying this and I will be bringing in legislation," and I felt it was proper to wait until we saw what the federal government did.

Mr. Speaker: The hon. member for York South.

Mr. MacDonald: My first question is of the Provincial Treasurer.

In reply to a question on May 15, the Provincial Treasurer gave salary ranges for four classifications of assessors, omitting those for lower classification levels. Have salaries for these remaining classifications been decided? If not, when will a decision be made?

Hon. C. S. MacNaughton (Provincial Treasurer): Mr. Speaker, the determination of the ranges for lower classes is in its final stages. I would expect to be able to make this information available very shortly.

Mr. MacDonald: Mr. Speaker, my supplementary may not be appropriately directed to the Provincial Treasurer, but somebody, either he or the Minister of Municipal Affairs, is holding sessions with municipal assessment people all the time, and one of their main concerns understandably is salaries and no answer can be given on this. Surely it is an obligation on the government to make up its

mind so that when they spend money to hold sessions—

Mr. Speaker: I presume this is a question, a supplementary question? If the hon. member can turn it into such, I wish he would.

Mr. MacDonald: There was a question mark at the end of my statement, sir.

I said, "surely . . . the government", and that obviously is interrogation.

Mr. Speaker: Not necessarily.

Hon. Mr. MacNaughton: I will say, "surely the government will."

Mr. MacDonald: But surely when?

My second question is of the Minister of Energy and Resources Management:

What explanation is there for the lack of proper meal service on the ONR Cochrane to Moosonee run, as reported in this morning's "Gerussi!" programme by the publisher of *The Canadian Outdoorsman*?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, a continental breakfast is available, because the south train gets into Cochrane at 7.40 a.m. and the Moosonee train departs Cochrane at 9.15 a.m., thus allowing patrons an hour and 35 minutes for breakfast in Cochrane. Dinner is not applicable to this service because the train arrives at Moosonee at 3.15. Instructions were issued to the dining car department last week to make cold plates available on this train in addition to the present soup and sandwiches. This luncheon service was originally cut back because records indicated only a ten per cent demand for this service. However, this new luncheon arrangement will bring this service in line with the excursion train.

Mr. MacDonald: I do not know whether you will please all your clientele with cold plates.

To the Minister of Health:

A letter from The Department of Health, dated May 30 and over the signature of Dr. G. K. Martin, elaborated on the application of a principle laid down earlier by the Minister with regard to salaries of personnel, including nurses in public health units.

1. How does the Minister justify breaching collective agreements voluntarily entered into by units which are not certified under The Labour Relations Act as spelled out in paragraphs b and c of that May 30 letter?

2. Is it the Minister's intention to force all nursing units to seek certification under The Labour Relations Act?

Hon. M. B. Dymond (Minister of Health): Sir, I indicated in a previous reply—I think it was to question 1906—that boards of health have the freedom to establish their own salary schedules, but provincial grants will now relate to the salary ranges recently forwarded to them, I did learn of the content of the second part of the hon. member's question several months ago at the time the boards of health met with my staff.

They advised that they had entered into agreements with certified bargaining units, and therefore I felt that under those circumstances we could do nothing but recognize the results of those negotiations, which we have done. But this is not to indicate that we are forcing nursing units into seeking classification as the hon. member mentions under The Labour Relations Act.

Mr. MacDonald: Well, Mr. Speaker, by way of a supplementary question. If the Minister will honour higher rates only if they have been entered into by groups certified under The Labour Relations Act, but will not honour agreements, voluntarily entered into by groups which have honourable agreements honourably arrived at, even though they are not certified, is he not in effect forcing them under The Labour Relations Act? And is that his intent?

Hon. Mr. Dymond: Mr. Speaker, any agreements entered into up to the end of February will be honoured by my department as the results of acceptable bargaining, but any agreements we have arrived at after that the salary schedules which we sent out, will apply in so far as our subsidization is concerned.

Mr. Speaker: The hon. member for Humber.

Mr. G. Ben (Humber): Yes, Mr. Speaker, I have a question of the Minister of Health.

Will the Minister's department take action immediately to ensure free hospital insurance coverage for students attending the retraining programme at the centre for continuing education in Elliot Lake?

Hon. Mr. Dymond: Mr. Speaker, I have not seen this question yet but I believe I can answer it. We do not provide free hospital insurance. If one finds himself unable to provide for his part of the premium, then he must make application to The Department

of Social and Family Services—the local welfare branch of The Department of Social and Family Services—whatever it is called. That department, through our government, subsidizes those who need free hospitalization.

Mr. Ben: May I ask the hon. Minister a supplementary question?

What is a student supposed to do who is not destitute to the degree that he could qualify for help from Social and Family Services—but simply cannot afford to pay the premiums?

That is one supplementary question and the second supplementary question is: Is the Minister aware that St. Joseph's hospital is claiming that the greatest part of the uncollectable accounts has to do with the students and their families?

Hon. Mr. Dymond: No, Mr. Speaker, I am not aware of that. I have had no notification to that effect. I do not know if the hospital services commission have had such notification because this would come within the purview of their responsibility.

Mr. Ben: I have another question and perhaps the Minister should take both these questions as notice or he will regret the answer given.

The next question is: Will the Minister give consideration to The Department of Health giving a grant, either directly or to OHSC to St. Joseph's General Hospital in Elliot Lake to cover the uncollectable accounts incurred by students at the centre for continuing education or their families?

Hon. Mr. Dymond: Mr. Speaker, again I have not seen that question but The Department of Health has no authority to give grants for purposes such as this. What can be done through the hospital services commission remains to be seen because, I repeat, I have not heard anything about this nor do I know whether they have as yet.

Mr. Speaker: In order that I may be sure that things are operating all right, may I ask the hon. Minister if there were not copies of those questions on his desk when he came in the House today? They may not have reached him from his office but it is my custom to have copies—

Hon. Mr. Dymond: Oh, yes. I never look at those, Mr. Speaker, but they are here.

Mr. Speaker: Yes, in case they do not reach the office I try to have the Minister at least warned of the question. The hon. member for Brantford has a question?

Mr. M. Makarchuk (Brantford): Mr. Speaker, I have questions of the Minister of Agriculture and Food. It is a four part question:

1. In view of reports from the United States Department of Agriculture indicating the low rate of protein content in hot dog wieners, from 19.6 per cent to 11.8 per cent, while almost doubling the fat content. Can the Minister indicate if the protein content of Ontario produced wieners, remains unchanged?

2. What is the protein, fat, carbohydrate and water content of Ontario wieners?

3. Will the Minister consider legislation to force sausage manufacturers to state, by label on their produce, the ingredients and the contents in percentages?

4. Has there been an increase in the fat content of wieners in recent weeks because of the high prices of meat?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, the matter of the content of prepared meats is under the jurisdiction of the food and drug directorate of the government of Canada. However, I will take this question as notice and try to provide the hon. member with the answers if I can obtain them from food and drug.

Mr. Speaker: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, I have a question for the Attorney General; in fact, I have two. The first question is:

Can the Attorney General inform the House if OPP Inspector Armstrong has given his report on the Nobrega shooting to Dr. Cotnam?

Has the Minister been advised of Inspector Armstrong's findings, and if so, when does he intend to make them public?

Hon. Mr. Wishart: Mr. Speaker, I am advised that the report is not completed in total, but it is anticipated that it will be completed within the next two or three days. I should have it in my hands this week, I would think.

Mr. Trotter: My understanding is, Mr. Speaker, that this report will be made public. In other words, this is not an interdepartmental report.

Hon. Mr. Wishart: I have not been asked that. I have not given consideration to it. I would take that under consideration.

Mr. Trotter: Just for clarification of that answer, Mr. Speaker. Surely the hon. Minister—

Mr. Speaker: The hon. member may ask a question for clarification or as a supplementary.

Mr. Trotter: Surely the hon. Attorney General will make that report public; it will not be behind closed doors, surely?

Hon. Mr. Wishart: As I say, this is a supplementary question entirely different from the one asking when I would get the report. I would think perhaps that report would be a proper one to make public, but I would like to have a look at it as a departmental matter first.

Mr. Trotter: Very evasive, that answer. I have a second question for the Attorney General, Mr. Speaker: Can the Attorney General indicate whether some of the bugging equipment that Metro police have recovered from Bell Telephone, through the use of warrants, belongs to the police department?

If so, can the Minister indicate if the police are misusing the warrants since they swear before a justice of the peace that they have or are about to commit an offence with the equipment?

Hon. Mr. Wishart: Mr. Speaker, I am not familiar with the action which was taken by Bell Canada, as reported in the press, except what I have read in the press. I gather, however, that the equipment has been removed. The police then received possession of it through the use of a search warrant, which is obtained in the course of the investigation of the criminal acts which may be the subject of the police scrutiny. The warrants are not, to my knowledge, obtained on the basis of the type of information to which the hon. member for Parkdale has referred.

Mr. Trotter: Mr. Speaker, by way of a supplementary question. Is it not a fact that the only way a person, or particularly the police, can obtain the equipment under the Criminal Code, is by stating that they believe an offence has been committed or is about to be committed? That is part of the Criminal Code; I just forget the section off-hand.

Hon. Mr. Wishart: I would think that would be generally the right way to say it; yes, I would agree. I would think that the hon. member's statement is generally correct.

Mr. Trotter: Then if what I said is correct, would it not be true that the police are swearing warrants falsely? Has the hon. Minister not answered the question that they are swearing the warrants falsely?

Hon. Mr. Wishart: They take out a warrant to pursue a police investigation, which is quite proper. There is nothing wrong about that. I do not know how this equipment was placed; whether it was placed by some other person, or if it was placed by the police. But to secure its possession—they were apparently investigating a criminal matter—it was a police installation. They recover it by a search warrant pursuant to the investigation of what they think is a criminal activity.

Mr. Trotter: Mr. Speaker, that answer cannot be correct.

Hon. Mr. Wishart: I do not know why it is not. Where did the hon. member get that idea?

Mr. Trotter: Under the Criminal Code, the only way they can get the equipment is by stating that an offence has been committed. Now, are the police admitting they have committed an offence, or are about to commit an offence?

Hon. Mr. Wishart: Mr. Speaker, I would have to ask the hon. member to frame a question on this if he wants me to answer something further. It seems to me we do not understand each other.

Mr. Trotter: I have asked the hon. Minister. I do not know—

Hon. Mr. Wishart: I answered, and I answered fully.

Mr. Trotter: With all due respect, the hon. Minister has not answered.

Mr. Speaker: The hon. member, under the circumstances, will perhaps reframe his question and submit it, in view of the Attorney General's reply today and his understanding of it. Perhaps he can frame it so it can be understood as he wishes it understood.

Mr. Trotter: I think, with all due respect, they do not want to understand.

Hon. Mr. Wishart: If the hon. member will put a question clearly I will try my best to answer it, but we got into two supplementaries which seemed to be a debate, and I am not clear on just what the hon. member wants to know. If the member will frame the question, I will give my undertaking that I will do my best to answer it.

Mr. Trotter: The question is, Mr. Speaker, may I remind the Attorney General—can the Attorney General indicate—

Mr. Speaker: Order, the hon. member has read his question; the Attorney General has received it, and says he cannot answer it the way the member wishes unless it is clarified for him. Now, the hon. member will just have to do his best to clarify it in view of the Attorney General's statement today; and he has every right to do that in tomorrow's question period. The hon. member has a further question of the Minister of Health.

Mr. Trotter: Yes, a hangover from last week, Mr. Speaker, to the Minister of Health. Does the government intend to assist the city of Toronto in its $1 million air-pollution control study? Is the Minister aware that the city council voted $200,000 for such a study on the understanding that Queen's Park would contribute the balance?

Hon. Mr. Dymond: Mr. Speaker, I cannot understand the city of Toronto voting this money on such an understanding, because on February 6 I met representatives of the board of control of the city of Toronto and outlined our position to them. We indicated to them at that time that the government was already in process of establishing such a study on its own, since we had taken responsibility for air-pollution control, and this would leave for the city a study relating to the production of steam and heating facilities for their own use downtown. The board of control have known this, as I say, since February of this year. The study planning has all been done. I believe the studies have been begun already as far as the government is concerned.

Mr. Trotter: By way of a supplementary, do I understand the Minister's programme could save the city of Toronto $200,000?

Hon. Mr. Dymond: No, no, that is their own part; that is an entirely different, although related, part. They are concerned about the heating facilities for downtown—provision and production of steam and heating facilities for certain parts of the downtown core. Related to that, they believe there was a necessity for air-pollution studies as well, and we agreed but we took responsibility for that share of it, which, according to their figures would cost somewhere in the order of $800,000. They will not pay anything towards that part.

Mr. Speaker: The hon. member for High Park.

Mr. M. Shulman (High Park): Mr. Speaker, I have a question of the Minister of Health. Is the Minister aware that over 40 per cent of the DDT sold in Ontario last year was sold in Norfolk county? Has a study been made of the effect of DDT on animals and vegetation in Norfolk county, and, in view of studies elsewhere indicating that such high DDT usage can adversely affect human health, will the Minister institute studies to determine if Norfolk county is developing a higher fatality rate than the rest of the province?

Hon. Mr. Dymond: Mr. Speaker, according to records maintained in my department, about 40 per cent of the DDT sold in Ontario in 1968 was sold in Norfolk county. A study has not been done specifically in Norfolk county but a very close watch is being maintained on all pesticides used in the tobacco-producing areas of our province. Studies are presently under way to ascertain the fatality rates and cause of death in some of the counties of Ontario; and it is the intention to include Norfolk county in such a study.

Mr. Shulman: Thank you, Mr. Speaker. I have a question for the Attorney General. Will the Attorney General follow the advice of the Canadian Civil Liberties Association, as outlined in the brief presented to him today, requesting that civilian review boards be set up to investigate complaints about the police?

Hon. Mr. Wishart: Mr. Speaker, I received a brief from the Canadian Civil Liberties Association and spent a couple of hours with that group this morning. We went over the brief. The question asks if the Attorney General will follow the advice. I would say I undertook to give careful study and consideration to the brief, and I am sure the hon. member will know that I could not undertake, as one Minister, to announce the policy of the government. We certainly shall follow the study and I indicated that we would have further interviews with the Canadian civil liberties group.

Mr. Shulman: Would the Minister accept a supplementary question?

Hon. Mr. Wishart: Yes.

Mr. Shulman: Would the Minister recommend to the government that this suggestion be followed?

Hon. Mr. Wishart: We just finished our interview sometime around 12.30 and I have not had time to study the brief and get all its

recommendations which I would wish to do before I can make a recommendation.

Mr. Shulman: Mr. Speaker, before the orders of the day I wish to rise on a matter of privilege. The Attorney General is quoted in Saturday afternoon's Toronto *Daily Star* as having made certain remarks about me which are untrue and which I wish to correct. The quotation reads as follows, and I quote in full:

SHULMAN ASKED FOR IT

> I think I first began to object to his activities when he dragged into an inquest the fact that a doctor, involved in a minor way in an unsuccessful operation, had been addicted to drugs five years previously, although he had cured himself. It was irrelevant to the inquest and could never have been brought up in a court of law. It made me mad.

The Attorney General deserves certain credit for the record number of errors which he has managed to put in one short sentence which I shall itemize, Mr. Speaker.

1. The minor involvement in the operation consisted of being the surgeon actually doing the operation which happened to be for removal of hemorrhoids. The operation was unsuccessful because this doctor accidentally stuck his knife through the patient's rectum producing her death by poisoning.

2. The five years the Attorney General refers to was actually six months.

3. The Attorney General's faith that the doctor had cured himself unfortunately, was also untrue. The doctor continued to use drugs and alcohol which finally culminated in his suicidal death one year after the inquest.

4. The Attorney General stated that these facts were irrelevant to the inquest. In actual fact, they were the whole point of the inquest which could have established that neither the College of Physicians and Surgeons nor the hospital had protected the public by preventing this man from operating even though his addiction was known to them both.

Finally, I wish to point out that the only accurate words in the Attorney General's remarks were his final ones: "It made me mad".

Hon. Mr. Wishart: Mr. Speaker, might I be permitted to say that I do not think that the quote can be correct. I have never admitted to being mad.

Mr. Shulman: Perhaps the Attorney General would be so kind as to apologize.

Hon. Mr. Wishart: I think the case to which I was referring was not the case which the hon. member has raised.

Mr. Speaker: The hon. Minister of Energy and Resources Management has answers to some questions, previously placed.

Hon. Mr. Kerr: Yes, Mr. Speaker, Question 1932, posed by the hon. member for Sudbury East.

Mr. Speaker: The hon. member is not here. Would we have the answer to that?

Hon. Mr. Kerr: I will hold that one.

Mr. Speaker: Yes.

Hon. Mr. Kerr: And question 1933, the hon. member for Scarborough East:

> Has the Minister's department inspected within the last month the Metropolitan Toronto sewage plant in Highland Creek, Scarborough, to determine the extent of air and water pollution caused by the plant?

The OWRC has received complaints concerning odour conditions associated with the Highland Creek sewage treatment plant. Staff have discussed the problem with Metro Works and that department has the matter under consideration. The plant is now effectively preventing water pollution. OWRC will continue the investigation relating to operation and odour control.

The problem, in the main, arises from an acceptable method of sludge disposal, namely sludge lagoons. Unfortunately, new residential development is now approaching the plant, leading to odour complaints. Odours from the sludge lagoons are to be eliminated. Another method of sludge disposal must be adopted. Metro is now reviewing this aspect. I think my answer, Mr. Speaker, deals with part two. Part three is: "If the answer is no, will the Minister inspect the plant immediately?"

The chairman of OWRC has this matter in hand and I have asked him to inspect this plant. If the problem continues I may also do the same thing.

Mr. T. Reid (Scarborough East): Mr. Speaker, by way of a supplementary. Is the Minister aware that at this time, or in July every year, a sign appears in Highland Creek which says: "Polluted. Unfit for swimming"?

Hon. Mr. Kerr: It is my information, Mr. Speaker, that this is not caused by the Highland Creek sewage treatment plant.

Mr. Speaker: Perhaps the hon. Minister would read the question from the member for Sudbury East and give the answer? The member for York South wishes it to be given.

Hon. Mr. Kerr: The question is:

> Can the Minister advise the House when the analysis of the eight samples taken at Levack on June 4, 1969, will be completed and published? What action does the OWRC intend to take in this matter?

The analytical results will be available early next week and subsequent action will depend on this analysis.

Mr. MacDonald: Mr. Speaker, in his absence, the hon. member for Cochrane South (Mr. Ferrier) has asked me to put a question to the Minister of Mines which was submitted on Friday.

Have the dates been set for the three northern development conferences to take place in the north this fall, and if not, when can we expect them to be announced?

Hon. A. F. Lawrence (Minister of Mines): The answer to the first question is no. The answer to the second one is, in due course.

Mr. Speaker: The hon. Minister of Mines has a statement, I believe.

Hon. Mr. Lawrence: Yes, Mr. Speaker. The news in the daily Press this past weekend has shown us very graphically how important mine rescue training and mine rescue work is to the well-being and safety of those who work in the mining industry.

In Red Lake on Saturday last I was privileged to see the final demonstration and problem given to each of the district championship mine rescue teams of Ontario, and I am happy to announce to the House today the names of the district mine rescue team champions as well as the first, second and third winners of the provincial mine rescue championship.

I thought the members of the House would also be interested in knowing that within The Department of Mines we have a section devoted exclusively to mine rescue training and research involving mine rescue procedures and equipment, under the very able head of Mr. George G. McPhail, the inspector of mine rescue training for the province.

Mr. McPhail and his staff have been extremely busy over the last three months in setting up and conducting, with the help of the industry, district championship trials and problems over the whole of the province. Over the last three and a half weeks the district champions in each area have been competing against one another for the provincial championship and the much-sought-after provincial trophy.

The final problem and demonstration took place in the Couchenour Arena near Red Lake on Saturday morning last. The district champions for each of the districts are as follows, going from east to west across the province:

The Kirkland Lake district, Kerr-Addison Mines Limited won the district championship; in the Cobalt district, Sisco Metals of Ontario Limited; in the Porcupine area, Hallnor Gold Mines Limited; in Elliot Lake, Rio Algom Mines Limited; in Sudbury district number one, Falconbridge Nickel Mines Limited, Strathcona mine team; in the Sudbury district number two, International Nickel Company of Canada Limited, the Garson mine team; in Port Arthur, the Willroy Mines Limited team; and in Red Lake, the Consolidated Canadian Faraday Limited team from Werner Lake.

As I have indicated, the district champions over the last three and a half weeks have been competing against one another in both oral examinations as well as in an extremely difficult problem given to them by Mr. McPhail and his staff.

The last of these provincial championship trials was held last Saturday morning in Red Lake. It is now my great pleasure to announce that the winner of the Ontario championship and the Provincial Mine Rescue trophy for 1969 is the team from the Rio Algom Mines Limited at Elliot Lake, Ontario. I know the members of the House would like to join me in congratulating Mr. R. Eveson, the superintendent of the Elliot Lake Mines rescue station, for training a winning team, and to congratulate not only Rio Algom for sponsoring the team, but the individual members of the team, who, like all other mine rescue teams in Ontario, volunteer their own time and their own effort in promoting this very important work.

The captain of the Rio Algom Mines team is Mr. Ray Arsenault, the briefing officer Mr. George Palm, and the team members were made up of Mr. Ed Poynter, Mr. Mike Wittman, Mr. Werner Dobinsky, Mr. Gordon Beckett and Mr. Bob Jackson, all of the Rio Algom Mines in Elliot Lake. Congratulations should also go to the team placing second in the provincial competition, the team from the Willroy Mines Limited of Manitouwadge, and the third place winner was the team from the Kerr-Addison Mines in Virginiatown.

I thought the House should know that almost 1,000 persons from all over the province in the mining industry participate in rescue courses and about 275 take part every year in this competition and in this very important work.

On behalf of the members of the House I would not only like to extend congratulations to the above-mentioned winners and teams but also to voice the appreciation of the people of Ontario for the voluntary and hard effort put into this work every year, and every day of the year, by everyone concerned.

Mr. Speaker: The hon. Minister of Health has a report to table. Do we have the consent of the House to revert to presenting reports for this purpose? Agreed.

Hon. Mr. Dymond: This is the annual report of the Alcoholism and Drug Addiction Research Foundation for the year ending December 31, 1968.

Mr. Speaker: Before the orders of the day, may I be assured that today there is no private members' hour and that we proceed with the other order of the business? There was an announcement, I believe, Friday to that effect.

Mr. A. Carruthers (Durham): That is right. There is no private members' hour.

Mr. Speaker: Orders of the day.

Clerk of the House: The 30th order, second reading of Bill 195, An Act respecting health services insurance.

HEALTH SERVICES INSURANCE

Hon. M. B. Dymond (Minister of Health) moves second reading of Bill 195, An Act respecting health services insurance.

Mr. Speaker: The hon. member for York South and the hon. leader of the Opposition are on their feet.

Mr. D. C. MacDonald (York South): Mr. Speaker, on a point of order, I wonder if the Minister of Health can be persuaded to give an initial statement on second reading so that some of the rather puzzling elements of the bill will be clarified and we will be debating in some substance rather than in a vacuum?

I refer, for example, to the procedure for payment of claims. What is the channel? The procedure for the payment of premiums, and many other aspects of the bill upon which we have had no public explanation as yet.

Mr. Speaker: I would point out that the proper procedure, if the hon. Minister follows it, is that he can make his opening statement and then has a period of rebuttal at the end. So there is no question, if he wishes so to do.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, if the Minister of Health chooses to speak now, I would be very willing to yield the floor and listen to him.

Hon. Mr. Dymond: So long, Mr. Speaker, as it is understood I have the opportunity for rebuttal.

Mr. Speaker: That is the regular procedure which has not been followed by and large in this House but I want it to be understood that it is proper and that the hon. Minister, on second reading of a bill, always has a right to make an opening statement and then the right of rebuttal to close the debate.

Hon. Mr. Dymond: Mr. Speaker, there is very little, other than elaboration, than can be added to what was said on the introduction of the bill, first by myself rather sketchily, and more fully by the hon. Prime Minister.

As pointed out, this bill is to make it possible for Ontario to participate in what has commonly come to be called, although wrongly, "National Medicare"—there is no such thing as "National Medicare". There cannot be such a thing, since health services are the responsibility of provincial governments. However, the federal government, of course, did make certain fiscal proposals to the provinces, and Ontario is introducing this bill in order that we can take advantage of those.

There were certain basic principles, of which we are all well aware, which were necessary before a province could participate in this proposal made to us by the federal government.

First there had to be universality. Universality was hard to define in the federal lexicon, but we finally did ascertain that it meant that 90 per cent of our population had to be insured as a starter, and then, after a period of three years, we had to undertake that the population insured would be up to 95 per cent of the province's population.

In other words, the federal definition of universality was compulsory and our government has, I think, clearly indicated over the years that this was not a generally acceptable

principle insofar as we were concerned. However, this did not pose any real problem as we looked into our situation, because we found that we already had more than 90 per cent of our population insured and on that score we were able to meet the criteria laid down.

The next criterion was that it had to be publicly administered and it was, at first apparent, that in the thinking of the then Minister of Health, and incidentally, her successor, this meant that the plan had to be operated by the government of the province, or a commission, or an organization, as a Crown agency set up for that particular purpose.

Later on, however, we did learn that in certain circumstances, certain agents could be appointed or designated by the provincial government, particularly those carriers whom we had come to look upon as service carriers, or non profit carriers. Indeed, this is the practice that was followed by at least one province in order that they came within the terms of the Act.

Ontario had a peculiar situation—still has a peculiar situation—in that about 50 per cent of our total insured population is, and has been, insured for a long time, by the commercial carriers under contracts which they have arranged at the bargaining table. These are usually, contracts negotiated, or fringe benefits negotiated, by employer and employee groups as part of their wage and salary negotiations.

This was a rather unique situation which did not obtain anywhere, and still does not obtain anywhere else in Canada, but the Minister of National Health and Welfare at the time, Miss LaMarsh and her successor, both adamantly refused to countenance any agreement with this group for coverage whatsoever. If we had accepted that philosophy and sought to arrange our situation to meet the terms of that philosophy, we would have had a task of rather staggering proportions on our hands. It would have meant the complete upsetting of all of those negotiations, of all of those agreements, that had been arrived at after rather intensive, and often times laborious, negotiation. In my view, sir, it would have caused not a little upheaval.

We were rather interested to note, however, in a public utterance some months ago by the present Minister of National Health and Welfare, that there was apparently a changing attitude, at least on his part, whether it was shared by his colleagues and the federal Cabinet or not, we were not then able to ascertain. However it was evident that he himself was rather more flexible than his two predecessors have been, and after discussion of the matter in our own Executive Council here, I was directed to seek an audience with the Minister of National Health and Welfare, and seek an explanation of the statement which he had been reported to have made.

We found that he was more flexible in his attitude and we found that he could see no reason why, if we were able to enter into an agreement with this group, provided it met the terms of the Act; that it must be non profit; that it must be subject to uniform terms and agreements as set down by the provincial authority, which would be the government or an agency of the government. If that agency set the premiums, if that agency set out the terms of the plan, if that agency directed the assessment of the claims, and if the agent, the designated agent, the so called non profit or a non profit commercial group were subject to public audit, then it would be taken that such a programme met the criteria laid down in The Canada Medical Care Act.

On having this assurance, we entered into discussions with the various carriers, and at first we received a rather interesting and encouraging reception. We were of the opinion that the two or three largest service programmes would be willing to enter into an agreement with us, and that the commercial carriers would like to look at it and consider the implications. The discussions were continued; we had several meetings with the various groups in the final analysis, what is, I think, rather well known now to the hon. members of this House, sir, and I think to the people of Ontario, transpired.

The commercial carriers who, in our province, I emphasize, have provided coverage for 3.2 million of our people, agreed to establish a new corporation, which would be representative of all of the large carriers and which would embrace 95 per cent of those people covered under their various contracts. This would be a non-profit corporation. This corporation was willing to accept designation by this provincial authority or by the government as a designated agent, they were prepared to meet all the criteria laid down by the federal Act and thus by our Act also.

Again I repeat, they were prepared to accept that the provincial body would specify the uniform terms and conditions; we would set the extent of the plan; we would set the premium. The premiums would be made pay-

able to the Provincial Treasurer, they would be dealing thereby directly with the provincial body. The assessment of claims would be under the direction of the provincial body or under the direction of The Department of Health or a government agency, whichever was decided. This non-profit organization would be subject to public audit.

This was agreed and it was also pointed out that the provincial plan which, in essence, at least at the outset, will be what we have come to look upon as the OMSIP plan. The OMSIP plan actually exceeds the requirements under the federal Medicare Act, it provides all necessary physicians' services, it spells out 24 oral-dental-surgical procedures. This is all that is required by the federal Act. In addition, of course, our OMSIP programme provides for examination of the eyes by refraction, whether this be done by an ophthalmologist, a general physician or by an optometrist.

This is not a requirement under the federal proposal and therefore will have to be financed by the people of Ontario entirely as an extra benefit. The federal government will not participate in payment of this service or of any other service. They have made it clear to us that they are not going to extend the benefits at the present time.

Therefore, the Ontario programme, the Ontario Health Services Insurance Plan, will embrace the benefits now provided under OMSIP. This, I repeat, is an extension in very large measure of the benefits provided under any other comprehensive plan. Now, there are comprehensive plans which provide more, but I think careful examination of those will show that these are extended benefits over and above the basic comprehensive programmes in most cases. I emphasize that, because there are certain programmes which within the terms of their comprehensive programme do provide a little more than OMSIP in some instances, but in other areas—particularly, I would suggest, in the area of health examination and the area of well-baby care and in the area of psycho-therapeutic services—none that I know of within the terms of the comprehensive plan quite meet the provisions of OMSIP.

Mr. S. Lewis (Scarborough West): Does the federal plan carry psycho-therapy?

Hon. Mr. Dymond: Yes, all physician services that are medically necessary. So, in my view, this would be all necessary psycho-therapy.

There is no question in our mind—if I may just digress a little bit, this may be getting into specifics a little, Mr. Speaker, so I crave your indulgence if we seem to stray; mind you, sir, this is a very important bill and it may well be that we will have to crave your indulgence more than once.

I suggest we get into an area—I think the best and most kindly way one can put it—it is a bit of a fuzzy area. There are certain of my colleagues who practice the specialty of psychiatry who have queer ideas—and I say that word in the most kindly sense possible—about what constitutes psycho-therapy, and I could cite those, but this is neither the time nor the place. All psycho-therapy that would be acceptable in the ordinary sense is provided and must be provided under the terms of the federal Act, so as long as it is designated as a medically essential service.

On the matter of the collection of premiums, I have emphasized the designated agents; we have two kinds of designated agents. The large carriers who have very large numbers of contracts now in vogue will be providing our plan to a large number of subscribers. They will enrol, they will look after changes in status of subscribers, they will bill and collect the premiums and again, I repeat, for emphasis, premiums will be made payable to the Provincial Treasurer.

Mr. H. Peacock (Windsor West): The premiums will be actually deposited with the Treasury?

Hon. Mr. Dymond: The cheques or money orders must be made out to the Provincial Treasurer, so they will have to be banked as quickly as possible to the account of the Province of Ontario.

Mr. Peacock: May I ask the Minister a question in this respect? Under the bill, does the account have to be in the hands of the Provincial Treasurer or in trust with the designated agent?

Hon. Mr. Dymond: I do not believe, Mr. Speaker, that that has been spelled out. I believe it can be spelled out in regulations in some way, but it has been emphasized to them as an administrative matter the premiums must be made payable to the Provincial Treasurer. We can readily see if this were not so, there could be a sizeable loss to the Provincial Treasury from time to time because, with the amounts of money we are talking about, it does not take very long to run up a pretty sizeable bill for interest. The premiums must be made payable to the Provincial Treasurer; again I am assured

that this is laid down in the regulations, at least, if it is not in the terms of the Act.

The assessment of claims is a most important feature under the federal requirements. In every one of the large designated agency offices we will have a director of adjudication, a claims assessment officer, an employee of the government agency. He will be set up there, he will be paid by the government agency, he will be responsible to the government agency and he must certify all claims for payment before this will meet the terms of the federal Act. The moneys to pay the claims will be forwarded on demand from the Provincial Treasury to the paying body but all of the books will be subject to provincial audit. This is also an essential under the plan.

To sum up: in the case of the agents and the health services insurance plan, coverage is provided on uniform terms and conditions to all residents of the province. And I digress here a moment again, I noticed an article coming out of a meeting of school teachers —I believe it was in the London area—where there was some question in their minds as to whether or not they would be eligible. Every citizen of Ontario qualifies for this plan.

Mr. Nixon: Should that word not be "resident"?

Hon. Mr. Dymond: Every resident—yes, every resident; perhaps "resident" is a better word in the case of the province than "citizen"—every resident of the province qualifies for this programme. I will come to subsidization later on, but this is available to every resident, whether they be a member of a group or an individual—this is essential. And this, of course, has underlain our whole programme in this province, even in OMSIP.

Mr. Nixon: And specifically including Indians?

Hon. Mr. Dymond: Specifically including them. Now, if I may just mention here I have been asked two or three times during the past session about the Indians and frankly I cannot tell you how many Indians are covered because we do not ask that they identify themselves. We believe we have made OMSIP available to everybody, but I do not know. I have no way of knowing how many Indians are actually covered, but every resident of Ontario, regardless—even the Scotch; it is available to the Scotch—it is available to every resident of Ontario, no matter who they are.

The coverage is and must be non-profit. The designated agents will provide health services insurance at premium rates established under the plan and in accordance with the conditions set out. Premium moneys are trust moneys. This is pointed out to me here. Section 12 of the Act. And premium cheques are to be made payable to the Treasurer of Ontario, section 14 of the Act.

There has been some question appearing in the newspapers giving evidence of apprehension that this programme may interfere in some way with employer-employee arrangements. Section 10, subsection 2 of the Act provides that nothing shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable in respect of his employees. Therefore, financial contributions as between employer and employee for the plan's health services coverage is not affected in any way. The employer and employee are free to determine the extent of their respective obligations by collective bargaining, and nothing under the Act can be construed to interfere with that in any way.

Strengthening that stand, I would refer to a sentence quoted from the Prime Minister's (Mr. Robarts') statement:

> Labour and management will continue to negotiate the degree of coverage beyond the basic health services set out by the government and a sharing of costs as part of the collective bargaining agreement.

The programme as set out in OMSIP must, by the agents, be set apart from all other provisions, and in respect of this plan, they must abide by the Act, which in turn must fit within the framework of the federal Act, and that is what our Bill 195 does.

If, however, the employer and employee enter into negotiations and agree to certain extended health benefits, which are over and above those provided under the present OMSIP plan, this is separate and distinct, and must be kept separate and distinct, in every possible way from the provincial programme, The Ontario Health Services Insurance Plan. They can enter into these extra programmes in any way they please, because this is a matter for their own decision.

Mr. F. Young (Yorkview): Mr. Chairman, if a plan in an industry does not come up to the standard of OMSIP, then that must be raised and the contributions increased accordingly. Is that correct?

Hon. Mr. Dymond: The plan must be raised, yes, that is so. If the contribution is less than will be required under OMSIP then,

of course, it will have to come up, though that is not yet determined. But the benefits available under the plan must be this minimum. Anything in addition is separate and apart from the plan, and they work that out themselves. But Bill 195 states unequivocally that what is now provided under OMSIP is the basic, and every provincial plan must have this as its floor.

I want to emphasize, so that it is absolutely clear, that anything in addition to that is separate and distinct, so that there can be no confusion. The line is drawn between the two. Extended benefits beyond the present provisions of OMSIP are separate and distinct and we have no authority to interfere or to state what that shall be. The basis of payment for physicians services, as set out in the plan, is 90 per cent of the fee schedule in keeping with the amendment to the existing OMSIP Act—90 per cent of the 1969 fee schedule as set out in section 19, subsection 1 of the Act.

Provision is made for payment to physicians on a basis other than fee for service. There have been some interested enquiries from different groups to ascertain if we would be willing to consider other types of payment than a fee for service. We are interested, and for that reason we wrote this into the Act so that we can experiment with other plans and proposals, because we believe that certain benefits might very well accrue or flow from entering into such different systems and procedures. We are prepared for that and, indeed, within the last two or three days we have had new enquiries and new evidence of interest in this possibility.

Mr. Lewis: Mr. Speaker, I wonder if the Minister would allow a question? Is it true that a reading of the Act suggests that doctors can extra-bill for the additional 10 per cent under this legislation?

Hon. Mr. Dymond: That is my next point.

Mr. J. B. Trotter (Parkdale): I have one on section 20, where you inferred that you had in mind extra ways of paying doctors rather than a fee for services. Was it some idea such as the clinic which has been founded in Sault Ste. Marie, or the one in St. Catharines? Would it be along that line?

Hon. Mr. Dymond: These are actually the groups who have shown a great deal of interest in this capitation payment which they presently use. We are very interested in these things and are ready to explore with them these possibilities or any other so long as they do not outstrip in cost the fee for service which we are using now.

Mr. Trotter: They cost less.

Hon. Mr. Dymond: Well, we are hopeful that it will and we are very anxious to try whatever methods show any promise. It may very well be that there are some that may appear more costly in the first instance, but in the long haul may save us money. It is not always the cheapest thing in the first instance that is the cheapest in the long run.

The hon. member for Scarborough West spoke about the extra billing. Section 22 of the Act, as you know, points out that if a physician intends to charge more for his services than the 90 per cent allowed under this Act, then it is his duty to advise his patient of this, and the onus rests with him.

Somebody says, "How are you going to enforce this?" or "How are you going to police it?" Well, if the doctor bills extra and if a patient refuses to pay and the doctor has neglected to advise the patient—and we will say for the sake of argument he takes the patient to court—I would presume the first question asked would be, "Did you advise your patient in keeping with section 22(1) of the Act?" If the answer is no, it would seem to me there is no case. This is the advice I get from my legal people, anyway.

Mr. Trotter: How do you prove it? Have you put anything in writing?

Hon. Mr. Dymond: No, we have not put anything in writing. We gave a great deal of consideration to this, because this has been demanded by one provincial Act, and the reports I get, and I must—

Mr. Lewis: There are two of them now.

Hon. Mr. Dymond: There are two of them now, are there? I knew of B.C.

Mr. Lewis: Manitoba as well.

Hon. Mr. Dymond: Manitoba as well. Manitoba is in a great deal of difficulty. In B.C. I understand—

Mr. Lewis: You are right even more than you think.

Hon. Mr. Dymond: B.C., I understand, is not having the success with this that they anticipated in the first instance. It would seem to me that this is probably the most satisfactory way—having the experience of two provinces before us already, neither one of

which can be said to be a success—I think we should try something else and see. But I can assure you, Mr. Speaker, that this Act is flexible in every way we can possibly make it. We are determined that this will work and that it will be to the benefit of the people of Ontario for whom it has been provided.

Now to the matter of fees. I would be naive, if not stupid, to pretend that we have not been very much concerned about fee schedules and premium rates and all of these things having to do with the economics of a programme of this kind. We have given consideration to all possible ways of trying to keep fees within control, and although it may have appeared from time to time to my hon. colleagues that we were not very anxious to keep fees within check, I can assure you that I have spent many long hours thinking of ways and means to bring them and hold them within check.

I was listening to the debate—particularly on the last amendment on the medical services insurance plan—and I was quite impressed with the number of hon. members who believed the council could have a salutary, if not a deterrent, effect on spiralling fee schedules, and we have therefore written into the bill that if there is a proposed change in the fee schedule it must be discussed with the council, and that body is advisory to the Minister and will be expected to advise the Minister not only on this, but on any need or proposal to increase premium schedules.

If I were asked if I thought this would work, I can only say I hope it will; I can give no guarantee that it will work, but it is another step, at least, and another open type of negotiation than my colleagues seemed to feel we were involving ourselves in, under the system as it has existed until the present time. We can only try it, Mr. Speaker, and if it does not work we will then have to apply ourselves to seeking other ways in which to keep these things within control.

If we find we cannot come to agreement with the practitioners—and we have used the word "practitioner" in this Act because there are already three disciplines involved in our programme, and who knows there may be more; time will tell. So the arrangement is that if we cannot come to agreement on fee schedules or payment for benefits with the practitioners concerned, the public agency can set up its own schedule of payments for claim, hopefully to have it accepted.

As for the matter of financial assistance, it is proposed at the present time that this shall continue as it now is. We have not, after three years' experience, found any better yardstick to measure need than The Income Tax Act. We know that small numbers, perhaps, by a rigid interpretation, might not qualify for subsidy by this yardstick.

On the other hand, we believe we run less risk of missing people who should and must be helped when we use this yardstick than by any other means. It removes the odium of a means test, although I cannot see very much difference between the income tax means test and another. However, income tax law is accepted, and therefore we shall continue to use this as in section 17 of the Act, and the terms will be exactly the same. Those on social assistance or all those with "zero" taxable income qualify for total subsidy; a single individual with a taxable income up to $500 qualifies for 50 per cent subsidy.

Mr. T. Reid (Scarborough East): Income tax only?

Hon. Mr. Dymond: $500 taxable income; not income tax; taxable income.

Mr. T. Reid: There's also sales tax and property tax which the poor pay.

Hon. Mr. Dymond: Just income tax. The married couple with a taxable income of $1,000 qualifies for a 50 per cent subsidy, and the family unit with a taxable income of $1,300 qualifies for a 60 per cent subsidy. We have also continued the council's responsibility in respect of hearing applications for temporary assistance. The Prime Minister said in his statement the other day:

> I actually know of no provision that has been more worthwhile and more practically useful to people over the last three years than this.

I think the number who have been assisted by others exceeds 100,000 now, and assistance is given to them quickly with a minimum of bother, with a minimum of fuss and investigation. I can assure you it has helped many a person, many a family, over a very rough spot indeed. We have added financial hardship, because we recognize there are times when a family or an individual may be caught in a peculiar, unexpected financial bind where a hand up, at such a time, is very useful to them and very greatly appreciated by them. Therefore, we have added financial hardship as another reason for which such a one can apply for temporary assistance.

We have introduced another feature which has given us a very great deal of concern over

the past three years. We have found many people, who have chosen to come to Canada and have chosen, above all, to live in Ontario, find themselves in great difficulty in the first three months here because of unexpected and unforeseen medical expenses. We have therefore made it possible that one who has "landed immigrant" status and makes application within 30 days of coming to reside in Ontario, can on application be immediately enrolled without any waiting period. Such a person, of course, will only be eligible for whatever subsidy comes from public moneys. But, here again, I would like to think that the responsibilities and the flexibility given the council would be great enough that they would give consideration to temporary or emergency assistance in the event that this should happen.

Mr. R. Gisborn (Hamilton East): What happens if they do not apply within 30 days?

Hon. Mr. Dymond: If they do not apply within 30 days, then they would have a three months' waiting period. Now, we intend to advise them in every way we possibly can—I do not think we will have any trouble here because certain of the new Canadians have been active in promoting something of this kind, and I am quite certain that they will let all their people know very well and very early about the provisions of this Act. We intend to advise our various offices overseas of this provision so that they can advise the people who are planning to come to Ontario of this provision which is waiting for them.

I did not mention service agents. There are certain organizations now in the field as "carriers"; I can think of the medical co-ops, which have done a tremendous job in the rural part of our province, CUMBA, two health groups, Sault Ste. Marie and St. Catharines, and I believe there are one or two others, which will act as service agents and have already indicated their willingness and their anxiety to serve us in this. Their job will be to enroll subscribers. They will collect premiums, again made out to the Provincial Treasurer; they will remit them to the Treasurer of Ontario. They will not pay claims, but they will go over the claims cards to ensure that all the necessary information for speedy processing is listed on the cards, and they will transfer the claims to the director of the public plan for processing.

We recognize, I think, that we have all learned through the press that certain carriers presently in the field do not have any interest in remaining in the field. It is the intention of OMSIP to transfer those subscribers to the rolls of OMSIP wherever this is possible. I have not made provision for this as mandatory under the Act, but administratively we have made it very clear to all of the carriers that there is to be no competition in this area at all, that the public agent, the public carrier, or OMSIP, will take over the responsibility for those whose carrier is going out of the business.

There has been some question about shareable and non-shareable costs, and I think fears which, in the minds of those at least who are fearful, have had some validity. May I suggest to you that some of the examples of shareable costs would include the salaries of employees engaged in the administration of the plan—the cost of the plan forms, premium notices, claim cheques, postage and other mailing expenses, the rental of space and equipment necessary for operation of the plan.

May I suggest to you, Mr. Speaker, some examples of non-shareable costs? These would be advertising and public relations expenses. This will all be done by the public authority. The designated agents will not be allowed any moneys for advertising at all, nor will they be able to advertise in this field, because this advertising will be the responsibility of the public authority. Directors' fees and travelling expenses, salesmen's commission and expenses—there is no need for salesmen; no expenses for such will be paid nor will any commissions be paid; and the expenses associated with the provision of other benefits. This is why I tried to emphasize that any benefits in excess of the OMSIP plan as it now exists, or any plan that may be laid down by the public authority, must be kept separate and distinct in every way, shape and form from the public plan, in order that, on public audit, it can be readily ascertained that the plan laid down by our Act is non-profit.

Mr. Peacock: Mr. Speaker, I wonder if I may ask the Minister if that then permits the insurance of the differential of ten per cent between the schedule of payment under the present Act and the 100 per cent of the OMA schedule of fees?

Hon. Mr. Dymond: Well, Mr. Speaker, I left that as my last note that I was going to make. When this Act becomes law, or on October 1, the target date set for the official commencement of this plan, when the government of Ontario will pre-empt this field entirely. It will pre-empt the field as it applies to so-called Medicare. Whatever is

provided under the public plan will be pre-empted by the government. No other carrier can sell any provision under that programme, nor can the extra ten per cent or the amount for extra billing within the province be insured in any way, shape or form.

I believe, Mr. Speaker, I have not said anything about premiums, because frankly we are not in a position to do so at the present time—since there are still certain negotiations to be carried—so I can only assure you, as the Prime Minister did the other day, that the premium as presently charged by OMSIP will not be increased. I would point out that in many instances, for contracts now in force, this will mean a reduction and, in some instances, a fairly substantial reduction in premium. This will come about because of the fact that the federal government stipulates and insists and, of course, will demand by its own audit that all of the moneys coming to the provinces under this programme must be used for the medical services programme only. That money must be paid towards the medical services insurance programme. This is laid down in the bill. It has been clearly indicated to us that this bill will be insisted upon.

It might be of interest, Mr. Speaker, to note some of the premiums for plans now in effect without identifying them, although it is—

Mr. G. Ben (Humber): Before the Minister goes any further, when he speaks of the payments from Ottawa going solely towards medical services, does he in that phrase include hospitals, nurses' training facilities or only simple basic services that are supplied by Medicare?

Hon. Mr. Dymond: Just the services supplied by—

Mr. Ben: No ancillary services whatsoever?

Hon. Mr. Dymond: We cannot use any of those moneys for it. No, that is right.

Just to substantiate what I have stated, that in some cases our premium, if it were to remain what it is now—and the Prime Minister indicated that it would not be any higher—here is one plan: $6.50 for single individual, $13.50 for married couple, $15.50 for a family unit. Another is $6.75 and $16.50 with a two-premium structure. And another is $6.75, $13.50 and $16.10; another is $7.80, $15.55 and $17.70 per month; $7.14 and $17.50; $7.83, $15.66 and $16.50; $6.10, $13.90 and $16.50.

The only premium structure that I could find for any programme approaching OMSIP, being offered by a commercial carrier presently, is $5.26 single, $12.59 married and $18.69 for a family.

Many of the commercial carriers now, of course, have rates which can give you a vast variety and diversity of premium structures. Also, when this is attached to various plans which are tailor-made to suit the needs of the particular group, it is very difficult to compare them. All of this, of course, must go. Our premium will be on the basis of community rating; the plan will be standard and will be, as I have emphasized, the OMSIP as it now exists.

Now, Mr. Speaker, I believe those are the general statements I can make, although I have gone into some specifics, for which again I pray your indulgence. If I can answer questions, repeat, rebut or elaborate on what the hon. members may have to bring up in the course of debate, I will gladly do so.

Mr. Lewis: That was very helpful. A good precedent to set.

Hon. Mr. Dymond: Thank you.

Mr. Nixon: Mr. Speaker, a conservative estimate would indicate that in the next fiscal year, $400 million will be needed to pay for the medical services in this province. The bill we are discussing this afternoon in principle, undertakes to pay for these services on a system of insurance which involves close to $180 million from the federal government. It involves the subsidization of our provincial plan by something between $35 and $42 million of our own funds. That is not with the inclusion of Ontario Hospitals. I hope you will accept my assurance, sir, that what we want to do this afternoon is discuss problems that we have in the programme put forward by the hon. Minister and the Premier in their statements a few days ago and again today; and we want to undertake the sort of discussion which will make this programme in the best interests of the people of this province.

I think in order to do that it is necessary for me to spend just a moment in tracing the development of the government's approach to this responsibility over the last few years. I know that all of us will recall the introduction of a bill in 1963, whose bill number was associated with the year, Bill 163, and which was a half-hearted endeavour to turn aside public opinion which seemed to be more directed very powerfully towards the

implementation of Medicare as it is generally understood in this province. That bill, as I recall it, had sort of a two-tier system of coverage, something that was very similar to what was and is still available from private carriers; one which would enable residents of Ontario to provide themselves with insurance for services rendered only in hospitals, and if they wanted to pay extra for a more comprehensive coverage.

The government also had the idea that through their good auspices or their good offices, they would also undertake to share the basic risks, not by undertaking any of them themselves but by allocating them among the service and the commercial plans that were then available. As I recall it—and I tried to undertake some research leading up to this—that was the point where the commission chaired by Dr. Hagey was appointed. Based on this bill which was never carried to completion, certain researches were carried out which as I recall them, were really designed to refute some of the findings of the Hall commission, that were then used to support the arguments in favour of public medical insurance.

The Hagey committee did bring forward its report and it resulted in a new bill in 1964, Bill 136 which more or less restated the principles of the bill a year earlier and which did not bring Ontario any closer to public medical insurance in any way. I well recall the debate at that time. It was quite acrimonious. We felt that the government opposite and, I believe, many citizens of this province felt with truth that the government opposite was doing everything they possibly could to keep out of the medical insurance business.

Their predictions associated with hospital costs were, at that point becoming more and more frightening and I felt that the attitude expressed by the Minister of Health and his colleagues was, in every respect, to build a wall against the involvement of this province in the direction and implementation of public medical insurance. It was at that stage—and I believe it was in July 1965—that the then Prime Minister of Canada, Mr. Pearson, made his statement at a federal-provincial conference that he intended to bring down federal legislation that would go into effect July 1, 1967, and which would, with four basic qualifications, provide half the finances—I will not qualify that fraction right now—for any province that saw fit to implement a programme that was acceptable on those four points at the federal level.

I think that was the turning point in the attitude of the government opposite because, while they had been adamant in their opposition to such a programme up until that time, and while they continued in their public statements to oppose not only the federal programme which was essentially a financing programme but any basic inclusion of the province in public prepayment of medical costs, a strained silence descended on the government at that point and it culminated in the introduction of a bill, whose number I do not recall, but which brought about OMSIP effective April 1, 1966. Now for those—

Mr. Gisborn: Bill 136.

Mr. Nixon: What was the number?

Mr. Gisborn: Bill 136.

Hon. Mr. Dymond: No, six; Bill 6.

Mr. Nixon: Bill 136, Bill 6—it does not make any difference. But for those people in the province who are in principle, dead against the inclusion of public responsibility in this, that was the time when Medicare in the broadest sense came to this province. Now, many speakers in the Opposition, certainly in both parties, and close observers across the province, were offended at that bill in that it simply removed from the private insurance companies the responsibility to give coverage to those people in which they could not find a profit. It lumped into one group, basically supported by the taxpayers of this province, those people who were old or diseased, or for some other reason were not a good risk for the private plans, which are still included under the bill which is presently before us.

OMSIP then grew from a registry of zero to a registry of close to two million persons, and every member in this House, and particularly the Minister of Health, remembers the growing pains that were experienced. The Minister of Health made many brave statements in that he was providing the very best in modern facilities associated with computers and staff, that we were building on the experience of other less fortunate jurisdictions which had gone into this field ahead of us. And yet I am sure he would, under these circumstances, never tell us that what he was able to do under those circumstances was very good by any standard. The types of complaints that flooded into member after member showed that the early administration of

OMSIP was very bad indeed; that the directions taken by the Minister, under the Minister's direction, were rather inadequate if, in fact, we wanted to serve the new people, the people who were coming into OMSIP and getting their medical insurance under its auspices.

I am glad to report to the Minister, as I am sure he is aware, that complaints associated with OMSIP have fallen off remarkably. We get about as many complaints directed to the Ontario Hospital Services Commission as we now get directed toward OMSIP and the Health Insurance Registration Board handles both of them, so this has begun to settle down, and we now feel that these two separate insurance programmes which are brought together only under the Health Insurance Registration Board, seem to be working just about as efficiently as a good many of the service and commercial plans with which we have had so much experience in the province.

Now, when I say efficiently, I mean in servicing their premium payers. Certainly they are not working as efficiently as far as the retention of premium payments in the workings of the organization itself is concerned. I will have more to say about that later.

There have been amendments to the OMSIP bill since—but we have this particular bill which is supposed to implement what is generally understood as Medicare in this province. As the Prime Minister said—and I think he is right in this—it is simply a financial accommodation. No one in the province is surprised that the administration opposite was forced to accept the federal legislation because we could not go for very long on the basis of a principle—perhaps it was a misdirected principle, a misunderstood principle—but we could not go on for long without the inclusion of Ontario in the federal programme.

I would say because of the lack of foresight of this particular government—perhaps the intransigence of one member of the government, the Prime Minister himself—we are out by just $200 million that was available to us. There is no argument which will deny that fact. This programme went into effect federally a year ago, July 1, 1968. We have missed a full year's participation, and we will not get the payments from the federal level until October 1 this year. Surely our exclusion on the basis of the Prime Minister's attitude —and I should say the Premier's attitude so there will be no confusion—has cost the taxpayers of the province of Ontario dearly.

I would say to the credit of the government opposite that they in their hearts were prepared to accept the announcement by Prime Minister Pearson, back in 1965, that this was going to come about. I feel that that brought about the implementation of OMSIP, which was a vehicle that could have been nurtured and expanded so that, as of July 1 last year, we were prepared in this province to take all of our citizens into a government-operated, publicly controlled programme, and all of these citizens would have been under OMSIP.

The government did not undertake to do that; they have been expanding it. They have been spending money on public relations programmes, enticing people into OMSIP, which seems to be working out fairly well. But I am critical that this government has not led Ontario into full participation up until now. There is simply no argument that can be raised against my contention that Ontario has simply missed out on $200 million, raised from our taxpayers here, which has been available in the federal Treasury for the support of our medical services and which this government would not use because of the intransigence of the Premier of this province.

When the Minister of Finance federally announced a surplus of $250 million just a few weeks ago, it was obvious where that surplus largely came from. He was budgeting for the inclusion of Ontario at an early date last year in the medical insurance programmes. But Ontario did not take part. As a matter of fact there is no sense in repeating all of the statements that have been made—but as recently as last February the Premier, in a violent fit of, let us say, public relations, put another blow to provincial participation with the words that are so familiar to all of us here when he referred to it as a "Machiavellian fraud".

This was the last attempt on the part of the Premier, who is not present in the House this afternoon, to make some sort of pressure come to bear on the government of Canada, so they would throw up their hands and say: "You are right, it is a fraud, and here is $200 million and we are sorry that we put you to all the trouble". You have neglected to realize that the members of the Parliament of Canada—and this is the members from all parties—supported in principle the medical insurance programme, which we now join and in which we now participate, by the principle of this bill. And you are not prepared to say that they too have an interest

in what happens to Canada as well as Ontario; that the leaders of the government in Ottawa and not only those supporting the government, but members of all parties, voted in support of the medical insurance legislation. And when it came into effect finally, after at least one serious postponement on July 1, 1968, we should have been prepared to take part fully with all of the advantages that would have accrued to our people—not only those suffering from certain illnesses, but those who have to pay the costs, the taxpayers of this province. So there was plenty of time for this government, which undertook the implementation of OMSIP back in 1965, to nurture and expand that programme so that we could have included all of our citizens by the effective date of July 1 last year, without discommoding anybody, by working out proper deals with the private insurance companies who have had the responsibility for so long, but which in my view should not be a part of any public programme for the foreseeable future and which should be a part of this bill only in that they are phased out over a reasonable period of time.

I would say further that in the comments made by the Minister of Health, both today and previously, he has indicated that he is prepared to work in this programme on a non-profit basis with those service organizations such as PSI and the county co-ops, who have pioneered in this field. I have been quite interested in statements that have come from Physicians' Services Incorporated. They have not stated flatly that they will not participate, although it is generally understood that they are going to give up their responsibilities in this regard.

We have been told that if this is the case, all of their members will be absorbed under OMSIP—and this is something the Minister referred to again—but we would like some assurance that their lists of members will be transferred in an orderly way into OMSIP and, in fact, the OMSIP coverage will immediately rise from about two million to 3.6 million—about half of the citizens of the province of Ontario.

There may be other organizations which are contemplating going out of the provision of this particular service. I have talked to people in the county co-ops in my own area, and as you may know, Mr. Speaker, they have continued providing the premium service even under Ontario hospitalization for a good many years. The only service they actually gave, I suppose, was that they would permit their subscribers to pay a full year in advance, and they would then forward the cheques to the Ontario Hospital Services Commission on a quarterly basis, as a matter of convenience.

Whether or not they choose to continue giving that service for their members under medical insurance remains to be seen, but I would expect they would. I know that they are quite anxious to extend the service. I received a notice from the local county co-op just in the last few days pushing their new drug plan, and it appears that they feel that they have a large area of service based on what they have been able to do in the past, and which they think they can continue usefully into the future.

I see, when I was commenting on the future of PSI, the Minister indicated with a shake of his head that he now was in possession of the information that PSI in fact will not continue, and I hope he will be able to give us assurances of the transference of their membership.

Certainly it is true that many other organizations, a few of them service in nature, such as Windsor Medical and the two new experiments in St. Catharines and Sault Ste. Marie, will continue. I feel there is every justification for allowing them to do so. But when we talk about the commercial companies, which may or ought to continue on a non-profit basis, then surely we have to consider the citizens of the province and their welfare and the efficient use of their funds as a matter of major concern.

The figures associated with administration costs were mentioned again in an editorial in the Toronto *Star,* and very similar figures have been brought forward in this House on several occasions. And it was brought to public attention once more that commercial programmes normally retain about 43 per cent of their premium payments, not only for administration but for the profit that evidently has been a part of these programmes in the past.

We have heard a good deal said about the fact that there has been no profit, as a matter of fact that it has been used as a loss leader on a private basis to draw individual citizens into the private orbit in providing for their own medical insurance on the hope—and a very valid hope it was and still is—that they would take out other insurance such as life insurance or extended medical, which would, in fact, allow a profit to accrue to these companies. It was also indicated that the non-profit service organizations normally used

about 17 per cent as the costs of their administration while the average results across Canada for government-operated insurance programmes was something like six per cent.

I see that the Minister is prepared to make some comments on that but this is the general understanding, that the commercial companies offering medical insurance did not return to the use of their subscribers nearly as large a percentage of the premium payment in actual services.

The undertaking that the Minister has made is that these private companies will continue and while it will be non-profit, their costs will be met from public moneys. It had been my understanding originally that the first approach to the private carriers had a specific fee level established for this purpose and that the Minister of Health was prepared to allow them to continue if they would carry out their administration for approximately the same costs as the public experienced under OMSIP —something close to six per cent.

Without having any special knowledge of this, apparently the Minister was rebuffed when he offered a six per cent payment for administrative costs. And it was not until he was prepared to say that he would meet the costs on a non-profit basis, of course, whatever they might be, that the private carriers showed some interest and perhaps more interest than he expected in continuing this sort of service.

Actually, when there is no limit to the administrative costs that the government or the public purse is prepared to pay, then surely it is up to the citizens to look at it very carefully through their representatives in this Legislature. We know what Hydro can do in its special responsibility to provide power at cost and we are prepared to allow them to continue to do so, even though the cost factor has recently become very large indeed, a very large part reflecting in Hydro rates at a level which certainly does give the citizens of this province pause in wondering just what sort of control should be imposed.

Frankly, I believe that the Minister should have stuck to his guns if, in fact, this was a part of his original offer, and should have said that even for a limited period of time we would be prepared to meet the private companies' costs if they were going to provide the service to the citizens that OMSIP was not prepared to provide, at least for a limited period of time. Opening the gates to the cost factor is something that we are not prepared to support, and frankly I am surprised that the Minister himself would enter into an agreement of that type with the commercial carriers in their recent experience.

In this connection, it would be simple, I suppose, to say on a matter of principle that we could not support a bill which would maintain the private carriers in the programme in any way. But we have to go on a practical basis with the experience we have already had with OMSIP. And while the growing pains that OMSIP has experienced, in going from zero subscribers to two million, were tremendous, I cannot, for the life of me, see that it could go from two to seven million in a period of a few months without chaos resulting.

While we might have a bill such as we had on the introduction of hospital services, which would simply displace the facilities that were operating on a private basis and have them taken over by the government—since we in this province do not have one large carrier which could be displaced and in fact taken over by the government, but a multiplicity of carriers—I do not see how this could be done, particularly in the short time that remains between the passage of this bill and its effective date, October 1.

My point is this: If the government had undertaken a well planned and reasonable approach to this, based on the announcement of 1965, it would have been possible and I would be prepared to fault the government very seriously for not undertaking that sort of development. But they did not do this; that is water over the dam; we now find ourselves very close to July 1 with an implementation date of October 1, and for this reason we are prepared to support a bill which will keep the service organizations and the commercial organizations in it, for a limited period of time, which I think should be no more than one year. This would provide a limit to the administrative costs that would be paid for that period of time, which I believe should not be more than six per cent, and certainly not wide open.

The next thing I want to mention, Mr. Speaker, is the allocation of federal funds. I felt that one of the most important things that was clarified in the Minister's statement today was his understanding that the federal funds must be directed specifically towards the provision of medical services. As I understood it, this would not include the development of hospitals or even medical training but in fact had to be spent; the federal funds had to be spent in the medical insurance programme itself.

I am glad to hear this, I am glad to hear that this is the way that the Minister is accepting it, because in my view these federal funds should be directed towards the reduction of premiums and for no other purpose. In the future I believe it should be the goal of the economy of this province to direct more and more funds, including the full federal participation, towards the reduction of these premiums. And I think at the same time we have to realize that in many communities there are seriously long waiting lists for hospital services because the hospital facilities have not been properly provided.

I happen to come from a community which has excellent hospital facilities. The initiative has been at the municipal level and our particular municipalities banded together and provided for these services in a very effective way. But there are many centres, such as Metropolitan Toronto, which have been looking to this government for much more leadership in the provision of the top-flight hospital facilities that are needed, and in which this government has failed. There is no doubt that an expansion of our medical budget is going to be required if our hospitals are going to serve the need of the expanding community—expanding in a sense not only in numbers but in the more sophisticated treatment that is available only in an up-to-date hospital.

It is true as well that in many communities in the north and elsewhere, there are no medical services available at all. I would predict that, rather than improving on this situation, it is going to get worse. Many doctors presently practising in small country communities are looking with envy at their colleagues who have formed clinics in urban centres which seem to be the design of the future.

I have talked to a doctor who a few years ago was standing pat in his anti-Medicare position by saying that for all he knew Medicare would mean that the patient would not be able to choose the doctor in whose services the particular patient had confidence. Now I have heard the same doctor say the future lies in clinical practices, and efficiency will demand that the patient must simply be served by the doctor on duty, and the patient has no right to complain about that. So there has been a certain change of attitude which, I feel, is going to result in the migration of professional medical practice away from the smaller communities to concentrate in the urban areas.

Frankly, I have not made up my mind how advantageous this would be because I, for one am not the type, I suppose, who would have confidence in an individual. I would, in place of that, have confidence in his training and the professional attitude that doctors share across this province and, I suppose, around the world, share, and would be quite prepared to place myself in the hands of a medical practitioner who had been properly educated, examined and licensed for professional service in this province. But this is something that lies in the future. The provision of these clinics is something that is going to go on at an increasingly rapid rate, and I think is something that in the long run is going to be in the best interests of providing good medical service and assistance to our people.

There are many other areas, though, where extended expansion and new expenditure is going to be required. We have, still, an inadequate number of doctors graduating. We have looked for some assistance from those who are prepared to immigrate to this country from other jurisdictions, but the problems associated with that are obvious. The professional organizations of doctors are very unwilling to accept the training in many other countries as parallel and comparable to our own, and it appears that the tremendous costs associated with expanding the medical schools is going to continue for some time. Here, too, efficiency is something that I feel has eluded the government that has the responsibility in this province.

Although we have one major medical school in this city, there seem to be more and more teaching hospitals associated with it. It seems to be a contributory factor as far as inefficiency and confusion is concerned, rather than providing a spectrum of experience for those undergraduates and graduates in medicine.

The other point or the other area where increased expenditure is obviously going to be a part of our immediate responsibility is in the incredibly low salary levels in hospitals, for nurses and some non-professional staff; I would say most non-professional staff. The Minister is aware of this problem, it was brought home to him very forcibly by the march undertaken by the Canadian Union of Public Employees just a few days ago.

I would say, on a basis of fairness, the argument put forward by the nurses and hospital staff must be considered by the Minister of Health and his advisors and colleagues in the government. Here is an area

associated with our hospitals which will involve us, as members of the Legislature and the tax-payers in this province, in a very heavy responsibility in the near future. And, of course, finally, the far reaching requirements of the Ontario hospital system provided for the treatment of those medically ill.

We have left this on the shelf for a good long time. I, for one, have always accepted the Minister's statements and the protests as sincere. I have visited many of these hospitals myself, and have always been impressed with what the people there are doing under incredible circumstances. But, if we are going to live up to our responsibility in providing modern facilities and treatment, I am sure the Minister would agree that the expense involved is almost incalculable, and one which we must enter into in the immediate future, and on a planned basis.

We must accomplish these things, and we must stop putting off the day in which we accept this responsibility. I have listed for you, Mr. Speaker, six areas in which tremendous expansion of costs in the medical service face us in this province. We cannot continue very long to gloss over the fact that we have failed to live up to these responsibilities in a meaningful way. The problems keep poking through the fabric of the Minister's statements, white papers and plans, and I have no doubt that we must meet them head on and come to grips with them, and we must do it immediately.

So, I feel that the goal we must accept is the allocation of the federal funds that are available to us under this programme for the reduction of premiums. We must accept the parallel goal of meeting the expanding costs in the hospital system, in the medical insurance system, which will provide the best possible service for our people.

The Prime Minister, in his statement a few days ago, indicated that he felt this programme was going to provide the best possible service, but surely it is covering just a part of the overall needs of the community, the overall needs that certainly we must deal with. When we talk about the premium level, the fact that the government has announced that the premiums will not rise, would indicate that the ten per cent increase in the tariff that was approved by the Minister's bill a few weeks ago, will be met completely from the funds that will begin to be paid into the provincial Treasury after October 1, so some of them will be directly allocated for the expanding costs.

Not only must we keep the premiums within the manageable level, and work towards their reduction, but obviously the expansion of the services, provided under our provincial insurance plan, has got to be a part of the goals that all of us will accept. We already provide the services of optometrists under specific circumstances, and no doubt the government opposite has felt the pressures of other areas in the, let us say, peripheral, medical community, for the inclusion of many more important services, such as those of the chiropractors, which are bound to be a part of this programme in the future.

The matter of negotiations with the doctors has been discussed by the Minister again today, and it has certainly been a part of the continuing debate in this Legislature. We, on this side, have listened to the Minister of Health tell us, with great sincerity, that he has done his best in his position of high responsibility, to persuade his colleagues in the medical profession, and particularly those who are leaders in the Ontario Medical Association, not to expand their fee schedule in such a way that it would be unfair, or would become a burden which this Legislature, or the Treasury of the province or the premium structure would be unable to support.

But, on many occasions, we have asked him to take the Legislature into his confidence, and in fact, take us as his allies in negotiating with the doctors under these circumstances. I believe that one of the best deterrents would be the requirement, and I hope the requirement will be made in this bill before it becomes law, that the Ontario Medical Association which negotiates for the doctors in this province, must justify their requirements for changes in the fee schedule before the standing committee on health.

I feel that such a discussion would bring out into the open the requirements that the medical profession put before the Minister of Health. It would allow the people at large to make their own judgments, either in support of the doctors, which it very well might be in certain areas of extended, sophisticated treatment, or in support of the government's position, if they ever took that position, that it was necessary to hold the line under the threats of inflation or the feeling that these things had to be kept in balance.

There is no doubt in my mind that the light of public opinion would have a great deal to do with the moderating or changing of fee schedules in the future. I would trust that the Minister would use the standing commit-

tee on health as a public forum in which this justification, on the part of the doctors, would be brought forward. As representatives of the people, we could give argument, either in support of or against that particular positon. It would also be available to that committee to pass resolutions recommending certain actions to the Minister and his colleagues in the Executive Council.

Responsible government would require that the Minister and the Lieutenant-Governor-in-Council would take what action they felt necessary under those circumstances. But certainly the traditions of this government have not been in the proper utilization of such a public forum. I urge the Minister to seriously consider it. I think that this is one way that he can be assisted with that tremendous problem of dealing, in a fair and equitable manner, with that particular profession —the doctors.

There is one other area that I want to mention as well, and it has to do with an interjection I made during the Minister's comments. He said that the residents of the province would be covered. I wanted to know if that would include the Indians and he assured me that it would include all residents of the province of Ontario, and he said, "I cannot tell the members of the House, or anyone else who enquires, how many Indians are registered presently, because we do not ask them if, in fact, this is their origin."

I think there is a little more to it than that, because if, in fact, the application from a resident of Ontario does indicate that he is living as an Indian on a reserve, then I understand the policy of this government is simply to send his application off to Ottawa and suggest that—particularly in the case where it is an application that would require some subsidy, particularly in the case of 100 per cent subsidy—this government is not prepared to give them an OMSIP card with full subsidy, feeling that the government of Canada should pay.

I think, before the passage of this bill, it should be made abundantly clear that an Indian on a reserve in Ontario does not have to resort to subterfuge, which in fact it is, in making an application for assisted membership in OMSIP. That if he can show on the standard criterion that is available to every resident of this province that he has no taxable income, then he should be eligible for the same sort of assistance that any other resident of this province gets. And there should be no argument about providing that.

I can see the Minister going to a federal-provincial meeting, involving his counterparts across Canada, and the federal Minister, and making a good argument for the transference of federal funds to meet that share. But I cannot see the Minister using that as an argument for not providing the coverage to Indians that is available to every other resident.

I think the goal should be that this bill be amended so that we recognize we cannot provide coverage for seven million people through OMSIP without the assistance of the service carriers and the commercial carriers by October 1. We should accept, however, that within a year, OMSIP—and perhaps the service carriers, if they wish to continue as they have under hospitalization—should provide the government-operated insurance that is envisaged in the principle of Medicare, wherever it is understood in Canada, and particularly in Ontario.

I think we should restrict any payments that would be made by way of administration costs to any private carrier to a limit of six per cent. And if they feel they cannot do it under those circumstances, then they should surrender their lists and their facilities and their experts to the government programme.

I believe further that this is an opportunity when the Minister can lay out the future of this particular type of programme. I do not think that the citizens of this province want the government to continue with separate hospital coverage and medical coverage. I believe they should be brought into a real parallel situation, perhaps with only levels with insurance, that is, "single" and "married", rather than "single", "married" and "married with a family", so that the two will inter-relate much more effectively. I think that we should be prepared to provide a single billing for both types of coverage for the people of this province and I think that the efficiency in that sort of an approach is an obvious one.

The Minister tried to accommodate that argument by setting up the Health Insurance Registration Board a year ago, and this has gone, to some great extent, I think, to relieve some of the problems of registration—lost cheques, improperly directed premium notices —but it does not fulfill the real requirement that we have a government-operated health insurance commission, or health insurance responsibility, which does not unnecessarily divide the hospital aspect from the medical services aspect. It would, I suppose, in the long run cut the billings in half.

It is the responsibility of this Minister to tailor the two programmes so that they can on a reasonable basis—and if it takes a year to accomplish, all right—bring the two together so that, for once, we can have a government-operated programme here which is, in fact, without profit, which in fact does not leave commercial carriers somehow involved so that they get the advantages of involvement for peripheral insurance.

We should not countenance the continuation of a programme, envisaged in this particular bill, where we are going to meet the costs of these commercial carriers without any limit. This surely does not seem to be any efficient use of the premium payers' money or the taxpayers' money, and these are the amendments which surely must come forward in the detailed examination of the bill which will follow approval in second reading.

So I would say that these are the areas in which we in the Liberal Party take exception to the programme put forward by the government in Bill 195. We have serious doubts about the approach the government is taking in those areas that I have put before you, Mr. Speaker. But certainly, having followed the argument and been embroiled in the argument for so many years, we are not now going to cavil on anything that would interfere with the establishment of the medical insurance proposals that will see Ontario taking advantage of the financial involvement of the government of Canada—an advantage that we have denied long enough on a matter of so-called principle—I suppose, denying our citizens the financial involvement that in fact they have already paid for.

I believe that the principle of the bill, therefore, is one that we must support; that the government has not by any means solved the problems of total health insurance for our people. But with those remarks, Mr. Speaker, I want to assure you that on second reading we intend to support the principle of the bill, and when it is discussed in committee our amendments will be along the lines of the objections that I have outlined.

Mr. Speaker: The hon. member for York South.

Mr. MacDonald: Mr. Speaker, the New Democratic Party, and the CCF before it, have been in support of, and have pioneered the principle of, Medicare in this country for as long as we have been in existence. The older parties have waffled over a period of some two generations—since 1919 when it was first introduced in the programmes of this country by the Liberal Party. Today we are reaching the final stages of the implementation of one version of that principle.

The leader of the Opposition has indicated many serious objections, many serious deficiencies, to the principle that this government is going to implement. But then he has argued that because of the fact that we need the money from Ottawa—or that we should avail ourselves of that money from Ottawa—and nobody will disagree with that, and because of the fact that we have argued about this matter for so many years, we have no alternative but to support the principle and then to advance some amendments in committee of the whole House.

Well, in the course of my remarks, Mr. Speaker, I want to present to the House an alternative approach. I certainly share, and perhaps hold even more strongly, reservations with regard to the weakness in the application of this principle of Medicare as presented by the government.

Let me begin, as did the leader of the Opposition at one point, where he reviewed this government's approach to Medicare. He skipped one or two interesting phases which I think the House should be reminded of. Actually we have been edging towards Medicare with a variety of deceptions over almost a full decade now. The House may be interested to recall that as far back as 1960 Bill 37 was given first reading in this House, on February 2 of that year.

It was to introduce, and I quote: "A comprehensive plan of health insurance which would be universally available without regard to age, financial circumstances or conditions of health." It was to include hospital care, medical, dental, optical services and the provision of prescribed drugs. The plan was to be established by stages. There were no further details and there was no time schedule.

Well that, of course, was the Tories plan for the next 100 years. It has taken us ten years now to move towards stage one in it and—

Mr. Nixon: Did they carry it out?

Mr. MacDonald: I do not think it even got to second reading. It was part of their effort to dazzle the electorate with the promises of things to come by way of compensation for the suffering you now have.

An hon. member: Tory window dressing.

Hon. Mr. Dymond: What was the date of that bill?

Mr. MacDonald: February 2, 1960, Health Insurance Bill No. 37.

An hon. member: That was the time in the 1963 election.

Hon. Mr. Dymond: Excuse me, I have no recollection of that. I was Minister of Health at that date and I cannot remember bringing it in.

Mr. MacDonald: I can quite understand how the Minister would get a little foggy on some of the details, because there were so many changes in so many bills and they really meant so little that I can quite understand they would slip his mind.

However, the Minister might be interested to learn that in December, 1960, Bill 20 was introduced. We had a fall session that year, you may recall. Another bill was introduced and it was given first reading on December 8. It was identical to the bill that had been introduced in the previous session. In fact, in March 1962 we had another bill—the only change was that it had a different number, Bill 85. It was given first reading on March 2 and it, too, was identical to the bill in 1960. Mr. Speaker, let me just pause. I think it is fascinating to learn that the Minister of Health, who now reminds us that he was in that position in 1960, has even forgotten that they tried to kid the public with these bills for a three- or four-year period. He has even forgotten it—

Hon. Mr. Dymond: No, the hon. member does not really mean that we tried to kid the public, he does not believe that—

Mr. MacDonald: Well, I will continue to indicate how he kidded the public. In February, 1963, I happened to become privy to some meetings, private meetings that the Minister had with the OMA and various other individuals—

Hon. Mr. Dymond: That is when you went through my waste basket to get a confidential letter.

Mr. MacDonald: —individuals in the medical establishment in which it became clear exactly what the medical establishment wanted by way of a Medicare bill. And strange as it may seem, a month or so later with an election coming up, we had a bill that was passed. And if there ever was a skeleton bill, by way of dazzling the public once again but with no real substance, that was it. And in spite of its lack of substance, you recall that was the election where, during the election, the ads came on the television —"Done, done." Well, you know, Mr. Speaker, six years have passed, and it is not done yet.

However, back in 1963 it was supposedly "done".

Hon. C. S. MacNaughton (Treasurer): The member should not slow it down this time when—

Mr. MacDonald: The Minister means now that the government have really started moving, they are pleading with us in the Opposition that we should forsake our role and accept a mediocre product—since that is what the government has presented to us; and let the bill go through unchallenged.

Hon. Mr. MacNaughton: If the member is so concerned about it, he should let it go—

Mr. MacDonald: The Minister's logic intrigues me.

Hon. Mr. MacNaughton: If the member has concern—

Mr. MacDonald: The Provincial Treasurer's logic is the kind of thing that should have been left back in Exeter and not brought into this Legislature.

Mr. Lewis: How do we know the government will even go through with it?

Interjection by an hon. member.

Mr. Lewis: The government will recess the House on June 27 without even passing this legislation.

Mr. Nixon: He needs the money, he needs the money.

Mr. MacDonald: However—

Hon. Mr. MacNaughton: Re-threshing old straw.

Mr. MacDonald: All I can say, Mr. Speaker, is that this government has produced an awful lot of straw on this issue. Some of it, I admit, is old and we have had to thresh it for a long time.

Hon. Mr. MacNaughton: Yes, but this government has been in office for a long time.

Mr. MacDonald: Well, what has the government done in the meantime? What have they done in the meantime? However, let me not be stalled in my presentation here, as well as be threatened with my arguments being used to stall them. They are so hesitant and reluctant about it; they are fearful that

if I put up a good argument they may stall once again, Mr. Speaker.

However, the interesting thing, Mr. Speaker, is that that bill, passed in 1963 for purposes of the election, was really not a Medicare bill at all. It was simply to eliminate some of the worst abuses that existed in the private plans. All of which, incidentally, could have been done by the appropriate amendments to The Insurance Act but the government chose not to resort to that tactic. Then they set up a committee, the Hagey committee, and the Hagey committee contemplated and studied and reflected on the issue and they came back with a report which was the most pathetic reproduction of the original bill. And on the basis of that, the government moved towards the implementation of its first Medicare Act, but we ran into a real storm because the government was determined to attempt to have the private carriers in.

They were determined then, they have always been so determined—let us give them credit—they are consistent on this: The private carriers must be in Medicare. They were determined then and they are determined now. However, it became clear that at the premium levels that the private carriers were willing to entertain, we were going to have old age pensioners and low-income groups forced to pay $180 a year premium. And even that normally staunch supporter of the government, the Toronto *Telegram*, began to write editorials that this was really impossible. This was intolerable, So the government took a second look at it and said, "Well I guess if we are determined to have the private carriers in there is only one way to do it; we will let them have the cream of the coverage and we will set up the nucleus of a public agency, OMSIP, to pick up all", if I may so describe it, "the skim milk of the coverage, all of the poor risks," all of those for whom the government was willing, as it faced realities, to pay a part or even the whole premium. And that was the Medicare programme that came into being with slight amendments in the last two or three years.

Mr. Speaker, this brings me to Bill 195. The Prime Minister has indicated that we have delayed in getting to Bill 195. Meanwhile the delay has been punctuated by innumerable scathing comments from government spokesmen with regard to the nature of the federal Medicare legislation. And after all those scathing comments, it has now been accepted and Bill 195 comes before the House.

The Prime Minister's rationalization, shared in by the Minister of Health, is that they were bargaining on behalf of the people of Ontario. Well, it sounds good. They were seeking to get the best bargain. Let us take a look at two or three points. One, in terms of money. What more are they getting now than they could have had 15 months ago? And during the interval, they have foregone over $200 million that was there to be picked up for the province of Ontario and its people. They are going to get no more money. It is exactly the same formula as was the case back when Medicare was first initiated at the beginning of 1968, and legislated for July 1, 1968.

Secondly, the Prime Minister indicated that they were trying to see whether it would be possible to get some equivalent of our fair proportion of the two per cent social development tax. And finally, the Prime Minister smartened up on this issue and came to the conclusion he was not going to get it. He was surely being a little naïve. He normally is not naïve. But he found that he could not get it. Indeed, to have got it in this sort of a handout would have breached the traditional approach to taxes applied equally across the nation and made available in terms of services for people on a somewhat equal basis. So he forsook that argument.

The real reason, Mr. Speaker—and I come back to a point I alluded to a moment ago—is that this government was determined to negotiate and keep private carriers in the picture. Now, this determination, of course, just let me note, so that I can get it into record; the Provincial Treasurer shook his head affirmatively and said, "Hear, hear." He is not denying the government was determined to negotiate the private carriers in the picture.

Hon. Mr. MacNaughton: Of course not, why should we?

Mr. MacDonald: Fine, why should you? We will perhaps get to some reasons as to why. In fact, the government's determination focuses on a point on which the hon. Prime Minister is rather edgy and touchy; but the facts speak for themselves and I will relate the facts. Three or four years ago, the 50,000 civil servants in this province were carried by a service carrier, PSI. They got into negotiations which went to arbitration. One week before the arbitration award came down, with a new approach which involved life insurance, which PSI could not give—and therefore was going to force them into coverage by private carriers—one week before that arbitration award came down the consortium headed by London Life was down

negotiating here on the kind of deal that two or three weeks later was accepted.

In other words, this government insisted that civil servants should switch to a private carrier involving a package in which medical coverage was one element in the package; it was the loss leader. And that, Mr. Speaker—just to show you how complete is the government's determination — that contract makes life insurance the only mandatory thing in the package—I am sorry, life insurance, the only mandatory thing in the package. A civil servant can opt out of taking medical insurance if he wants, but he cannot opt out of the one thing, of course, that London Life and the consortium wanted to have; and this government paved the way for them getting it.

Mr. Lewis: Who led the corporate thrust—the Provincial Treasurer.

Mr. MacDonald: I am not personally aware of who was leading what at that time.

Mr. Nixon: He even tried to move in on the Minister of Education.

Mr. MacDonald: Certainly the Provincial Treasurer has confirmed today that this has been the government's firm insistence, that they were going to get the private insurance companies into the picture. However, let us not forget one thing, Mr. Speaker. I have said this government is consistent on this issue. They have indicated their determination and they have fought all manner of changes in the approach to make certain that private carriers are included. But the people who completed the sell-out on these deals were the federal Liberals.

There is no doubt that when health insurance first came on to the statute books in Ottawa, it was clearly indicated by the Hall commission report and by the interpretations put on it by Mr. Pearson and others in the Liberal Party, that the private insurance companies would have no place in the picture. Indeed, when Alberta came in—even though that government is a right-wing government—and was determined to have private insurance companies in, they finally accepted their exclusion because Ottawa would not budge. Since that day, Ottawa has gradually relinquished. It is interesting to note that the federal Minister of Health indicates that B.C. can use private carriers, but my information is that B.C. is not using any private carriers; they are using six non-profit service carriers. So it may well be that under the Act, as far as B.C. is concerned, they can but have not used private carriers. The first province that is going to be using private carriers is the province of Ontario, and it is going to be permitted, Mr. Speaker, because of a combined sellout that was promoted by this government but which was ultimately shared in by the federal Liberals at Ottawa.

Hon. Mr. Dymond: Mr. Speaker, I know the hon member likes to be accurate, and I am quite sure that he would not want to remain under a misapprehension himself, far less leave the House under a misapprehension. B.C. can use private carriers, but the private carriers were not interested in the medical services insurance bill in British Columbia, only in Ontario does this obtain. It did to some extent in Alberta, but only in Ontario does it obtain to any great extent.

Mr. MacDonald: Well, Mr Speaker, I do not know what the Minister of Health has said that was different from what I said. I said I assumed that it was open to B.C. to use them. The federal Minister of Health has confirmed it was open to them, but they did not use them, for what reason—

Hon. Mr. Dymond: Perhaps it was the inflection!

Mr. MacDonald: The inflection?

Well, I come back. The fundamental and important point is that to begin with there is no doubt that the federal government was not going to permit private carriers to be in the picture. And they have gradually weakened on their original demands in order to get the province of Ontario into national Medicare and finally make it a viable national plan. And, in so doing, they have shared in the sell-out to the private insurance companies.

I listened with interest to the provincial Liberals deploring the inclusion of private carriers, but I deplore the fact that it was the federal Liberals who made all this possible. Otherwise this government at one point would be forced to come in; events would have forced them to come into the plan, leaving the private insurance carriers out where they belong.

I would agree that there are some things in this bill that represent improvements over earlier presentations by this government. I am interested to note, for example—and the Minister of Health has confirmed it—that he was impressed by the arguments that were advanced from the Opposition; for example, that the health council could be broadened to make certain it would have a majority of

people from the public yet give representation to the medical profession and such other vested interests that might legitimately be in the picture, but that this might be the appropriate body to review many things with regard to the plan including the fee schedule. We advanced the idea of using the health council in the House; we advanced it outside the House. I congratulate the government for accepting it. I do not know, quite frankly, whether much purpose will be served in going to the standing committee for public hearings unless—and this, I suppose, would be the equivalent—the health council were to hold public meetings when they are hearing representations from the OMA to defend any application for an increase in fee schedule. Then I think not only all members of the Legislature but I suspect an awful lot of members of the public would be very glad to come and sit in on that kind of a public meeting. But I think the public is entitled to hear the defence for the persisent increase on the part of a profession which is now the highest paid. However, that is an improvement in the bill.

However, Mr. Speaker, I now come to elements which I think represent offensive features in the application of the basic principle of Bill 195. We have no definite information on premiums. I agree that the Prime Minister said the premiums will not be more than OMSIP, but he refused to answer the questions as to whether they were going to be less than OMSIP, so the stand is indefinite.

But the vagueness becomes even greater when we get to the whole question of coverage. We have no schedule of coverage. We are buying a pig in a poke. It is indicated that we will have the kind of coverage that we have in OMSIP at the moment, but there is no indication, although the bill opens the door through the "definition" clause and elsewhere, to other medical services in the broad sense, but we do not know what the broader coverage is going to be. And that, I think, is a defect when people are asked to support a bill after some 50 years of a gestation period.

I want to focus for a moment, Mr. Speaker, on two or three offensive elements of the application of the principle in this bill. The first one is that it fails to provide for the application of the federal grants to the reduction of premiums and thereby perpetuates the regressive form of payment at an unnecessarily high level. Now, I acknowledge that there is in OMSIP—and there will be in the implementation of this plan—arrangements whereby those who are on welfare or those who have no taxable income will be able to get some assistance, perhaps the whole payment of the premium. But the overall premium is a standard one, and it is therefore the equivalent of a tax. It is at levels which in our view, are too high for the average family, even though that family may be struggling along on an income of $3,500 or $4,000 or $4,500 a year. In our view, the premium should not exceed $60 for an individual person and $120 for a family. And, furthermore, a family should be charged the same premium no matter how many children there are in that family; we should not have in our premium structure a penalty if the family happens to be a larger one.

Furthermore, in the application of this federal money to the plan in the province of Ontario, I hope—but the bill gives me no ironclad guarantees—that this government is not going to chisel on the federal money that becomes available for health. The Prime Minister has said, for example, that all of this federal money will be directed to the provision of health services in the province of Ontario. That does not—and I have listened to and read his words very carefully—preclude this government using the federal grants to the full, but using them to fill a void as presently expended provincial moneys are withdrawn. Indeed, this is precisely what has happened in British Columbia. The amount of money that the provincial government spent on medical services out of the provincial Treasury in the first year in which the plan was in effect in that province dropped from $18 million to $5 million with the kind of squeeze which the Provincial Treasurer propagandizes—all concerning the difficulties in budget making and budget balancing in this province—he will not just begin to cut down on health grants and he will be able to come into this House and say every dollar that we got from Ottawa is being used for health. But some of those dollars will be used to replace withdrawn provincial dollars.

Hon. Mr. MacNaughton: Withdrawn federal dollars.

Mr. MacDonald: Well okay!

Interestingly enough, the Provincial Treasurer interjects, but he does not deny the proposition that I am putting to him. In short, if he is not denying it, then what we are being given here is another deception. We are being told that the federal money was going to be directed to health. It is true, but it is only a half truth. It is going to be used to replace provincial moneys now being spent

on health, and that is the reason why, Mr. Speaker, I think two or three things should happen.

1. There should be a use of these moneys to cut down those premiums because they are too high. I suggest, too, a maximum of $60 for an individual and $120 for a family.

2. There are long-standing extensions of health services in this province which should be entertained immediately. I mention one that the leader of the Opposition has alluded to, namely, the coverage for chiropractic services. I can remember days in this Legislature when the Minister of Health told us that he really did not know what chiropractic services were. He was reflecting the normal prejudice of the medical profession *vis-à-vis* these junior members on the health team, but I will give him credit, later he adopted a somewhat more generous view. He conceded that many people in the province of Ontario wanted to have chiropractic services and were using chiropractic services. And he conceded that they were a legitimate element in the provision of health, that chiropractors were a member of the health team. The only reason why we do not move immediately is because of the cost; we have not got the money the Minister said.

Well, Mr. Speaker, we now have got the money—$176 million of it—that you did not have before when you claim you were providing Medicare. And since the amount of money required for chiropractic services has been estimated at some $8 million to $10 million, and since the use of chiropractic services often is not an extra use of a service but an alternate use of a service, instead of going back to the medical doctor, it does not really conceivably involve a full $10 million extra expenditure.

I remind the House that not only has workmen's compensation accepted chiropractic services in its coverage, but I remind you —and this may be even more conclusive— that many of the private insurance companies have accepted it without adding to their premiums. I know of no more Scrooge-like approach than that of insurance companies. If they think it is going to cost more they are going to reflect that higher cost in their premiums, and they do it because if a person goes to a medical doctor a second or a third time, and he is not getting the kind of satisfaction that he wants, he will switch to a chiropractor.

And if he finds that he is getting satisfaction from the chiropractor he will go back to the chiropractor again rather than go to the medical doctor. So I repeat, it is an alternative way of spending health services money rather than an extra expenditure, at least to a considerable extent. But I think the time has come for the provincial government to fulfill its implied promises—if not its explicit promises—to extend health services to include chiropractic services as quickly as we have the money to do it.

I would suggest another area, Mr. Speaker, with regard to extending services, and this is with regard to the group medical clinics that are now emerging. The Minister of Health has conceded that these experiments are extremely interesting and worthwhile, and that even if in the first instance they may involve apparently a little more expenditure, in the long run they may save money. Indeed, the capitation proposals that are being advanced by the group clinics involve something less than 100 per cent of the provincial average that is being paid out for hospital and medical services.

They are willing to take that amount of money and provide the service to their people because they know that by the practice of preventive medicine they can cut down on the use of hospital beds. Let us not argue over the figure—30 per cent, 40 per cent, 50 per cent, it varies in various areas.

This is a kind of experience that I acknowledge; the Minister of Health has set up a study so that we can get a clearer picture of its wider application here in the province of Ontario. But low cost loans and grants to set up group medical practice, which the Minister when I raised this matter some three or four years ago, expressed himself as personally in strong support of, special payments for ancillary services—personnel to be used under approved circumstances, such as public health nurses, and social workers, therapists, and psychologists, in addition to psychiatrists—which are covered under these bills.

I think all this would be expenditure of money, conceivably in the first instance through the group clinics on a narrow basis, but an experimental basis that ultimately is going to make better health services available to all the people of the province of Ontario in fulfillment of the commitment which the government has included in section 3—which is really the heart of the whole presentation in this bill—where the government says that "the health services insurance plan is established for the purpose of providing for insurance of the cost of insured health services, and such other services on a non profit basis

and uniform terms and conditions available to all residents of Ontario".

If this government has extra money I suggest to you, Mr. Speaker, that if it is going to be spent for health services then an area of its direction must be to those parts of the province of Ontario that simply do not get equality of health services. I refer to the north; where they simply do not have the professional personnel. And one of the reasons why they do not have the professional personnel, as experienced in western Canada in face of comparable kinds of circumstances in earlier years—one of the ways that can be solved is through various kind of economic incentive. Well, you now have the money for economic incentive.

In short, to sum up, the first offensive aspect of the principle that is being presented in this bill is the failure of the government to use the moneys which it is now getting from Ottawa to reduce premiums, to extend services in various areas so that we can fulfill the professed objectives of the bill.

There is a second offensive element in the principle. It contains no prohibition of extra billing, and therefore, Mr. Speaker, it gives no guarantee that the people of Ontario are going to be provided with fully paid up insured services. This is extremely important. If you, for example, go to an area like Oshawa, where the employees of General Motors —thousands of them—have coverage under PSI and are being paid 100 per cent of their medical bills, under this Act PSI disappears and they are going to be paid only 90 per cent. All the doctors of Oshawa immediately will take a 10 per cent cut in salary across the board.

If you are going to provide fully paid-up insured services there is an obligation on the part of this government to have in this bill that there shall be no extra billing. There is one Tory government in this country that had the guts to do that—out in Manitoba—and I would like to see that this government would have the courage to do something about it, and not just say that we do not think the doctors will over-bill.

Reflect for a moment, Mr. Speaker, on a situation which this bill envisages. Let us suppose that two years from now, when the OMA once again seeks an increase in its schedule of fees—I predicate this because the OMA say they do it every two years; that is why they did it again this year. They reminded us that they told us two years ago that this is a regular review every second year. Suppose that when they review their schedule of fees two years from now and you cannot get through the health council some sort of an agreement for stabilizing fees or a roll back, and suppose the Minister of Health, who must be getting a little aggravated on this point, finally brings in a new schedule of payments, which will be less than the schedule of fees—not just 90 per cent, but maybe 80 or 85 or even 75 per cent—if you have not any clause in here that is going to protect every subscriber against overbilling what is going to be the situation then?

This will simply mean—and it may happen immediately in the city of Oshawa—that the company which is committed to pay for 100 per cent of the medical coverage on the basis of 100 per cent payment through PSI, and now you only get 90 per cent payment, it may mean that the doctors will be billing the patients, the workers, for the extra ten per cent. In effect the government will be violating that negotiated contract.

In short, Mr. Speaker, this bill must be corrected in principle, to assure us that there will be no overbilling, if you are going to establish the principle of fully paid-up insured services. As it now stands, we may not get that; we are not going to get that.

There is a third and a final offensive element in the principle, and that is allowing a multiplicity of agencies to collect premiums and to pay claims. As the leader of the Opposition has pointed out, Mr. Speaker, this duplication of administrative facilities will inevitably lead not only to gross inefficiencies and inadequacies, but to higher costs. Ultimately the people of Ontario have to pay these costs.

In short, one would have thought that after the bureaucratic monstrosity, that this government unwittingly created in its administrative procedures to pay out the Basic Shelter Exemption Grant following rash and hasty commitment at election time, the government would not, on reflection, move into duplicating that kind of bureaucratic monstrosity. And yet this is precisely what they are doing. You are going to have two or three groups of people involved with government officials in the designated agency looking over their shoulder to make sure that they do everything right. They are going to have a fantastic cat and mouse game being played. It will all add up to inefficiency, to gross inaccuracies and to excess of costs.

The leader of the Opposition comes up with no alternative. He, presumably, is as unhappy about this as we are, even though his colleagues in Ottawa are the people who

are responsible for it being imposed upon the people of the province of Ontario. He suggests that the private carriers should be phased out, and he rationalizes himself into a position of supporting this bill because we have to take time to phase them out. We cannot between now and October 1 he said, set up administrative machinery that would be able to cope with the seven million people who are going to have medical coverage in the province of Ontario.

Mr. Speaker, we do not accept this rationalization. We share most of the criticism that the Liberals advanced, but we think it is rather idle to advance the criticism when it was imposed upon us by the federal Liberals, and then to helplessly say, "We can do nothing about it, this is the only way in which we can get the money from Ottawa to which we are entitled."

I want to present to the House, Mr. Speaker, a reasoned amendment for changes in the application of the principle, changes which have been voiced in the House by the Liberals and which I have now voiced and attempted to solidly document, and my colleagues will further document.

This is going to give the government an opportunity to withdraw this bill and make the necessary changes. It will be possible for them to go out and merge the OMSIP administrative machinery with an equally large, if not larger, administrative machinery in PSI which is available for the taking over, and which has had experience in terms of processing the greatest single block of health coverage in the province of Ontario for some years.

So do not tell me you cannot establish administrative machinery. It can mean that if this bill is withdrawn, and changed to make the application of the principle an effective and an acceptable one, that there may be a delay for a few days, but no more than a few days. As far as we are concerned in the New Democratic Party, we want to have Medicare on the right basis as of October 1, we do not want to be engaged in the untidy process of phasing out the private carriers. They should be out now. If it is necessary to come back for a week at the end of July or early in August to finalize—

Mr. J. Renwick (Riverdale): Or stay now.

Mr. MacDonald: Or stay now, as our deputy leader indicates. Stay now and come in with the kind of amendments that will have a correct application of the principle of Medicare, then we are willing to do it and we give you that assurance.

So, I move, Mr. Speaker, seconded by Mr. Renwick (Riverdale) that the motion for second reading of Bill 195 intituled, An Act respecting Health Services Insurance be amended by deleting all the words after "that", and substituting therefor the words:

> This House is of the opinion that the bill is fundamentally defective in principle in that,
>
> (1) it fails to guarantee an immediate reduction of premiums thereby continuing a regressive form of payment at unnecessarily high levels, without meaningful regard for the patient's ability to pay;
>
> (2) it fails to prohibit extra billing by participating doctors, thereby supporting a deterrent to use, which runs contrary to the principle of equal access to medical care services for everyone in Ontario;
>
> (3) it provides for multiplicity of profit oriented private carriers which will result in:
>
> (a) the opportunity for private insurance companies to enhance profits on related health benefits by using health insurance as a loss-leader in an overall insurance package, and
>
> (b) the loss of public control over the escalating costs of health services.
>
> And this House is further of the opinion that Bill 195 should be withdrawn and a new bill, meeting with the objections in principle, listed above be introduced forthwith.

Let me say one further word of explanation, Mr. Speaker. Because of the archaic rules we have in this House, when we come to vote on this reasoned amendment we are going to be faced with the procedure that you will call for second reading of the bill. In support of our reasoned amendment, we are going to have to oppose it. We are going to oppose it because we object to the faulty implementation of the Medicare principle as represented in this bill. We have indicated how we can improve the application of that principle, and we invite the government to do so now. We invite the Liberal Party to support this amendment in support of the criticisms which they have advanced in the House. Because all this can be done to make certain we have a Medicare plan as of October 1, which has private insurance carriers out from the outset, instead of phased out over a year. I look forward to a united Opposition vote in support of this amendment.

Mr. Speaker: Since such amendments must be placed from the chair, Mr. Speaker would appreciate it if he could receive a copy of the amendment when the member introduces it. I now have a copy. The copies went elsewhere and I have not had the opportunity to consider if it is a reasoned amendment or not, at least, not the same opportunity I might have had if a copy had come to Mr. Speaker. We will realize that there can be no further debate until this motion, or this amendment, is placed before the members. I shall do so in a moment.

I would say this, that after listening to the member for York South, and looking curiously at what has been brought to me, I would agree that it is a reasoned amendment. I would say this is a very important bill to everyone in Ontario. I would propose, and I would expect, that the Speaker and the Chairman of the committee, would give very full opportunity for debate on both the principles of the bill and the principles enunciated by the member for York South in his amendment.

It has been moved by Mr. MacDonald, seconded by Mr. Renwick (Riverdale) that the motion for second reading of Bill 195 be amended as follows:

By deleting the words after "that", and substituting therefor the words:

This House is of the opinion that the bill is fundamentally defective in principle in that,

(1) it fails to guarantee an immediate reduction of premiums thereby continuing a regressive form of payment at unncessarily high levels, without meaningful regard for the patient's ability to pay;

(2) it fails to prohibit extra billing by participating doctors, thereby supporting a deterrent to use, which runs contrary to the principle of equal access to medical care services for everyone in Ontario;

(3) it provides for multiplicity of profit oriented private carriers which will result in:

(a) the opportunity for private insurance companies to enhance profits on related health benefits by using health insurance as a loss-leader in an overall insurance package, and

(b) the loss of public control over the escalating costs of health services.

And this House is further of the opinion that Bill 195 should be withdrawn and a new bill, meeting the objections in principle, listed above be introduced forthwith.

Mr. Ben: Mr. Speaker, I rise on behalf of the Liberal Party to follow our leader in supporting the principles of this bill.

We applaud the government in finally, despite a fearsome struggle in retreat and repeated assertions that Medicare would not be adopted in Ontario, bringing in this bill.

Although it does not meet with our complete approval or concurrence we, nevertheless, support the principle contained in this bill. Among the many weaknesses which have already been stated by our leader are also the following:

This would indeed be an excellent opportunity to widen the facilities and services covered by OMSIP. Medicare should contain a provision for the expansion of coverage to include chiropractic, osteopathic and other services that are covered by the B.C. and Alberta Acts.

We also would like to see an immediate reduction in premiums. From what we have gathered from the Minister's response to my question that the grants from Ottawa are to be applied only, only to medical services, there would be a reduction. We look forward to the Minister clarifying this point.

But, Mr. Speaker, there is a difference in the attitude that the NDP adopt and the attitude that the Liberals adopt. We both recognize our responsibility to criticize. But the difference lies in that, once having criticized, we are prepared to move forward and go onto the next stage and implement those bills or Acts which are to the general benefit of the people of this province whereas our friends to the left would procrastinate and procrastinate and procrastinate. This we are not prepared to buy. We agreed that there were many shortcomings but we also have confidence in our ability to try to persuade the government in a subsequent stage to remedy many of the defects that all of us acknowledge are inherent in this bill. We will try our utmost to bring about a rectification of the many shortcomings. We are not prepared to say, "Look, the people have waited 50 years, let them wait a little bit longer". That is not the Liberal attitude. We wish to go forward, always forward and we will continue to press forward.

Mr. MacDonald: Forward with the insurance companies!

Mr. Ben: That is a responsible attitude and that is the Liberal attitude and we will continue to exercise that particular attitude.

Society is gradually approaching the stage where certain minimum standards of essential

services will be supplied to all citizens by having such services paid for out of general revenue. These services will include education, transportation within city limits and perhaps, beyond city limits, medical, dental services and even drug services. This would mean no deterrent fees. This bill which provides for payment of 90 per cent of an acceptable and accepted schedule of fees does provide for a deterrent fee. As the bill reads, the deterrent fee could rise by another ten per cent or more if the doctors raised their fees by that amount and the government did not accept the increase.

There is a provision in the bill that the government need not accept a new schedule of fees. But that would mean, if the doctors imposed a new schedule of fees on their members and the government does not accept it, that it may be a 20 or 30 per cent deterrent fee; and that is what is, a deterrent fee. This we cannot subscribe to. We do not believe in deterrent fees. It has been suggested that the doctors should be compelled to accept 90 per cent of the present schedule of fees. I am rather concerned by the attitude of this government that the doctors would not accept this. True, many of the doctors would not accept it on principle because to them it is coercion. I believe it to be true that when this Act is implemented there may be a number of people in this province who on principle, will not subscribe to Medicare and will continue to pay for their services directly to a doctor, regardless of how impecunious they may be. Those people are entitled to express their beliefs and their principles.

The fact is the Ontario legal aid plan has already established that you can introduce a public scheme whereby the tariffs that can be charged by the persons rendering this service are fixed. A lawyer, if he wishes to be a part of the Ontario legal aid scheme, has to agree to accept 75 per cent, three-quarters of a certain schedule of fees. Mind you, the members of the legal profession are not compelled to belong or subscribe to this scheme or practise within its scope. But then, I cannot see why the same cannot apply to doctors. What doctors would be foolish enough to stay out of the scheme? They would simply have to pack up their shingles and leave, because they would not make enough to pay their rent. That is fact, the other is fantasy. So there could be a provision incorporated in the Act that a doctor cannot participate in the Medicare scheme unless he does agree to accept 90 per cent of the agreed schedule of fees.

An hon. member: As a matter of principle.

Another hon. member: That is another matter of principle, I think.

Mr. Ben: Mr. Speaker, this can be incorporated under this Act by a simple amendment. So it does not mean that for such a principle the bill should be rejected *in toto* and the people deprived of the essential services which they would get under this bill. That is just adopting a dog in the manger attitude saying, "If you do not do things our way you can go without". We do not subscribe to that at all.

Mr. J. Renwick: Does the member really think that by next Friday that amendment will be passed?

Mr. Ben: Mr. Speaker, I am also rather amazed by the attitude adopted by the people to the left, when they suggest that it was the federal Liberals who sold out. Mr. Speaker, if selling out got Medicare for the people of British Columbia, if selling out by the federal Liberals got Medicare for the people of Alberta, if selling out by the federal Liberals got Medicare for the people of Manitoba, if selling out by the federal Liberals got Medicare for the people of Ontario then what we need is more selling out by federal Liberals because that was the only way we were able to get Medicare in this province. And when they talk about private carriers, well, I am rather amazed.

Mr. Speaker, the hon. member for York South made a statement about carriers, which he actually imputed to the leader of the Liberal Party and which in fact was not true. What he tried to say was that we, in this party, are concerned about phasing out the commercial carriers. We are not concerned about phasing out the commercial carriers, Mr. Speaker. We are concerned about phasing in the four million people of this province who presently are not covered by OMSIP. They are our concern, not the commercial carriers.

We recall the indignities and the inconveniences that the people of this province had to suffer when OMSIP and its fantastic computer came into existence, when their accounts were not being paid for six to nine months and in that instance, the government had almost a year to plan for it—

Mr. MacDonald: But they were getting—

Mr. Ben: We do not intend to see the people of this province put in a similar predicament because of the obstinacy of the

people to our left. We are prepared to compromise with the commercial carriers and permit the new subscribers to be phased in. That is our attitude, a positive attitude, and it is not the phasing out of commercial carriers that concerns us.

We cannot understand frankly why there is concern about the commercial carriers on the part of the government. We feel ourselves that they are going to drop out of the picture. I cannot see private commercial interests carrying on a commercial enterprise with the intention of not making a profit on it. It is too much for my mind to fathom. So I would suggest, Mr. Speaker, that voluntarily, voluntarily the commercial carriers will phase themselves out.

I think that this is no more than a salve to their consciences because, you will remember, they were the ones that were saying our taxes were going to rise 12 per cent, that all kind of dreadful and horrible things were going to happen to the people of this province. I remember statements being made that national Medicare would mean disaster; that it would result in overpaid and overworked doctors who would become disinterested and apathetic. You know, I have met a lot of doctors who have been overpaid; I have met a lot of doctors who have been overworked; but I have yet to meet doctors who are disinterested and apathetic, and I doubt very much whether I am going to meet them.

There were other statements in the same vein—even the Prime Minister of this province made some real way-out statements. There was a statement by Denis George in Montreal (who is the vice-president of the Westmount Life Insurance Company) last October, when he was addressing the National Foundation of Health and Welfare Pension Plans Incorporated, who stated that Medicare would cut other medical services. What other medical services? We are going to get expanded medical services because we have Medicare. But this was the kind of nonsense that was preached then.

Then there were others, among them—the Premier, who made statements such as, "Medicare is one of the greatest political frauds ever perpetrated on this country." You know, Mr. Speaker, that statement was so preposterous that Dr. Alfred Best, speaking on behalf of the Board of Evangelism and Social Services of the United Church of Canada, was moved to reply that Medicare was no fraud, and that they would have to straighten out the Premier.

Now, when a church has to get involved in politics to that degree and calls down a Prime Minister for making statements that are way out, it shows how desperate they were getting. Mr. Speaker, there are a lot of other points that we could discuss with reference to this bill. Certainly it is not perfect, but I have yet to meet one bit of legislation that has come into this Chamber that was perfect. I have yet to meet one. Mind you I have only been here four years. Perhaps some of the people to our left who have been here longer can recall a piece of perfect legislation being introduced by the government. I cannot.

Last Thursday in the standing committee on health I had the pleasure of introducing quite a number of amendments to two pieces of legislation, and I am happy to say that I did not receive too much resistance from the Minister and his advisors in incorporating about 90 or 95 per cent of them. I daresay when the two bills come into the House and are put into our binders and there are going to be more black arrows showing amendments than there was original print.

The fact is that there are facilities available to us to bring in amendments which are rational, logical or reasonable, and the amendments proposed by the leader of the Opposition of the Liberal Party are rational, logical and reasonable, and we think—or we hope—we will be able to get the government to accept a number of them. At any rate, Mr. Speaker, if we do not induce or convince the government to adopt them, we certainly are no further behind in bringing the people of the province at least a half a loaf of bread rather than crumbs.

The people to our left will give them nothing if they cannot get a whole loaf. That is like throwing the baby out with the bathwater and we are not prepared to do that. We agree with a lot of the contentions made by the people to our left, just as they are prepared to agree with a lot of the contentions, if not most of the contentions, that were made by the leader of the Liberal Party, and we are very sorry that they have moved the amendment.

We rather had looked forward to a much more positive attitude on going forward. We have waited 50 years for this and frankly I think the people of the province are getting tired waiting. Perhaps another day does not matter, perhaps two days does not matter, but some of the people may not be around to enjoy the extra day. Some of them might not even be around on October 1 to enjoy the fruits of all these efforts for the past 50

years—the efforts on the part of the people to the left just as much as the efforts people on our side.

Mr. J. E. Stokes (Thunder Bay): Your confreres in Ottawa were not too concerned. They have been at it since 1919.

Mr. Ben: As I understood it—you should not have made that interjection, because listening to your leader he would imply that it was the CCF that first started that, although he said—

Interjection by an hon. member.

Mr. Ben: I do not recall the CCF being around in 1919, so it shows you have been contradicting your leader there and I think you should stop.

Interjections by hon. members.

Mr. Ben: Oh well, they are always contradicting themselves and there is nothing much we can do.

Mr. Speaker, the prophets of gloom and doom have fallen and faded into oblivion. Medicare is a major force in a battle in the war on poverty and that force is going to emerge victorious. It has not won the battle yet, but with God's grace and the help of the people in this House it will emerge victorious and we will eventually have a universal Medicare plan in this country, a plan that, as I said before, will not only include the medical services we have mentioned, but also drugs, hospitalization, dental care, services that eventually will be provided to all citizens free of charge, without any fees by way of premium whatsoever.

It is not going to happen today, it is not going to happen tomorrow, but I think that our children are going to see it. Mr. Speaker, the people of this province at least have the assurance of the Liberal Party that they are going to concern themselves more with moving forward towards that day rather than just passing amendments which would retard the natural growth towards the kind of society to which every person in the province is entitled.

Mr. Peacock: Mr. Speaker, in reviewing a level of premium for this new plan that is going to be well in excess of the required amount to pay for the benefits under the health services insurance plan, we object on a matter of principle. In finding, in sections of the bill, no prohibition against participating doctors from extra billing their patients, not only to the OMA schedule of fees, but perhaps well beyond that, we find a matter of principle. In designating private insurance carriers who are going to take unto themselves additional business in the field of extended health benefits covering the cost of prescription drugs, special nursing services, prosthetic appliances, that is going to put the public control over all aspects of health care in this province well beyond manageable financial means for some time to come, we find a matter of principle.

We have not reached any accommodation with the insurance companies that will allow us to say on the one hand we can support a Medicare principle in this bill, and on the other, we find many of its features objectionable, but not so objectionable that they derogate from the principle of medical care that is universally acceptable and that is under public control. In these two areas, Mr. Speaker, we take exception to the manner in which the principle of this bill is to be implemented by this government.

In sections 2 and 3 we find an acceptable, genuine medical care plan established in principle, and from then on through the bill we move to an implementation that violates the principle of ability to pay, that violates equal access to utilization of medical service by everyone regardless of his means, and that violates the principle that the public of the province shall have a say in how medical care is to be provided to them and at what cost it is going to be provided to them, recognizing that the Hall report looked not just to the provision of insured physicians' services as the Medicare that Canada should be aiming at, but that it was only the first stage of a wide range of health services that had to be brought under a publicly operated insurance scheme.

Turning first, Mr. Speaker, to the manner in which the Minister, and the Prime Minister, have indicated premiums are going to be handled. We have been told they will be no higher than those presently charged by OMSIP. It has also been indicated that they will be no less. And yet those premiums have been established and supplemented by public funds through the consolidated revenue fund to cover services for persons in this province who have been the high risks, the aged, the infirm and those without means to provide private insurance for themselves.

When the favourable experience groups now covered by doctor-sponsored or clinic or private insurance carriers are brought under the standard contract of this plan, I am sure we will find a far more favourable experience rating in this greatly expanded group

of persons being provided insurance services. And with the payment by the federal government of the contribution it will make to Ontario's cost of Medicare, there is absolutely no reason why we do not have written into this bill a provision for an immediate reduction in medical care costs.

Not only that, Mr. Speaker, of the money which is being extracted by the federal government under its two per cent social development tax, had that tax been enacted in an equitable way by the federal government—with application all the way up the income scale—the volume of taxes collected from Ontario residents by the federal government under that Act would not only have been sufficient to finance the federal share of Ontario's costs and give equalization payments to those less favoured provinces which will have to pick up larger portions than the national average per capita costs of Medicare —those taxes would also have been sufficient to contribute substantially to a reduction in Ontario medical care premiums. And we would not have to continue to face the prospect of approximately one-third of our population excluded from the group at the bottom of the income ladder who are now presently assisted on Medicare and who are not in the position of the income earners in the top third of our population who either can afford to provide medical service for themselves by direct payment to their doctors or through their own private insurance carrier or are working in highly organized industries where that coverage is paid for them by their employer or shared substantially by the employer. We still have a large middle group of our population that is going to face a disproportionate cost of providing medical care for themselves under this Act. Unless we apply ourselves to reducing the premiums in the manner which the leader of the New Democratic Party has indicated—by the use of the experience rating of the larger group, by the use of the federal payments that are going to be made and by continued pressure on this government to get that social development tax made equitable and progressive all the way up the income ladder—we are going to perpetuate this inequitable tax that the premiums of the health services insurance Act will represent.

The second instance of our objections to the implementation of the principle of this bill, Mr. Speaker: It is absolutely unacceptable to have a medical care programme represented by that name, where the doctor has in effect the unilateral right to decide how he will receive payment for his services. We cannot accept that proposition, Mr. Speaker. That is in no way a part of a genuine medical care insurance programme, that the doctor retains the unilateral right to decide how payment shall be made for his service, which is just the position that he remains in and is a position which is strengthened by the provisions of this bill.

In British Columbia and in Manitoba, the Act and regulations establishing the medical care programme provide that the doctor must make an election as to whether he will practise under the plan in regard to payment of his fee and accept payment in full by the plan of that fee. In British Columbia, if the doctor wishes to bill his patient a second time, he is required—in part 511 of the regulation dated June 6 in the *B.C. Gazette*—prior to rendering the service, to give reasonable notice to the insured person of his intention to charge a greater amount in respect of that service. The insured person, or some other person acting on his behalf, must consent in writing to the extra charge. And the amount of the extra charge. And this is critical in my view—in the B.C. plan, with all its deficiencies in respect to this matter of extra billing, the amount of the extra charge made by the doctor must be reported to the medical care commission.

We have no such provision in the present Act in front of us. In Manitoba, the legislation is considerably stronger. Not only must the medical practitioner give notice to the commission of his election to receive payment under the plan or to bill the patient directly, he is prohibited from charging or collecting from the insured person a fee in excess of the benefit in respect to the medical service. A medical practitioner, by giving to the commission at any time notice in writing, may elect to collect his fees for medical services rendered to insured persons otherwise than from the corporation. But the point of that section of the regulation is that the medical practitioner must opt out—in effect, he must opt out—if he is to practise outside the plan instead of submitting his bill to the commission directly for payment, and accepting that payment in full. Nowhere in this bill does it describe the manner in which the doctor is to be paid. All that is provided is that the doctor shall give notice to his patient if he proposes to extra bill him.

We insist, Mr. Speaker, that this legislation contain a provision for election that a participating doctor under the health services insurance Act will accept payment in full from the Health Services Insurance Board. Anything

else, Mr. Speaker, in our view, is not a full medical care programme.

Thirdly, Mr. Speaker, the manner in which the bill appears to get at the matter of control of medical cost inflation is also completely deficient. The implementation of discussions with the doctors by the council or the board, the prohibition against insurance of the differential between the 90 per cent of the OMA schedule presently in effect and 100 per cent of the OMA schedule or whatever amount in addition to the 90 per cent the doctor wants to bill, is in no way going to help to curtail a unilateral escalation of medical costs by the medical profession. And in designating private carriers as agents and saying to them that they are going to be free to write a total package of insurance for the basic medical care benefits covered by this Act and in addition the usual life and accidental death and dismemberment and sickness and accident insurance for loss of income while unemployed or, rather, laid off because of illness or injury, and the extended income protection plans that these carriers will write, we will find that no longer will we be able to move forward from stage one of the real medical care programme in this country—from the provision of insured doctors' services to the insurance of protection against spectacular costs of prescription drugs, special nursing care and prosthetic appliances, for example. We will be deterred from doing that by the loading of high commissions by the insurance companies into this second set of benefits which they will continue to carry. We will not be able to establish an effective public control over those areas for future public health insurance. What we will have, Mr. Speaker, is a use by the private insurance carriers of very valuable medical data about the subscribers in their group—the subscribers to this public plan—and the use of that data to establish their premiums for the additional health services that they will continue to insure, with no corresponding exchange on their part of the experience they have in dealing with prescription drug costs and the other kinds of extended health benefits with the Health Services Insurance Board so that it will know where it is heading, should the time come that this government—or a government of the New Democratic Party that might follow it—and would know what kinds of costs it would experience in extending insurance to these other critical health fields.

So, in these three vital areas, Mr. Speaker, the failure to immediately reduce premiums, the failure to provide a mechanism for prohibition of extra billing—and I am sure of what is going to come; we are going to see the introduction of a deterrent to use in this province. Because under the doctor-sponsored plans, the doctors particularly were satisfied, where only 90 per cent of the OMA schedule was paid, to accept that as payment in full. And where they had only that portion paid, under their own doctor-sponsored plan, they are no longer going to be willing to accept 90 per cent from OMSIP. They will say, "We will not choose to act as a post office". In the case of PSI, they will disband, but in the other plans they will say, "We will continue to operate so that our medical members may directly bill the patient for the additional amount that the doctor wishes to charge for his fee over and above the 90 per cent of the OMA schedule."

We cannot allow the government to move in that direction, because it will lead inevitably to utilization fees. That is what we fear, that this is an opening of the door, by leaving this matter of the election by the doctor out of the bill as to whether he will accept payment in full under the plan, or practise outside the plan. That is an opening of the door to the eventual introduction of utilization fees, with all that that means in terms of reduction of service to those who can least afford to pay it.

And, thirdly, we will not accept the favourable position which this bill puts the private carrier in, and reserves for them and gives them an even greater grip over those other areas of health services to which we must eventually move in with public insurance to give full implementation to a genuine medical care programme.

Mr. T. Reid: Mr. Speaker, in rising to support the position of voting for the principles of this bill, I nevertheless want to make some critical comments.

I think that the time has come to move on this and to get this bill through second reading as quickly as possible, so that we can get into third reading in committee and discuss this bill in detail and make proposals at that time. To take the position that one cannot support the principle of this bill, that one cannot support Medicare in this province, is sheer nonsense. Therefore, I would like to underline some of the points that my leader has made and also to delve into one other question of principle that I think is important at this time.

I would like to reiterate the position that my leader has taken about the Indians in this province being automatically covered without any additional overlay of paper work with the federal government. I would like the Minister to stand up in this House and say that, in the matter of principle, he does mean, in fact, all the residents of this province, including the Indians on reserves and that there is no doubt about this.

The principle in the bill that the board determines eligibility worries me in this regard, Mr. Speaker. I would not like the board to have within its terms of reference that they can decide whether or not the Indians on reserves in this province are eligible or ineligible. That is a political decision in the best sense of the word, and I want the Minister, sir, to make this decision now in this House with all possible clarity.

I would like to say also a word about the proposal that my leader has made in having the standing committee on health of this Legislature meet with the Ontario Medical Association when the doctors feel there must be a change in the fee schedule.

I think that this is necessary for a number of reasons. And the first reason is that when we consider changes in the schedule, we are not considering simply an increase of ten per cent in all aspects of medical attention in that schedule. I would like the Minister to clarify this principle along the following lines: The schedule has a number of differentials in it, of course. I would like the Minister to make clear in the principle of this bill which he has introduced, that he is talking also about the differentials between various services. And this is important, Mr. Speaker, because it can become a decision of the Minister, of the government party, to change the differentials between various types of services under this plan.

This is important, I think, for a number of reasons. For example, if, in its wisdom, the government believes that there are a number of areas of medicine where more attention must be directed by the medical people in this province, then the Minister must decide that the differential between, say, a kidney-transplant operation and an operation that demands less skill, less competence and less investment in a sense, might be widened, thereby indicating to the medical schools of this province that the government considers certain types of services or operations to be more important than others.

My point is simply this, that the differentials in the fee schedule can become an instrument of government policy in making clear to the Ontario Medical Association those areas in which the government feels there may be a relative shortage. Now, we could perhaps clarify this in the third reading of the bill, but there is a principle involved in this. And that principle is: Is the Minister saying in this bill that the fee schedule is simply looked at in its existing structure, or is he also saying that it will be looked at in terms of the differentials and the definitions involved in the various types of services offered?

The point is being well made by other speakers, Mr. Speaker, concerning the use of the federal funds and, indeed, the use of other taxation funds to reduce the premiums that people pay. Our position is that the federal funds, and indeed other funds, ought to be used to reduce the premiums, because the premiums, as the members from the other parties have noted, are, even with the subsidization at the lower income level, a regressive way of financing a medical scheme. What we would like to do is put people's premiums back into their left pocket and to take out of their other pocket, income tax which is a more progressive method.

I think this is the eventual goal that we must have in this province and it makes sense both in terms of equity, in terms of substituting progressive methods of financing a scheme, for regressive methods of financing a Medicare scheme, and also in terms of administrative costs. Once you have cut out the premium method of financing—albeit only a portion of the total cost of medical attention in this province—you have cut out an entire level of administrative costs and you make redundant any scheme whereby private carriers are involved.

So I support the position that my leader has taken, that we must in the years ahead, and immediately, use the federal funds at least, to reduce the premiums that people pay.

Another point that I would like to touch upon, Mr. Speaker, is the question that once again we are involved in the mass collection of personal data, the centralized collection of personal data on individuals in our society. As some members know, I have a preoccupation with the security of private information on identifiable individuals, and I say again that I must make this issue known on this particular bill.

The principle involved relates to the use of the private commercial carriers for even the first year of operation. And what happens if

you look at the bill, is that there is no guarantee, there is no principle incorporated in the bill, that assures individuals on whom a tremendous amount of personal information is being recorded centrally and stored with the Health Insurance Registration Board, which states that there must be safeguards to the use of this information. The thrust of some of the amendments that we will put forward on third reading, if only we can get through second reading quickly, is directed at the fact that seven million data files, 95 per cent of the Ontario population, will be committed to the Health Insurance Registration Board's data bank, and that much of this will be traded with the data banks of the private carriers.

I find this to be a much more significant issue than some of the other issues that have been raised about the private carriers, sir. And the reason for this is that this is seen by me, in particular, to confer great business advantage on those private carriers in having such information readily available about people, particularly as insurance risks. The carriers ought not to be handed this on a plate, particularly as this is also an infringement, I believe, of civil liberties.

So I would say to the Minister, Mr. Speaker, that it leaves me very uneasy because in it is a potential for the abuse of civil liberties of individuals on whom a great deal of personal data is being collected, and traded within the private insurance company sector of this province. I would like to see, as I said before when I introduced the bill on data surveillance, I would like to see the government move either in this bill, where the Minister has the authority to do so, or in a general bill concerning the use of data collected on identifiable persons, to protect the rights individuals ought to have against the mass collection of information about them for the profit motive.

And I would say to the Minister, Mr. Speaker, through you, there is a basic principle involved here. The transfer of data about a person, say myself, from the Health Insurance Registration Board to any other government department, but more important, to any private collector of personal information on people, ought not to be made without the express permission in writing of the person whose data are to be transmitted or transferred. I think there are probably areas where we can prohibit the HIRB from trading with that data. And I think that type of thing ought to be spelled out in the legislation and not simply in regulations.

Again, I find nothing in this bill, Mr. Speaker, to say that some effort, at least, if not every effort, shall be made to store data on persons with the HIRB in such manner as to protect the insured person against—for such purposes as denying him employment. This is one reason, of course, why the mass collectors of data gather such information. It will not be used against him in setting premium rates for coverage in further private insurance. And I refer here not just to any insurance services on top of the existing type of services provided under Medicare but also in other areas of insurance.

Finally, on this point, I do not think the HIRB files and data banks should be traded. Protection must be spelled out as a question of principle. I draw this point to the attention of the Minister, Mr. Speaker for it may be a point that he is only just becoming aware of. A number of governments have moved to protect individuals from the trading of their private information on a commercial basis. I think this Minister has a chance to incorporate in this bill, as a matter of principle, some protection to me, as a citizen of this province, so that my files with the Health Insurance Registration Board, would be secure. I hope the Minister will take this under advisement.

Mr. Speaker, in conclusion, I would like to say that on reading over the NDP motion, I am very sympathetic with what they feel to be the drawbacks of the bill, but that is not a reason for postponing a debate on third reading. I think that when we come to third reading, we can get down to the very details of this legislation, we can zero in on this government—

Mr. Speaker: Perhaps the hon. member would like me to draw to his attention that these matters are dealt with in committee, rather than on third reading—the matters to which he is referring.

Mr. T. Reid: Thank you, Mr. Speaker, in committee, I think that is the time to do it. Meanwhile, let us move through this on second reading, let us move into committee and have our discussion there and let us get Medicare to the people of this province as soon as possible.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker, I should like to make a few brief comments on this Bill 195 and the amendment.

To me, a true Medicare plan has always included universality, except on conscientious grounds, and payment based largely on ability to pay. This bill falls far short of the target on the matter of premiums.

Medicare in Saskatchewan was based on a premium, low enough to enable everyone who was not on welfare, to enjoy the dignity of contributing and to enjoy the dignity of receiving the services as a right, and not as a charity.

The premiums of OMSIP are now so high that lower and even middle income taxpayers or families find it a considerable hardship. Many of them are forced to gamble on going without this insurance. In the event of a major medical expense to the family, the family may well suffer complete financial disaster. Our senior citizens who have a small income to supplement their old age pension are finding OMSIP, or alternate forms of insurance an intolerable drain on their meagre resources.

The OMSIP fees should be set somewhere in the neighbourhood of $60 for a single person and $120 for a family. Ontario income tax payers have already paid up to $120 to the federal government for the mysteriously named social development tax, which most people regard as the Medicare tax. The rebate from the federal government of about $175 million, should be used entirely for health services, partly in subsidizing the plan, so that premiums are reasonable, and partly, by providing adequate services where inadequate services now exist, especially in northern Ontario.

Members will remember that, recently, ten hospital expansions have been cancelled or postponed. The city of Windsor recently reported 140 bed shortages.

It is unthinkable, Mr. Speaker, that the federal $175 million or any part of it should be given to The Department of Health in Ontario, merely to replace up to $175 million that will probably be withdrawn in favour of The Department of Education.

The Minister of Health is asking for $398 million for 1969-1970 and the Minister of Education (Mr. Davis) is asking for $931 million. It will be very, very interesting to see a year from now whether this federal grant of $175 million for medical services actually ends up in The Department of Health as it morally should, or whether it ends up in The Department of Education, where it should not. I wonder whether the Provincial Treasurer (Mr. MacNaughton) would like to make a little prediction about that? The Provincial Treasurer, apparently, is not listening.

The other aspect I wish to mention briefly is the government's failure to include the chiropractors in this plan. As has been pointed out already, chiropractors do not necessarily constitute an extra cost. They provide an alternative service and an alternative cost, which may even turn out to be less than that incurred through use of medical services. Even if they did add to the cost, which is debatable, surely the small extra amount could be taken from the $175 million and never be missed?

The unilateral right of the medical profession to set its own rates is another matter I wish to mention. It is completely indefensible. To put it in perspective, just imagine what would be said if the teaching profession in Ontario announced unilaterally, from time to time, that it was charging a certain fee for its services in the schools of this province, or if the members in the Legislature did the same. There would be a great howl.

These are some of the weaknesses, Mr. Speaker, of this bill, the basic principle of which we have approved and promoted and, in fact, pioneered for many years. And these are some of the reasons I support this amendment.

Mr. Speaker: The hon. member for Thunder Bay was on his feet a moment ago.

Mr. Stokes: Thank you, Mr. Speaker. If this was a genuine Medicare bill, I would be the first one to stand up and say, "Congratulations, you have done a wonderful job". I am told there is $175 million waiting in Ottawa to subsidize the cost of a Medicare scheme in the province of Ontario; I am told that this Bill 195 will implement such a scheme; I am told that it will be a non-profit scheme operated through OMSIP and upwards of 200 private carriers which set premiums; I am told there will be uniform conditions throughout.

I have not been told whether there will be additional coverage; I have not been told whether there will be more medical practitioners available for those areas in the province which have not enjoyed those services

in the past; I have not been told that a portion of this $175 million which will be available yearly will go towards providing additional facilities in those areas where they are so badly needed.

On numerous occasions in this House I have brought to the attention of the Minister the dire need for medical practitioners and additional facilities in the north. There is nothing in this bill that even hints that those will be available. When you consider that OMSIP costs are among the highest in Canada, I would have expected that at least a portion of that $175 million would have been made available towards subsidizing the cost of a medical insurance plan in this province. The only assurance we have had to date is that premiums will not be increased, but no indication from the government at all that they will be decreased and the additional cost absorbed by any or all of that portion that is being made available from Ottawa.

Section 3 of the bill says that we will have uniform terms and conditions available to all residents across the province. I do not think the Minister expects me to be so naïve that I am going to believe that automatically, because we pass Bill 195, the people in the remote areas of the province are going to be assured of the additional facilities, when you take into consideration that in many areas hospitals are based 200 miles apart. And yet an individual must pay the cost of transportation by ambulance to these facilities where they are available. And in all of north-western Ontario, about the only centre which has the technical skills and the sophisticated facilities for the kind of operations that I am speaking of, is the Lakehead.

I see nothing in this bill that will assure the people in northwestern Ontario that it will be to their advantage to become a part of a so-called Medicare scheme, as is envisaged by the passage of Bill 195.

Now if the Minister can assure me that it will provide the necessary medical personnel and the necessary facilities, and that a portion of the $175 million annually, which will be available to this government as a result of grants or subsidies which will be forthcoming from the federal level—I would be inclined to support this, but I see no indication whatsoever that even a small portion of this amount will go toward bringing down the cost of medical insurance in the province of Ontario. And for those reasons I support the amendment as presented to the House by my leader, the member for York South.

Mr. Trotter: Mr. Speaker, I am glad to have the opportunity to say a few words in regard to what I regard as as very important legislation. In many respects this bill is misnamed when it is called "health insurance"; it is really health care, and it is part of a series of legislative measures that have taken place as the result of mainly the efforts of the Liberal Party in Ottawa over a period of years.

An hon. member: There is no doubt about it.

Mr. J. Renwick: The member is dreaming.

Mr. Trotter: The member should just sit and listen.

Interjections by hon. members.

Mr. Trotter: There is one thing that really annoys me, Mr. Speaker. I respect the names and reputations of such great Canadians as T. C. Douglas and Coldwell and Stanley Knowles, and to see this group of political opportunists spurn their great names and endanger their movement the way they are doing on this bill, I think is a disgrace to a historical Canadian movement. I think for the sake of the memory of Woodsworth and T. C. Douglas it is fortunate they have the Liberal Party here in Canada to defend them today.

Interjections by hon. members.

Mr. M. Gaunt (Huron-Bruce): They know it is true; in their hearts they know it is true.

Mr. Trotter: It seems to worry them, but when we deal with the principle of this bill, Mr. Speaker, I am really thunderstruck to listen to the so-called political inheritors of Woodsworth and Douglas carry on the way they have done.

In any legislation that is brought forth, no matter what party brings in—

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): He is in the gallery.

Mr. Trotter: Well one of the leaders of the NDP is in the gallery, it has been pointed out.

Mr. Nixon: That is where he will be after the next election.

Mr. Trotter: When one looks at any piece of legislation, particularly from this administration, one cannot expect to get everything he wants and certainly my leader pointed

out a number of the failings of this legislation, with which I certainly agree. But there is no question that the principle of the bill, the essence of bringing good health to the people of this province, is in this legislation. And I will tell you, Mr. Speaker, we really cannot thank the Tories, because, let us face it, the Tories have fought every improvement for the betterment of the people in this province in every bit of legislation. The only reason we have this here today is because the federal Liberal Party has made an effort over a great many years.

Interjections by hon. members.

Mr. Speaker: Perhaps this might be a suitable place to break for the evening. The hon. member can then get on the principles of the bill after the dinner recess.

It being 6.00 of the clock I do now leave the chair. We will resume at 8.00 o'clock.

No. 158

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Monday, June 23, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Monday, June 23, 1969

Health services insurance, bill respecting, Mr. Dymond, on second reading, concluded 6001

Motion to adjourn, Mr. Welch, agreed to 6040

LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 23, 1969

The House resumed at 8 o'clock p.m.

Clerk of the House: Resuming of the debate on the motion that Bill 195 be read a second time.

HEALTH SERVICES INSURANCE
(Continued)

Mr. J. B. Trotter (Parkdale) Mr. Speaker, before we rose at 6:00 o'clock I was discussing the principle of this bill before the House in regard to the medical insurance services for this province; and at that time I stated that we in this party, and I as one of the Liberals, heartily support the principle embodied in this bill. We have many things that we may wish could be improved and brought up to date, or there are many items that we think either should be in the bill that are not in, and some things that are certainly in the bill that should be removed; but in essence the principle of bringing good health care to the province of Ontario is of the utmost importance.

One of the major faults of this bill and the reason there are so many administrative faults in it—and I include among the administrative faults the fact that the private insurance company is included—is the way the government approached the entire principle of medical insurance.

Let us remember this, Mr. Speaker, that the present Conservative administration has always been opposed to medical insurance; this is the reason we have sort of edged forward toward the principle of implementing medical insurance. The only reason it has become law in this country, the reason this principle is being accepted in this province and throughout Canada, is because of the federal government.

I am one of those, Mr. Speaker, who would like to see principles such as embodied in this bill, the welfare principles, administered and brought into effect by provincial governments. I quite believe in the theory that it is closer to the people; but when you bear in mind that almost every single principle having to do with the improvement of the average person—be it unemployment insurance, health insurance, hospital insurance — has been brought in by the federal Liberal administration, this is a fact that would concern me if I saw the complete responsibility for implementing these major policies turned over to a Tory administration such as we have in the province of Ontario.

If this government ever wanted an emblem —we have talked about emblems a lot and I think from the way they bring their Acts into effect or implement a principle—their emblem should be a snail rampant on a field of red tape. Because you know if you look at the history of medical insurance in this province, and the hours and the days spent on debating this principle, we will see that the government has done everything it possibly could to either stop or delay medical insurance. To me and to members in this party, this has been one of the basic principles for the individual to enjoy economic freedom.

We often talk, you know, about political rights and civil liberties, which are certainly important; but in this day and age let us remember the economic rights of the individual. This bill, despite its faults, does much to give more economic security to the average resident of the province of Ontario.

Mr. Speaker, when the Minister of Health (Mr. Dymond) was making some remarks late this afternoon, he complained about the former federal Minister of Health, Miss LaMarsh. He said that they could not make any headway with her because she was opposed to the private companies coming in. In fact I believe at one time Miss LaMarsh was opposed to bringing in the non-profit plans like PSI or AMS.

Quite frankly, she agreed with the basic principle that I personally have always agreed with, that such a health plan as we have before us, in the principle of this bill, should be a government-operated plan with nobody else in the plan. And I must say, in all respect to Miss LaMarsh, that I wish we had the two-fisted sweetheart of liberalism now to stand up for some of the things we need.

Mr. D. C. MacDonald (York South): What a sweetheart!

Mr. Trotter: Well, she is a sweetheart; and the hon. members wish they had her.

Mr. S. Lewis (Scarborough West): Wait until the next book.

Mr. C. G. Pilkey (Oshawa): He is one of the guys who was promoting her for leader!

Mr. Trotter: That is our girl.

Well Mr. Speaker, it is far better than the snail's pace that this government has employed over the years, because—

Interjections by hon. members.

Mr. Trotter: I want to emphasize, in the history of the principle behind this bill, that over and above the work done by the Liberals over the years—and I have said this before in this House, the man that pioneered it—

Mr. MacDonald: The member has worked here for a long time.

Mr. Trotter: Well, all right!

The man that pioneered it—

Mr. MacDonald: The longest period in history.

Mr. Trotter: —made it practical, and I give due credit to him and maybe my friends on the left might listen, but the man who pioneered it in this country and showed that it could be worked and would be practical, was T. C. Douglas.

Mr. M. Gaunt (Huron-Bruce): He must be really rolling over tonight to see some of his followers in opposition to this measure.

Mr. Trotter: I have disagreed with Douglas when he puts government in the manufacturers' shoes, but, and I have said before in this House, when medical insurance works, and it worked in Saskatchewan, then it certainly could work across this province.

This is why today, Mr. Speaker, when I listen to the speakers to my left, I simply cannot understand the befuddled idealists and opportunists that seem to be bounding off in all directions. Tonight, literally, J. S. Woodsworth is turning over in his grave, what with the speeches that we have heard from these people.

Mr. MacDonald: The hon. member is a compromised idealist. He does not know whether he is coming or going.

Mr. Trotter: Well, my friend the leader of the NDP, and I do call him my friend, has said I am compromising my ideals.

Now, when the hon. leader of the NDP was speaking before dinner, he even suggested that we could have brought in PSI in order to help take care of the great rush of applicants there will be under a government-sponsored scheme—

Mr. MacDonald: Their organization.

Mr. Trotter: —for organization. Well now, at one time, even though I approve of it and support a government-sponsored scheme, a few years ago I got up and said the very same thing and the hon. leader of the NDP got up and said I had prostituted my principles—you can look in the book some place there. And it was amazing for me to hear him say the very same thing tonight.

Mr. MacDonald: On a point of order, Mr. Speaker, I have never said: "Bring in PSI". I said: "Use the administration that is there and is going to be now dismantled; incorporate it with OMSIP." That is different from bringing in PSI.

Mr. Trotter: No, the theory was simply that when we took over hospitalization, they took over Blue Cross and used the administrative purposes; and I, in the past, have had no objection in using practical experience and machinery already set-up by bringing that group in. So I point this out through you, Mr. Speaker, to the hon. member of the NDP, that they often accuse us of wavering, but I never have seen anybody become pinwheels as have the NDP on this.

Mr. MacDonald: Why does the hon. member not stick with the proposal?

Mr. Trotter: Well, just sit and listen.

Mr. MacDonald: Phase the private carriers out now.

Mr. Trotter: There are a number of things that I would like to just specify, and I will not go on at great length because my leader covered most of these points very well.

The doctors have a right to make a question of extra billings under the present legislation, and when that section comes up we will have more to say about it.

When the hon. Minister spoke about the section as it is in the Act, he said it gave them flexibility. Well, I suggest that he has given so much flexibility to the doctors under this legislation that it is like a bowl of jelly. And it simply is not good enough for the proper administration of a scheme such as we have before us. We will have more to say about that.

There is talk about the premiums—our regressive taxation. I certainly agree that premiums are regressive taxation; they are a flat rate, and with the exception of those people who receive their premiums free as a result of being welfare cases or being in an extremely low-income group, the present premium system certainly discriminates against the low-wage earner who does not classify in the poverty level.

We, the Liberals in this House, have said on many occasions that the premium system should be attached to our income tax in much the same way as the premiums on the Canada Pension Plan are paid.

Again, in the long run the negative income tax, if we may call it that, is coming and I certainly hope that under such a system we get rid of the regressive taxation that premiums will bring. But you cannot stop this bill because we expect it and some day in the future negative income tax will come. Why vote against this bill for that reason? Indeed, this is a step forward. There are many improvements to be made and certainly the payment of premiums one of the major items that will have to be done in the future.

Well now, Mr. Speaker, when we look at the principle of this bill and see it brought in at this date, there is one thing that this government cannot escape: the fact that it delayed, delayed and delayed, that we have wasted at least $200 million that we could have had. This is wanton and disgraceful waste. As a result of the Tory government, the people of this province have been cheated out of $200 million that they should have had.

Interjections by hon. members.

Mr. Trotter: It is hard for me to understand how a Treasurer of this province, how a Premier of this province, could deliberately have delayed legislation such as we have here before us tonight. This is one more reason why I am in favour of the principle of this bill.

I am well aware that the people of this province need that money. They are entitled to that money and at long last, this government has somehow aroused itself and now we are going to get the money that is rightfully our due.

Mr. E. W. Sopha (Sudbury): And these people on the left are trying to deprive them of it further.

Mr. Trotter: Yes, there is no question. My hon. friend from Sudbury said these people on my left, the NDP, are depriving people of this province further. This is why I say they are being—

Mr. MacDonald: It is a case of misrepresentation. Obviously you are a little more bankrupt than I thought.

Mr. Trotter: Now, Mr. Speaker—

An hon. member: The member for Sudbury coughed; he nearly choked.

Mr. Trotter: Naturally, when I see section 5 will include the private insurance companies, I must admit that even in bringing through this legislation, this government has to genuflect before that sacred cow, the insurance industry.

Hon. J. R. Simonett (Minister of Public Works): Careful, that is your—

Mr. Trotter: We are opposed to the private insurance industry being in any medical insurance. Well, they say, why vote for it? I will give you one reason. We have said that the private insurance companies should be out of this scheme by October 1, 1970, and the reason for that is strictly a matter of administration.

Interjections by hon. members.

Mr. Trotter: We know that today in OMSIP we have approximately two million subscribers. And we know, when that was set up, what an administrative mess the government got itself into. Now we are going to have not two million, but seven million. In other words, five million more. I cannot conceive of this administration suddenly having seven million subscribers on its list.

Bear in mind, Mr. Speaker, that when you set up an insurance scheme such as involved in the principle of the bill, there will be one claim for every four people per month. In other words, by the time we have seven million in the subscribers in the province of Ontario, that means that there is going to be mostly small claims, but 21 million claims a year. Under the present administrative set-up that this government has, I just cannot conceive of OMSIP handling 21 million claims a year. So we must beg for time to be practical about the whole situation.

Let us bear in mind, too, that whether an individual is with a private company or not, but particularly with a private company, we have a responsibility to those subscribers with the private insurance companies. Therefore, again I say, that this is my reason for

permitting the private insurance companies being in the field even for one year.

I know that, of course, the private insurance companies are big-hearted. They are going to be in there just because it is non-profit and they are not looking for any money. Of course, I do not believe that; they have their angle.

For one reason, if you have access to the bank of information under HIRB, the Health Insurance Registration Board, the insurance companies will have access to that information, and you know that will be worth approximately $10 per person. That is what it costs them to create a bank of information on people, so that obviously such a system gives them, too, an opportunity to get one foot in the door of selling their automobile insurance and their life insurance.

There is no question that for the insurance company this is a bonanza. It is not as good as it was under the present system, where OMSIP takes care of all the poor risks and those who are sick and old and cannot get insurance. This leaves the healthy ones to the insurance companies. There is no doubt that they lose to that extent, but they are the only group in the province of Ontario, the only insurance people in the Dominion of Canada that have been able to stay in the scheme.

Even the Social Credit governments of Alberta and British Columbia have seen to it that the insurance companies are not in any way part of the scheme. Back in 1966, not too long ago, the province of Alberta put in their own health scheme listing a great number of private insurance companies as carriers, and yet they changed their law. It was proclaimed, I think, on May 7 of this year. Now I find that this Conservative government is even farther to the right than Social Credit. I am really surprised to see that, but this is exactly what has happened.

When section 5 comes up, Mr. Speaker, we in this party will have a great deal to say about the insurance companies being even mentioned in this Act, but again I say to the members of this House, through you, Mr. Speaker, that had the government planned ahead, had it really in its own mind and heart wanted a scheme that would serve the people of the province of Ontario, that would be a government-sponsored universal scheme, they could have lined it up in 1965, because this was announced as Liberal policy by Lester Pearson as far ago as 1965 when it was a definite policy.

I want to emphasize that basically the fault is with the government's lack of planning and philosophical distaste and dislike of such schemes as are embodied in the principle of this bill.

Mr. Speaker, I do want to emphasize this. I know my friends on the left and the hon. Minister of Correctional Services (Mr. Grossman) say the Liberals have been promising this since 1919. So they have, I make no apology for that. When one looks at the social legislation that has been brought forth over those years this is one more step forward and it does not embody everything I want.

As I say, I would agree with Miss LaMarsh's stand of a few years ago, and I regret that the Liberal federal government has even countenanced allowing the insurance companies in this scheme. I would agree with the leader of the NDP that it would have been better if we had brought in PSI—and I still hope that that would come to pass—to take over the administrative machinery that they have set up.

But let it be said, Mr. Speaker, in speaking to the principle of this bill, that whereas the Tories have fought it over the years and no doubt the NDP have preached it to some extent and talked about it, those who have been in the trenches and who have worked for it and have gone over the top and have won have been the Liberals in this country. Let it not be forgotten, and I as a Liberal am proud of it, that this has been tremendous Liberal legislation, that it has made possible for the average citizen in this country to be proud that he is a Canadian and to be mighty grateful for the Liberal Party in this country.

This bill before us does not include everything. It does not include dental insurance but it will come, it will be expanded. It does not include coverage for drugs, but that will come, and because it is not included I am not opposing the principle. Sickness insurance will assuredly come, but because it is not embodied in this bill I am not opposed to this step forward. But all these things will come and I make a prediction, Mr. Speaker, they will come because people in this province and in this country will elect Liberal governments.

Mr. Sopha: That is on the principle of the bill!

Mr. Trotter: We, on this side of the House, hail this bill despite its fault and despite our questioning of it, as a tremendous step forward, belated as it might be. It has been preached and hoped for by many of us over many, many hours of talking in this House.

I say, sir, through you, that we are happy to see at long last that the Tory administration has seen fit to bring the bill forward.

Mr. Lewis: Mr. Speaker, the member for Parkdale has invoked the soul of history from time to time during the course of his remarks and he has said—

Hon. A. Grossman (Minister of Correctional Services): That was a mistake.

Mr. Lewis: Indeed it was. He has made some very unflattering remarks about some of the predecessors of this party, sir, many of them in the category of unkind cuts—particularly the observation that J. S. Woodsworth would be turning over in his grave. I must say, Mr. Speaker, however, that those are largely speculative observations; very speculative. The observations of his own predecessors would be much more useful for the record, and I thought I should tell this House, Mr. Speaker, that over the supper hour, I received a long-distance call from and spoke at length to William Lyon Mackenzie King.

Interjections by hon. members.

Mr. Lewis: Mr. Speaker, many will admit that stranger things have been known to happen.

Hon. Mr. Grossman: You were at the spiritualist again.

Mr. Lewis: As a matter of fact, I went back in my office, to that little cauldron in the corner, and stirred it appropriately.

Interjection by an hon. member.

Mr. Lewis: Well, with the eye of the newt, and the toe of the frog,

And the wool of the bat, and the tongue of the dog,

And the adder's fork, and the blind worm's sting,

And the lizard's leg, and the howlet's wing,

And lo—Mackenzie King!

Mr. Speaker, he was a man of some enfeeblement. He was most concerned, sir, about the principle of this bill and the consistency of the Liberal Party—most concerned about the consistency of the Liberal Party. Being old friends, sir, he addressed me in the first person, and Mackenzie King said to me —with apologies to Frank Scott: "Stephen, tell them first that 'we have no shape because we never took sides, and no sides because we never allowed them to take shape'." And I said to him, "Mr. Prime Minister, the Liberal Party has never deviated from that maxim."

Then he said to me: "Stephen, tell them that we skillfully avoided what was wrong without saying what was right, and never let our on-the-one-hand know what our on-the-other-hand was doing." And I said to him, "Mr. King, your spirit marches on."

And he said to me, "Stephen, tell them, 'truly we will be remembered wherever men honour ingenuity, ambiguity, inactivity and political absurdity'." And I said, "Mackenzie, it is as though you were still leader."

And finally, Mr. Speaker, he said to me, "Stephen, tell them to raise a temple to the cult of mediocrity, do nothing by halves that can be done by quarters." "Mac," I said, "Mac, 50 years later your legacy is unimpaired."

Mr. Speaker, we need not dwell unduly on this quivering Liberal Party with its protestations of support. Only those whose credentials are tarnished and bare would make a fetish of the principle of this bill. Our record, sir, on public health insurance needs no defence, and for the sake of currying public favour we will not be stampeded into uncritical support for principles at once so truncated and, in places, bastardized by the Tory Party.

It was, of course, the Premier (Mr. Robarts) who invoked the name of Machiavelli, in describing this nefarious concept of health insurance. One would have thought that this bill was the greatest retreat since Napoleon vacated Moscow; but in fact, Mr. Speaker, it is, in truth, a victory for the Tory Party, of sorts. A victory.

I want to say to you, sir, that our reasoned amendment affords the most compelling vehicle for exposing the bill's deficiencies in four major areas, and I will deal with them in conjunction with the amendment and the principle of the bill.

First, Mr. Speaker, the premiums are unconscionably high. I draw to your attention, sir, that in the province of Manitoba, for a family the premiums are $117.60 a year. In the province of Alberta, $120 a year. In the province of British Columbia, $150 a year. In the province of Saskatchewan, in combination with hospital insurance, a mere $48 a year. In this province they will be $177 a year.

Hon. Mr. Grossman: But look what we pay a plumber.

Mr. Lewis: And again, Mr. Speaker, it demonstrates the Tory determination to show that health care must be expensive, that it must occupy a disproportionate part of the gross provincial product.

The Tories had an opportunity to fundamentally lower the premium. They never gave that opportunity a thought, Mr. Speaker, despite the fact that so many lower risks will now be brought into the plan, the premiums can safely be lowered. Despite the fact that there is an infusion of $176 million. Despite the fact that we have a category of working poor in this province, in the vicinity of $4,000 to $6,000 or $7,000 income per year, who will have no subsidy whatsoever. Despite the fact that the people of the province of Ontario have been paying two per cent social insurance tax already for some considerable period of time.

There was, sir, in the Tory Party, a total preoccupation with adding money to the consolidated revenue fund; that was the total preoccupation. That is exactly what the Tory Party did in the case of The Canada Assistance Act, without any recognition of the fact that poverty or the inequitable distribution of wealth, or the absolutely impregnable case for lowering premiums in a significant way.

If that does not touch on the principle of this bill, Mr. Speaker, then I should be pleased to be corrected at some future time.

Second, Mr. Speaker, and these observations lead us to this. We are led directly to the use of the federal money which the provincial Conservatives intend to make, and here we have as cultivated a piece of duplicity on the part of government as we have seen all session.

When the Prime Minister of this province stands and says that the $176 million will apply to the whole spectrum of health needs, one is wont to ask which health needs is he talking about. And in his summation we challenge the Minister of Health, to stand in his place and tell us, will the additional revenues finance an expansion of services to include chiropractic care, drugs, dental services, nursing homes, and all the related health features.

I might also ask, Mr. Speaker, and challenge the Minister of Health to stand in his place and say that the $174 million will reinstate the cuts in the budget which the Provincial Treasurer has thought fit to make this year. I remind you, increased research grants to hospitals, new health resources fund projects, additional capital grants to psychiatric hospitals and institutions for emotionally disturbed children. Will the Minister of Health stand in his place and say that all those areas severed from the budget will now be reinstated with this money?

No, Mr. Speaker, the Minister will not make such a statement, because there was never the slightest intention of using this money for that kind of health service. Because when the Treasurer drafted his budget he knew that Medicare would become a fact of a Tory kind in Ontario by October 1, 1969, and he made no provisions whatsoever to include these other citizens.

And, Mr. Speaker, we challenge the Minister of Health to stand in his place and indicate how the problems of northern Ontario, or eastern Ontario, will be significantly ameliorated by the extension of health services provided with funds from this bill. The fact of the matter, Mr. Speaker, is that it was never intended to serve that purpose. Indeed, the government had so little intention in that regard that it was prepared to deprive the people of the province of Ontario of $200 million of their own money.

I want to assert categorically on behalf of this party, Mr. Speaker, that the $82 million which this government will receive between October 1, 1969, and March 31, 1970, will go into health services, while an equivalent $82 million originally designated for that purpose will go into the consolidated revenue fund. What will happen, Mr. Speaker, is that we will maintain the present programmes at the present level. The additional money under this bill is designed to salvage the wreckage of a balanced budget, that is the reason for this legislation.

As a matter of fact, Mr. Speaker, without being unkind, this Act might better be intituled, An Act respecting the Rescue of the Provincial Treasurer, because that is what it amounts to.

Mr. MacDonald: And the Minister of Education (Mr. Davis).

Mr. Lewis: The Minister of Education has brought such financial duress upon this government that some contrivance had to be found by way of financing the cost of school consolidation, and of course, this is the bill which does it. The Provincial Treasurer prides himself, sir, as a man of earnest—

Mr. MacDonald: He has a throbbing heart.

Mr. Lewis: —of earnest deception, and he has again pulled it off, at least within the ranks of his own party, if not in terms of the public of Ontario.

The third primary point which must be made, Mr. Speaker, is that the Act is fundamentally violated in principle by the acceptance of the private insurance carriers. One is wont to ask who needs such corporate rascals, and here is where the Tories and the Liberals are most comfortable together.

The member for Humber this afternoon said that he was prepared to compromise on the insurance companies—I am quoting him—to phase in the others in the province of Ontario, as though, by some argument, the two were mutually exclusive. The only contention which was more devious was that of his leader, who said that he was willing to see the insurance companies phased out—the rationalization to underpin his party's acceptance of more than 200 private carriers, which seriously violate the principles of this bill.

Mr. Speaker, it is all of course, entirely specious. The leader of the Opposition (Mr. Nixon) knows and his member for Humber (Mr. Ben) knows, a combination of OMSIP and PSI—the administrative services of both—could, and still can, act as a carrier for everyone in the province of Ontario, if the government so wished, by October 1. Certainly as a carrier for the business of the private insurance companies.

Mr. Speaker, the private insurance companies are in this bill for one reason and one reason only.

They are going to use the medical insurance to win inflated administrative income. They are going to use it to rest large premiums on related health services. They are going to exploit it as a lever for lucrative insurance packages. What this bill has done, and indeed, the member for Parkdale has pointed it out many times before—talk about reneging on the historical flows of one's party—what he has shown more than once himself is that this is inevitably the role of the insurance company.

But I want to say in passing, Mr. Speaker, that we need not belabour the Tories unduly in this area. They are, of course, wrong. They know they are wrong, but it is at least consonant with their social philosophy. What is astonishing considering the match—I ask you to consider the match, is that Matt the Mighty Mite from the province of Ontario stepped into the ring with Munro, the Black Baron of Hamilton, and he bested him. He beat him in the ring totally and the federal Liberals, wounded and bowed, moved into the night. The provincial Liberals, faint at the sight of blood, are frantically patching their federal counterparts and no rationalizing is sufficient to salvage that reality, Mr. Speaker.

The federal Liberals entered into this agreement with the provincial Tories and it was done with eyes open.

Mr. Sopha: That is not what your colleagues said.

Mr. MacDonald: You should have been here this afternoon to hear what was said.

Mr. Sopha: I listened, but when I heard you people were voting against the bill, I rushed down here to vote for it.

Mr. MacDonald: That is a good Tory approach.

Mr. Lewis: Mr. Speaker, I wish to point this out in connection with this argument, it is bad enough that Mr. Trudeau is prepared to dismember the national scheme by pulling out in 1973, thereby encouraging the present federal Liberal policy of destroying standards across this country and enforcing a strong central government, and it is bad enough that the federal Liberal Party is now wedded to principles of selectivity and social insurance programmes generally, but the final blow is to leave this bill to London Life and the Tory Party. And that is something which we think is totally incompatible with a reasonable principle of Medicare insurance.

Mr. Speaker, the fourth and final point is that potentially, the most destructive undermining of the principle is the open invitation on the part of the Minister of Health to extra billing. That is what it is, an open invitation. The Minister has said to the medical profession, "Gentlemen we invite you to bill the additional ten per cent which we will not cover, we provided in the legislation a clause at once so inconsequential and irrelevant that it cannot at all, act to impede your billing and no one can argue plausibly that the section of advance notice will pretend to do that."

In British Columbia and Manitoba there are safeguards. In this province there are no safeguards. Of course the 90 per cent must be payment in full. The schedule of fees and the income of the medical profession is surely high enough to legitimize a 90 per cent payment in full. But not for this party and not for this Minister. The government, by allowing the doctors—nay, inviting the doctors—to use extra billing has introduced a deterrent to use, a utilization fee akin to Ross Thatcher's utilization fee in Saskatchewan, and they

are nervous about it. That is why the clause which the Minister quoted. But the government is so obsequious to the medical profession that it would never countenance control, just as the inclusion of the council in the fee negotiating section does not mean a thing.

For ten years, Mr. Speaker, the Tories have been consistent. The public interest in any health insurance scheme must first pay homage to the medical profession and the insurance companies. Only then will it have the imprimatur of John Robarts. Those are the ground rules for Medicare insurance in the province of Ontario.

Hon. C. S. MacNaughton (Provincial Treasurer): Nonsense.

Mr. Lewis: No nonsense to it all. Indeed, Mr. Speaker, the Provincial Treasurer is the man who is more unseemly in his haste than any to curry favour with the private insurance companies.

Hon. Mr. MacNaughton: I say nonsense. It is nonsense.

Mr. Lewis: And the Minister of Health has amply demonstrated, over the last several years, that where the medical insurance people or the medical profession is concerned, the door is open.

Hon. Mr. MacNaughton: Total preoccupation with London Life.

Mr. E. W. Martel (Sudbury East): What about the other—

Hon. Mr. MacNaughton: Preoccupied. Absolute nonsense.

Mr. Lewis: Mr. Speaker, it seems to us that those are sufficient arguments to justify qualitative changes in the way in which the principle of this bill is implemented.

An hon. member: Pretty good.

Mr. Lewis: Those qualitative changes are well justified and we will not participate in the Liberal game of self-mockery. The Liberals say to us, curiously enough invoking Marx, that the ends justify the means. We say, Mr. Speaker, that the means invariably shape the ends and the two are inseparable, and our recent amendment takes no exception to the principle of Medicare. It reinforces that principle by saying, introduce national or provincial health insurance on October 1. God knows we have waited long enough gentlemen, but at least do it with a bill which supports rather than offends many of the principles which such social legislation must, perforce, embody. And that is the basis for our stand on this occasion, Mr. Speaker.

Mr. Gaunt: Mr. Speaker, I want to make a few comments in relation to what the Minister indicated in his initial statement this afternoon. But before I do, I must say to my good friend from Scarborough West that much of what he said tonight was indeed an apology for voting against the bill.

It is interesting to note that the NDP have supported the basic principle of Medicare over the years and now when the plan comes in they are going to, in effect, vote against it. There is no question, Mr. Speaker, that the group on my left is certainly mentally very agile, but this form of mental gymnastics is really something to behold and indicates that they are not really prepared to accept any victories that have already been won.

Interjection by an hon. member.

Mr. Gaunt: Well, it has been won—partly by you. In any case, I want to suggest to the Minister the $82 million which he is going to receive from Ottawa in this current fiscal year—that is to say from October 1 of 1969 until March 31, 1970—and the $175 million which will come to the province from the federal government thereafter, should be used by this province to extend the service and to lower the premium cost of Medicare to the people of the province.

A number of speakers have indicated this afternoon that this is a desire and a very worthy goal, and I suggest to you that the extension of the service to include other paramedical groups—such as chiropractors, dental and optometrists—could very easily be done if in fact we used this money from Ottawa and applied it against the extended service, as well as lowering the premium costs.

The Minister of Health (Mr. Dymond) has indicated that over the course of, I suppose years, the federal Medicare plan does not provide for any financing of any extension of services. Certainly the original bill did not provide for any such financial assistance to the extension of such services, but I point out to you, Mr. Speaker, that the original bill was amended by the addition of subsection 3 to section 4 of the bill, which reads:

> In the application of this Act to a plan established by an Act of the Legislature of the province, any health services of a kind prescribed by the Minister to be required health services rendered by a person lawfully entitled to render such services,

in the place where they are so rendered, shall under such terms and conditions as may be specified by the Governor-in-Council and if the provincial law so provides be deemed to be services rendered by a medical practitioner that are medically required.

That amendment was added to the original bill and it was deemed by way of interpretation, as I understand it, that all of the medical services were for the purposes of this Act deemed to be services rendered by medical practitioners. I think that is the construction and the interpretation that was placed upon it by the Minister in the House.

I read part of a letter which was written by the present Minister of Health to Dr. Mark McGuigan. Dr. McGuigan had inquired from the Minister of Health concerning the recent interpretation that was placed on section 4, subsection 3, which I have just read. I think I will read the letter into the record, Mr. Speaker, with your permission, because it does set out the position of the federal government at this moment in relation to the extension of services. It says:

As your correspondence has noted, The Medical Care Act contains a provision, section 4, subsection 3, which permits the federal government to designate various other types of health services than the services of physicians and surgeons for coverage under the programme.

When the amendment which became the subsection was introduced during the Medicare debate, my predecessor, the Hon. Allan MacEachen, promised to invoke this section and to prescribe certain surgical-dental services rendered by dental surgeons in the hospital as an insurance service under the federal programme. And this has been done. All participating provinces provide a fairly extensive list of surgical-dental procedures which, when performed by a dental surgeon to a hospitalized patient, will be covered by the medical care plan. Mr. MacEachen also affirmed, however, and this is still government policy, that no further broadening of the benefit coverage under the federal programme would be undertaken until there was a consensus among the provinces as to the desirability of such a step.

So we come to the point of the consensus part. The letter goes on:

During 1967 and 1968 there were a number of federal-provincial meetings at both ministerial and official level to discuss the federal Medicare programme. One of the subjects which was discussed at these meetings was the manner in which the federal government would use section 4, subsection 3. It was apparent that several of the provinces favoured an early extension of the programme to include the services of other health practitioners while another group of provinces was against any extension until further experience had been obtained. A third group was non-committal. This lack of unanimity is still present, although as more provinces prepare for participation in the federal programme, the number of non-committal provinces is diminishing.

However, the degree of opposition to broadening the benefits at this time is still sufficiently strong that were the federal government to unilaterally proceed along these lines, it could well retard the entry of certain provinces into the federal programme.

I therefore felt obliged at the federal-provincial meeting of Ministers of Health in Ottawa last November to state that I was not prepared to recommend a further broadening of the benefit coverage under the federal programme until the intentions of all of the provinces regarding the timing of their participation in the present programme are known. By insisting on a provincial consensus, not only will the objections of certain provinces be met but it will allow a truly national programme to be developed in a logical step-by-step fashion with the true portability of benefits which is one of the major objectives of the programme.

He goes on to state in the letter that any province is not prevented under the Act from providing additional benefits even though the cost of such benefits may not be shared financially by the federal government.

The point is that the federal government has taken the position that these additional services can be included, but it is up to the provinces. Once the provinces come to a consensus that these various additional services will be added, then the federal government is prepared, under its legislation, to share the cost of those programmes with the provinces. And I think that has been made abundantly clear.

As a matter of fact, as late as January 27 of this year, 1969, the Minister—and this is according to *Hansard*—replied to a question by Stanley Knowles of Winnipeg North Centre in relation to this matter. Mr. Knowles asked if the government intended to stick by

its amendment in section 4, subsection 3. And Mr. Munro indicated that they were. Then, Mr. Knowles asked about the interpretation of consensus because that particular stipulation was not in the original amendment. This is what Mr. Knowles asked:

> A supplementary question, Mr. Speaker. In view of the fact that the amendment to the Act said nothing about consensus, is it not possible for the government to give consideration directly to the requests which have been made?
>
> *Mr. Munro:* That may be legally possible but we have decided to proceed in connection with this legislation through co-operation and consultation with the provinces. As a result of conferences between federal and provincial health Ministers, a formula for this consultation has been devised.

And I would be interested to hear from the Minister of Health concerning this formula because I do not think we have ever really been informed of that before.

> A formula for this consultation has been devised and it has been agreed that there should be at least some type of consensus reached before additional services would be provided under the Act. This is the procedure we are following at the present time.

That, I think, is rather obvious in view of what has happened, Mr. Speaker. With Ontario's entry into the Medicare plan as of October 1 this year, Ontario could have a very real part and take a very real leadership role in forming the consensus which the federal government feels they have to have before adding any other coverage beyond the basic coverage set out in the bill.

The federal government, of course—and I think there is a point to be made—feels that there is no logic, or no reason, and that this type of action on their part might very well militate against provinces coming in. A province like Ontario is actually contributing financially to the inclusion of chiropractors or optometrists in a province like B.C. or Alberta, or Manitoba, so that if in fact the—

Mr. N. Whitney (Prince Edward-Lennox): That is nonsense!

Mr. Gaunt: It is not nonsense.

Mr. E. A. Winkler (Grey South): Yes, it is.

Mr. Gaunt: It is not. If you were listening you would realize that it was not nonsense.

The federal government position is simply that with the consensus they can then move ahead and do so in the knowledge that the provinces who establish that consensus are prepared to pay, and are willing to pay, for those additional services.

There are six provinces that will be in the Medicare plan as of July 1, and three of those provinces will have chiropractors included in their basic plan. To put it another way, 66 per cent of the population of those six provinces that will be in by July 1 will have chiropractic care in their basic plan. Or to put it another way, two-thirds of the people in the federal plan as of July 1 will have chiropractic care available to them, and I am suggesting to you—

Hon. Mr. Simonett: Not in OMSIP.

Mr. Gaunt: I am coming to that and I am suggesting to you that if Ontario would add its support and could say to the federal government we, along with those other six provinces, want some of the para-medical services included in Medicare, then I think that could be construed as forming a consensus and the federal government would be prepared at that point to share financially with the provinces to provide those extension of services.

What I am saying to you is that I think we have within our power the forming of the consensus, and I think Ontario could take a real lead. I am suggesting to you and I think it has been made abundantly clear in a number of the statements that have been made, that Ontario, after it joins on October 1, can move in concert with the other provinces which will already be in the plan to provide these additional services over and above the basic medical care provided by the doctors.

I am suggesting that Ontario take that lead, that we apply the money from Ottawa, the $82 million this year, and the $175 million that will be coming in subsequent years, to include these para-medical groups.

I think it has been amply demonstrated that the inclusion of chiropractors in the Ontario plan would cost no more than $10 million. It is a lot of money, I realise, but when one judges it against $82 million, I think we could include chiropractic, optometric, and perhaps additional services. And we could apply the remainder against lowering the premium.

In conclusion, Mr. Speaker, I beg the Minister to consider this type of objective and to move in this direction, because I think the people of Ontario deserve this kind of protection.

Mr. Speaker: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Thank you, Mr. Speaker. This has certainly been an interesting afternoon and evening. We have heard some very unusual statements made by a number of people; some weird and wonderful speeches that I am sure are meaningful in some way to the people who made them.

Mr. Trotter: Are you referring to the NDP speeches?

Mr. Deans: I am very interested in the Liberal position on this bill, the position which says that everything is wrong with it, but we will support it in order that we can get on to the position of being able to oppose it, which will leave us in a position of being able to say we did both.

I find it very, very difficult to rationalize that. I think the time has come for honesty in this House, to deal forthrightly with the problems that confront us in regard to the implementation of Medicare in this province as it has been put forward by this government.

The members of the Liberal Party today have taken some very unusual positions—they seem to be obsessed with the need to support the principle, which, they state—perhaps correctly—will provide better medical coverage for the citizens of Ontario. Particularly the members for Humber and Parkdale, and perhaps even the member who just finished speaking, have been very critical of the amendment offered by this party, an amendment which I feel enunciates very, very clearly the valid objections of most of the people of this province to the kind of legislation that is being offered under the guise of Medicare.

The position they have taken is not unlike that of the government in that the only thing which seems no matter to them is the name. If you call it Medicare then they are bound to support it, regardless of the method of implementation, regardless of the content, and regardless of the cost.

In my opinion, Mr. Speaker, and in the opinion of this party, the principle of Medicare is quite easily understood. The principle of comprehensive coverage should, and indeed must, be available to everyone in this province at a cost that he can afford.

Even the Prime Minister of the province during the discussion of the constitutional debate made this quite clear, and he stated on page 1634 of *Hansard* that, as government policy, medical services insurance would be available to all people of Ontario regardless of age, regardless of their state of health, and regardless of their capacity to pay, and it is about this principle, sir, that I wish to object, because nowhere in the bill that has been introduced by the Minister of Health is there any real consideration for the inability of the people of this province to pay.

There is no question, no question by anyone on this side of the House or on that, that there is a great need for medical coverage. There is no question that Medicare is an essential part of the social structure of this province and of this nation, and there is no question that we want to see it implemented immediately. But one thing that we demand, in fact the most important thing, is that it not work an undue hardship on those people who even now cannot afford to pay for OMSIP, and this is the principle about which I am objecting.

The most difficult thing to understand as far as I am concerned is that in this province there has been available to the people a medical coverage under the name of OMSIP of which many thousands of people have not taken advantage, not because they did not want it, not because they did not feel that their families ought to have coverage, but simply because they could not afford it. They did not fall into the category of earning less than $4,000 a year, and therefore they were unable to be subsidized in any way, shape or form, and they found that the hardship of paying $177 each and every year was far beyond their ability. This bill has done absolutely nothing to alter that position, absolutely nothing. There has been no attempt made to guarantee that every person in this province will be able to meet the cost of providing medical coverage for his or her family. We take a look at the schedule at the moment under the "ability to pay," and we find that a family of four gets no premium assistance under OMSIP and, as I understand this bill, the same method of premium assistance that prevails now under OMSIP will be carried into the medical coverage field, into Medicare. They cannot get this premium assistance if they earn below $4,000 a year—

Hon. Mr. Simonett: Cannot?

Mr. Deans: They cannot, if they earn above—pardon me, if they earn above $4,000 a year. Thank you very much. It is not often the Minister is helpful in this House. Thank you.

Hon. Mr. Simonett: I could not help that one.

Mr. Deans: And even if they earn under $4,000 a year, the maximum they can get is $106 per year. If the single person makes over $1,600 a year he does not, or she does not, become eligible for any form of subsidy whatsoever. And this is what is wrong with the whole programme. If somehow you could take this bill and introduce into it a method whereby the people of the province would be taxed—and that is what premiums are, taxes—could be taxed in accordance with their ability to pay, then of course we would support it 100 per cent, I suspect. But one of the major problems that now confronts me is that I believe I owe to the people I represent the feeling, the representation, that says to the government we cannot, no matter how much we desire the coverage, afford to pay the premiums you intend to levy. What should be done, quite obviously, is that the premium—if we are going to have a premium at all—must be lowered to a point where no matter how little one earns he is able to meet that premium, and then the remainder must be raised in some progressive form of taxation.

It is not enough to say that people are going to have inflicted upon them the hardship of raising an additional $177 each and every year until we are able either to take over the government or to influence the government in some way to make the necessary change, will just have to suffer. I do not accept the Liberal position in that; I do not accept that we vote for it regardless; that we just say, "Well, we do not give a damn about the people who cannot afford it; that is their tough luck".

Mr. Trotter: I did not say that; that is ridiculous.

Mr. M. Makarchuk (Brantford): That is the "just society".

Mr. Deans: And that is exactly what is being said from that part of the House. That is exactly what is being said.

Mr. Trotter: That is just a lot of socialist wind.

Mr. Deans: But the argument put forward by the Liberals is that they want to be able to support it so they can say they stood up for Medicare regardless of what hardship it may invoke upon the people of this province who presently cannot afford OMSIP.

Mr. D. M. De Monte (Dovercourt): How about if we do not accept Medicare; how much hardship do we create?

Mr. Deans: Now comes the question.

Mr. De Monte: That is a good question; why do you not answer it? Why do you not answer that question?

Mr. Deans: I am about to, if you would just shut up.

Mr. De Monte: What if we install Medicare, what happens?

Mr. Deans: The reasoned amendment of this party answers quite clearly what the member for Dovercourt has just asked, that this bill should be taken back immediately, now, while there is still time, and there should be introduced into it an "ability to pay" method that will remove the hardship from the people. I will sit—and so will every member of this party—and wait until you bring it back in if you will guarantee to do it with haste.

Mr. De Monte: Is that the member's position on Medicare?

Mr. Deans: And that is an easy position; that is the only position that one can rationalize oneself into.

Mr. De Monte: You rationalize a lot of things—

Mr. Sopha: Your voice does not carry conviction.

Mr. De Monte: You rationalize a lot of things, my friend, but you cannot rationalize the position that you are taking right now. You try and rationalize that.

Mr. W. G. Pitman (Peterborough): Nonsense, he is not rationalizing; he is just explaining.

Mr. De Monte: Political expediency, gentlemen, political expediency.

Mr. Deans: While one talks of political expediency, the most difficult position to take is to oppose.

Interjections by hon. members.

Mr. De Monte: I am not worried. It is you fellows who are worried.

Mr. Pitman: It might be easier just to sit back and watch.

Mr. Deans: I listened with considerable interest to the interjection of my friend from Dovercourt who talks of political expediency. How does one rationalize political expediency

when you have to take a position in opposition to something which you have supported for years in order to—

Mr. De Monte: Oh, you would rationalize anything.

Mr. Deans: —in order to bring it to a position where the people of this province can afford it? There is no rationalization. There is no political expediency. It is a simple position of saying that we are convinced that under the present set up there is no way for the great number of people in this province to pay for it and there is no opportunity in the bill to alter it to an ability to pay method.

Mr. MacDonald: Keep medical services within the reach of the average family.

Mr. Deans: Political expediency is to say we are in favour today, opposed tomorrow and we cannot make up our minds on Friday and that is the Liberal position right now.

There is, of course, one other grave deficiency in the bill that can be considered as a principle, I am sure and that is this, that the Minister has indicated in his remarks in the earlier part of the day that there would in some instances be a reduction of costs to many employees of this province. I have searched the bill very carefully. I have looked for that portion which says what is going to happen to the moneys saved.

In Manitoba there was an amendment put forward, which was accepted by the government of that province, which stated quite clearly that any savings which resulted from reduced premiums of Medicare, would be returned in total to the employee. In most instances, the present cost of medical coverage has been hard fought and hard won over a bargaining table, and to now put into the pockets of the employers any saving at all—which there may never be—which results from the reduction in premiums is to rob these people who suffered and perhaps walked picket lines in order to get the company to pay.

I believe, sir, and I ask you to consider this before bringing this bill back, if by some happenstance it gets through this House, I ask you to make sure that in this bill a principle is embodied which will permit—and in fact which will demand—that any savings be returned to the employee. This was done in Manitoba. It is a most acceptable, most necessary part of any bill dealing with the reduction in premiums.

What I say to you is this, it is not easy, not easy at all, to oppose a principle that you have stood for for many years. But is is much more difficult to stand up and support a principle which, in your opinion, has been so altered and so mutilated as to be unrecognizable and that will eventually work great hardship on many people. For that reason, sir, I oppose it.

Mr. R. Gisborn (Hamilton East): Mr. Speaker, I take part in second reading of Bill 195 with low-key disappointment. I sat in the House with many of the members that are still here during second reading of Bill 136 introduced, I believe, on May 25, 1965, and that debate took something like a little over 100 pages of *Hansard*. All members of this party participated and great numbers of the members of the Liberals and the Conservative parties participated in that debate.

In that debate we sat and heard the fundamental basis of a Medicare programme. Strongly enunciated from the government's side was their position of protectionism for private interests and the private insurance companies and their participation in the Medicare programme. On this side of the House, we enunciated our programme based on reasoned experience in other countries, recent findings of the Emmett Hall commission report, and we enunciated our position to the effect that has been given many times since; that to have the most effective, equitable and efficient kind of a programme it should be government operated, universal and based on ability to pay.

The culmination of that second reading debate was voted on, on June 1, and our party supported the amendment put forward by the Liberal Party. I quote the amendment of the Liberal Party. Of course, their preamble to their numbered amendment was that the bill be sent to a standing committee so that all segments of our society could participate and put forward their disposition as to the bill. But they go on to say then:

(a) A comprehensive government-operated universal health care programme.

(b) The patient shall have the right to be treated by a doctor of his choice.

(c) Doctors shall be paid on a fee-for-service basis and shall be free to practise within or without the plan.

(d) There shall be no means test.

(e) Mental illness shall be treated on the same basis as other illnesses.

(f) Dental and optical services for children up to 18 years of age shall be included.

(g) Other ancillary medical and health care services such as home nursing, orthopaedic appliances, chiropractic services, etc., shall be phased into the programme as independent health services in order

that the programme shall be fully comprehensive by 1971.

The bill in its final form shall be of such a nature that the programme can be readily integrated into a national health care programme for all Canadians.

We had no trouble supporting that amendment and, of course, I might say this, that if in the past five or six years I might have, by chance, been converted to the Liberal Party and had anyone mentioned Medicare to me, I would have been likely to have lowered my head and walked away. Because the principles enunciated by the Liberal Party at that time have been forgotten tonight, in the position they have taken. Because they know that in this bill that they have criticized strongly, those sections that we are also opposed to, and sometime or other the Liberal Party in Ontario have to take a position firmly and let the Liberal Party in Ottawa know where they stand in regard to progressive legislation.

There is no doubt in my mind, and it seems obvious that the business powers, the lobbyists for the insurance companies were able to influence the right wing Liberals in Ottawa to convince the Minister of Health, Mr. Munro, to bend over as far backwards as he possibly could, to be flexible enough to let Ontario go into the integrated plan on the basis as they have put forward in this bill, inasmuch as they are letting the private insurance companies participate in the manner that is in the bill.

I would say, Mr. Speaker, that I support the position in the amendment of the New Democratic Party. The reasoning for our strong criticism of participation by the insurance companies has been well put by other members of our party. I would just like to top it off. We have put forward our criticism against the participation of the private insurance companies as forcefully as possible. Up until this point I have not heard why the government wants them to participate.

I have not read in the Prime Minister's statement or any comments from the Minister of Health as to why they have given in to the multiplicity of private insurance groups in their participation in the plan. I am very interested to hear their reasoning. But on picking up the Hamilton *Spectator* the day after the bill was introduced, I saw a full page story with comments from several people. These comments were made by Mr. Davidson and I quote:

Mr. Davidson, the Confederation Life president and vice-president of the Canadian Health Insurance Association, felt the Ontario Medicare plan was a "useful piece of legislation" for two reasons—

This is the president of the Confederation Life.

First of all it will allow us to carry on somewhat as in the past and extend benefits and group life beyond Medicare. Secondly, it helped develop a degree of rapport between the insurance business and the government and creates a need to respect each other's role in working towards a common cause.

There has been a lot of bad blood between business and the government in the past, he said, simply because they do not understand each other's respective roles.

Mr. Davidson said Confederation Life planned to go along with Premier Robarts' suggested role for the private insurance companies as a fiscal collection agency for the government in administering Medicare. However, London Life officials seem far less certain whether their firm will participate in the collection aspect of Medicare.

I think that sets out some of the questions we have been skeptical of and some of the questions we have been asking and we hope that before this bill has had its final assent, we will have some reasoning from the government as to why they have to allow these private insurance companies to participate to this extent.

Mr. Speaker: The hon. member for Grey South.

Mr. Winkler: Mr. Speaker, I wish to speak very briefly in regard to some of the things that have been said.

I would ask you to bear in mind that I had the privilege of participating in a similar debate when the bill was first introduced at the other level of government. And it is very, very fascinating for me to sit here tonight and listen to some of the arguments.

Particularly, was I fascinated by the argument of the hon. member for Huron-Bruce. I sat in Opposition then and I was putting forth the same arguments then as he is putting forth tonight. Does he think for one moment that the terms on which it would have been accepted or not accepted across this country depended upon the things he was asking? I do not think so.

The point I am making is this: When he is on bended knees this evening, asking this government for leadership in this particular bill I do not think it matters a bit. I can recall demanding and asking for the inclusion

of para-medical services at the federal level, but no, there would be no consideration granted, absolutely none; the inclusion of chiropractic, the inclusion of optometry, the inclusion of several other services and what did I get. The cold shoulder and he knows it as well. I will have other supporters here, maybe not sitting in the seats in the Chamber tonight, who know very well that I made that demand of the federal government at that time.

I find they are always able to criticize the government when they are spending money but they are always anxious to stand up when they are demanding something else. It is a horse of another colour.

The government is taking its responsibilities in putting this bill forward; the Opposition is voicing its criticism and I think it is high time that we have the vote and let us see where the men and the boys stand—

Mr. M. Shulman (High Park): Where does the member stand?

Mr. Winkler: I will stand up and support this bill. As far as you are concerned my hon. friend when you are talking about the great situation that exists in the other provinces of this country, tell me why the population in a province like Saskatchewan is dropping? Tell me that. And tell me if there is any merit anymore in the private enterprise system in the province of Ontario? Is there any answer? Is there any merit in Ontario being the greatest province of all in this Dominion of ours? Do not be deceived. It is opportunity and nothing else and it is the system that we have here, it is a system that we have that supports—

Interjections by hon. members.

Mr. Winkler: Do not talk about Thatcher now. Thatcher was not the problem, you know that—

Interjections by hon. members.

Mr. Speaker: Order. The hon. member for High Park asked if the hon. member for Grey South would permit a question?

Mr. Winkler: Certainly, I will permit a question.

Interjections by hon. members.

Mr. Shulman: Mr. Speaker, I would just ask the member if he has repeated his request for para-medical services, which he made at the federal level, to the provincial level; particularly to the Minister of Health?

Mr. MacDonald: Hear, hear.

Mr. Winkler: Mr. Speaker, if the hon. member for High Park is not aware of it, I have put the case of these people forward as much here as I have there; maybe in a different sense but I will stand here tonight and say that I support it, no matter what question you ask. I do not change my view.

But when we come along tonight, Mr. Speaker, and read letters into the record here of this new thing, what was the member talking about, something about a consensus this letter from the Minister in Ottawa, or whoever it was from, this is absolute and utter nonsense. That is where the leadership should come from. If it is going to be a national bill why should the standards not be national? No, it is the old picayune business of sitting back and as long as you act like that, you will stay there a long, long time.

This government has accepted its responsibility to this province for 26 years—

Interjections by an hon. member.

Mr. Winkler: Well, two moments ago the member was supporting the government against that outfit; what is he hollering about now? I would like to say to my hon. friend, keep the battle going over there and we will win.

Interjections by hon. members.

Mr. Winkler: I would like to say to the hon. member for Dovercourt (Mr. De Monte) I do not want him to talk out of both sides of his mouth; either he is going to be part of the answer or he is going to be part of the problem. If I understood him right, he is going to vote with the government, so let us have that very, very clear.

Interjections by hon. members.

Mr. Winkler: Mr. Speaker, it is an odd thing that every time I stand up they seem to become agitated over there; I regret that very much. I want to say this, Mr. Speaker, that the answer to most of the problems and I do not disagree with everything that has been said, do not misunderstand me there, I do not disagree with everything—

Mr. MacDonald: The member is like the Liberals on both sides at the same time.

Mr. Winkler: No, I am not; my position will be very clear. I want to say this, Mr. Speaker, that it is a problem that is basically enunciated and if I understood it properly

from the NDP, a very easy solution in regard to income. I have nothing against the system now in operation in Ontario, as far as I am personally concerned, but for the other people—

Mr. E. Sargent (Grey-Bruce): The member is all mixed up.

Mr. Winkler: Now wait a moment. Have a little courtesy for a change—a little courtesy—stand up or shut up. I would like to say this, Mr. Speaker, that it could be very easily remedied, if the request that I made one time before, in this House—

Mr. Lewis: The red flag has entered.

Mr. Winkler: Mr. Speaker, for a man who attends the House as much as the member does, I think the shoe is on the wrong foot. But let me say this, Mr. Speaker, I believe that a lot of the problem that existed in regard to the ability to pay, would be removed if the federal government would raise the basic income tax exemption by another $2,000. It would take care of the problem as it basically exists in regard to income and the arguments that are coming forward there.

I will most certainly support the bill and I will support any changes in it that I feel are required at any time in the future if we can get the majority of that concensus that my friend from Huron-Bruce talks about. Thank you, Mr. Speaker.

Mr. T. P. Reid (Rainy River): Mr. Speaker, after listening to the last three speakers, I think what we need is national "menticare" and not national Medicare.

Mr. Sopha: That last speaker was not three speakers. He was really only one speaker.

Mr. T. P. Reid: It just sounded that way. He does not just talk out of both sides of his mouth, he talks out of the middle at the same time which is a feat that we all must envy to some extent.

It is interesting to note, Mr. Speaker, that the obsession of the member from Grey South has with the federal problems. His speeches take on the flavour of nothing but an attack on the federal government and this is his one and only theme. This obsession of his would place him very well in the seats to the left I would think, because this is where all the fanatics are sitting in this House, except for that corner over there.

Mr. Winkler: Will the hon. member permit a question?

Mr. T. P. Reid: Yes, surely.

Mr. Winkler: When he makes a statement like that would he kindly examine our relative mandates in the House.

Mr. T. P. Reid: Mr. Speaker, all I am saying is that the member would be capable of running for the NDP without changing anything but the party label, but it has been very interesting, Mr. Speaker, to listen to the debate this evening.

Mr. Martel: Call them Liberal-labour.

Mr. T. P. Reid: Oh, Liberal-labour, yes, that really bothers you, does it not? The good people of Rainy River certainly realize that it is the Liberal Party that is looking out for their needs and interests rather than the NDP. They feel no shame certainly and, indeed, they take a good deal of pride in having a provincial member called a Liberal-labour, a federal Liberal-labour member and a Liberal-labour member in the Senate. And they have been very happy with this arrangement for quite some time.

Mr. Speaker, in rising to support the principle of this bill, and the stand taken by this party, it was very interesting to hear the position of the NDP on this bill. They are voting against the principle of Medicare, but I must say that in doing so they are very consistent. We only need hark back to their opposition to Bill 138, which was An Act respecting Facilities for Children Suffering from Mental or Emotional Disorders.

They voted against that bill in principle and very simply what that bill was all about—the explanatory note says—the bill authorizes the establishment by the Minister of Health, of facilities for children suffering from mental and emotional disorders. It also provides for the licensing, regulation and control of other such facilities.

Provision is also made for provincial grants for children's mental health centres. Surely, Mr. Speaker, this is an essential part of the health pattern in this province that was deserving of the support of all parties in this Legislature. Why the opposition to such a bill?

Mr. Speaker, again in their consistent opposition to improving the social fabric and socialization structure of this province, they voted against Bill 155, which was An Act to amend The Workmen's Compensation Act. Mr. Speaker, this amendment provided for an increase in the minimum amount payable for temporary disability and for an increase

in the minimum pension payable for permanent disability.

Mr. Lewis: On a point of order, Mr. Speaker, that bill has not yet reached a vote—the member is clairvoyant about the outcome, but it has not yet reached a vote.

Mr. R. F. Nixon (Leader of the Opposition): We take you at your word. You have said, frequently, you would oppose it.

Mr. T. P. Reid: Mr. Speaker, I made the mistake of believing what the members on the left say. They change their position so often that perhaps they have done it on this bill. I was under the impression, Mr. Speaker, that they were going to vote against such necessary legislation. I am sorry if I have offended them in this and perhaps, after all, they are going to support the bill.

The whole point, Mr. Speaker, is that they have taken upon themselves to oppose this bill presently before us. I must commend the member for Scarborough West for the excellent job he did in rising to his feet and standing in his place this evening and trying to rescue his party from the hole that they have placed themselves in.

However, Mr. Speaker, I do not think that he has been entirely successful. The record will show and the media will show, tomorrow, that this party, after all their yapping and barking and support of the principle of Medicare, has on the occasion when it has been brought before this Legisalture, voted against it. They have voted to hold this necessary legislation up.

It is interesting indeed, Mr. Speaker, to see the NDP taking the part of the Tory party, the reactionary party in this province, while the Tories yelling, kicking and screaming, finally bring a bill in that the Premier, not so long ago, referred to as a "Machiavellian fraud".

How they can stomach that over there, after all they have said against this bill, I fail to fathom. However, they have, against their will, brought in this bill. The ironic thing is that those great socialists, those great supporters of this legislation, are now voting against it. All I can say to that, Mr. Speaker, is shame, shame on them. The people of Ontario will realize the political expediency that motivates this party in all their dealings.

Interjections by hon. members.

Mr. T. P. Reid: Mr. Speaker, I would like to make a couple of points that have already been made in regard to this bill, but I would like to underline them for the attention of the Minister of Health.

I would like to point out, as I have pointed out to this House on other occasions, Mr. Speaker, that the provision of medical insurance does us in the north, no good, if the services themselves are not available. I say to the Minister that it is a Machiavellian fraud if he brings in this Medicare bill without, at the same time, providing the commitment facilities that make this bill and principle a reality.

Interjections by hon. members.

Mr. T. P. Reid: I am sure that with the money available to him under this Act, the Minister will proceed and provide these facilities especially in northern Ontario.

One final thing, Mr. Speaker. I would like an assurance from the Minister—I would like him to stand in his summation tonight here and assure this House—that he is going to make it his number one priority, under this bill, to ensure that the Indians on the reservations in Ontario, receive health insurance under this bill.

Mr. Lewis: And if he does not? Do you consider that a matter of principle?

Mr. T. P. Reid: Certainly it is a matter of principle.

Mr. Lewis: He is not going to.

Mr. T. P. Reid: The Minister has been wishy-washy on this. That is why I put this question to him at the moment.

Mr. MacDonald: The Minister is wishy-washy, but you exceed him.

Mr. T. P. Reid: I want to hear the Minister say unequivocally—do not pretend you are sitting on that side, pretend you are sitting here—and give a straight unequivocal statement that he is going to provide health insurance for the Indian people on the reservations of Ontario. If not, this whole scheme, the whole bill, will be the Machiavellian fraud that the Premier has described it.

I am sure the Minister of Social and Family Services (Mr. Yaremko), whom we hope will not be with us too much longer, will give support to this.

I would ask, in conclusion, Mr. Speaker, that the Minister give the House such assurance this evening.

Mr. Speaker: The hon. member for Grey-Bruce.

Mr. Shulman: Mr. Speaker, I asked if the member would accept a question.

Mr. Speaker: The hon. member did not wish to take cognizance of the hon. member's question.

Mr. Shulman: He said he did not hear.

Mr. Speaker: The hon. member has now resumed his seat, his time is done. The hon. member for Grey-Bruce now has the floor and, after that, the hon. member for Dovercourt.

Mr. Lewis: "Time is done"—that is pretty ominous.

Mr. Sargent: Mr. Speaker, my very brief observation on this legislation is to the effect that I have always been very much opposed to the close proximity of the private carriers in this province. It would be like being in bed with the Prime Minister. We are hearing a lot about—

Interjections by hon. members.

Mr. Sargent: I would like to clarify that if I may, sir. We are hearing a lot about sleep-ins by watching television. John Lennon and his wife Yoko are getting a lot of attention. The Toronto *Star* today—

Mr. R. M. Johnston (St. Catharines): This is getting to be a talk-in.

Mr. Sargent: Okay. Just sit down. Do not get angry. You have got us in trouble enough.

Interjections by hon. members.

Mr. Speaker: Order. Order. Perhaps the member for St. Catharines would like to have an opportunity to speak after this member.

Mr. R. M. Johnston: Pardon me, Mr. Speaker, but on a point of order, I believe that the people of this province are fed up to the teeth with the talking—

Mr. Speaker: Order. Perhaps at a later time in this debate, the hon. member for St. Catharines may wish to enlarge on the principles of the bill. In the meantime—

Interjections by hon. members.

Mr. Speaker: Order. Order. Unless there is order here I shall suspend, as the Speaker can, the sitting of this House for ten minutes until we get order.

The hon. member for Grey-Bruce has the floor and I would ask that the members give him the courtesy that the others have had and at least listen to him. You may not agree with him but at least listen to him.

Mr. Sargent: Mr. Speaker, I think I would be mixed up if I were sitting as close to the member for Grey South as he is. For instance, the first day he was in the House he said that this House was the bush-league compared to what he had been in down there. His performance tonight—

Interjections by hon. members.

Mr. Sargent: I might say to the hon. member for St. Catharines, for his information, I should like to ask him a question.

Mr. R. M. Johnston: Well, at least I will answer.

Mr. Sargent: My leader gave a very fine summation of our situation as far as—

Hon. R. S. Welch (Provincial Secretary): Your situation?

Mr. Sargent: —as far as our position in this legislation is concerned. I want to say for the record, that I am supporting my leader in this. I want to justify it before this House. I think it is a shocking thing to have—

Hon. W. D. McKeough (Minister of Municipal Affairs): Now we know what side the hon. member is on.

Mr. Sargent: Look who has come in. It is a shocking thing to see in the Toronto *Star*, in the closing paragraph of the very highly respected, editorial opinion of Canada's largest newspaper—

Mr. MacDonald: Respected by all Liberals.

Mr. Sargent: By all people; I think their circulation proves that. They say: "Mr. Robarts is buying favour of a powerful industry with other people's money."

Mr. F. Young (Yorkview): And you are going to vote for it.

Mr. MacDonald: Did you see what was said about the Liberals? Quote the editorial in context.

Mr. Sargent: Now it is all right, Mr. Speaker, for the party on the left to make political hay of this situation because it is good politics. It is good politics. They know they will never be in a position to implement any of this legislation.

Mr. Winkler: Nor will you.

Mr. Sargent: So they can be irresponsible, knowing the implementation of this legislation cannot be done overnight and the motivation of this party and my leader is, for

the good of the people of Ontario, to get this money into the coffer because we badly need it. I suspect that is the motivation for the Prime Minister's going along with this acceptance – because he needs the money badly.

Hon. Mr. Grossman: It is a good reason. A pretty good reason.

Hon. Mr. Simonett: What else is new?

Mr. Sargent: This party will take over the government in 1971–

Hon. Mr. Grossman: Who said there was going to be an election in 1971?

Mr. Sargent: This is a realistic position to take at this time. The implementation of this legislation cannot be done overnight with five million people to be re-adapted to the programme. Then this is the route to take. These people see a point to make political hay and this is the road they take every time.

Mr. Sopha: That is the Toronto *Star's* editorial for tomorrow.

Mr. Sargent: They can take this position and spout all they want but they know in fact that this is good for the people of Ontario in total.

Mr. MacDonald: The first government to introduce Medicare was the New Democratic government in Saskatchewan.

Mr. Sopha: Whatever happened to that government?

Mr. Sargent: I want to say for the record, Mr. Speaker, in my heart I feel that we are told that the cost by using 200 private carriers is going to be about 43 per cent of income. When it could be done for 5 per cent of income; then there is a profit of 38 per cent.

Hon. Mr. Grossman: Where did the hon. member get that figure?

Mr. Sargent: You would not understand this.

Hon. Mr. Grossman: No, I do not.

Hon. Mr. Simonett: Will the hon. member explain it to me? I do not understand it either.

Mr. Lewis: That is par for the course. As a matter of fact, that you do not understand it is reassuring.

Mr. Sargent: I want to say Mr. Speaker, for the record, that I am personally opposed to the route we are taking but I can justify my voting for this situation, because with an orderly integration of this plan in one year or whatever time it takes, we can get back to one sole carrier, maybe OMSIP could handle the programme. This is my justification for supporting my leader on this vote.

Mr. MacDonald: How can you accept something you disagree with and expect to get rid of it a year from now?

Mr. Winkler: Mr. Speaker, on a question of privilege. The member for Grey-Bruce made the statement that I referred to the Legislature as bush-league. I did not. The point I made was that his being here made it seem like a bush-league.

Mr. Sargent: I rise on a point of personal privilege. I think that it is true he thinks this, and I would give him full marks for that because I am not a very smart man.

Mr. Winkler: You made the statement.

Mr. Sargent: But the fact is that he did make this statement, but I had been here for four years prior to that, and his coming down to this lowly level kind of hurt me because I thought we had a pretty good operation going here. He said that we were the bush-league here, and I took offence. But I think his performance tonight shows that he thinks he is in the bush-league.

Mr. De Monte: Mr. Speaker, I was not going to speak on this particular bill on second reading, but my friends to the left have left me a bit appalled. Appalled, Mr. Speaker, because when you go back into history and look at Webb and the Fabian socialists and the Fabian Society–they are going to start heckling, and I know they are–but let us go back, Mr. Speaker, and look at all these social thinkers who in history had to accept, sometimes, less than they expected. Why did they accept it, Mr. Speaker, because the interests of the people in the minds of Webb, of the Fabians, of Woodsworth and of Douglas, the interests of the people were paramount, not political expediency.

An hon. member: Who was Fabian?

Mr. De Monte: You ought to know who they were.

Mr. Lewis: They never supported bills like this.

Mr. De Monte: I know, neither will you support bills like this. I ask myself why do you not support it. Why?

Mr. Lewis: Specifically?

Mr. De Monte: You see, Mr. Speaker, you see what I mean. They are going to heckle, they are going to make a lot of issue about this, but the whole point is—

Mr. P. D. Lawlor (Lakeshore): Get up and be provocative.

Mr. De Monte: The whole point Mr. Speaker, is that they do not really mean what they say. They do not care about people, Mr. Speaker, because they are not people-orientated; they are policy orientated. They have not changed their policies since Marx. With the greatest of respect, Marx and the boys at the end of the 18th and 19th century, these fellows are the greatest reactionaries who ever walked into this Legislature.

As I said, with the greatest respect, Mr. Speaker, this bill is not perfect, but I accept it, because there are people in my riding who need it, and they need it badly, Mr. Speaker. The NDP do not care whether the people in Dovercourt need a thing like this. They want the pure, socialistic principle that has not changed in 100 years. I am sick and tired, I am completely sick and tired, Mr. Speaker, of the NDP dealing with people on a policy basis rather than in human terms.

Mr. Gisborn: John Munro does not agree with you.

Mr. J. L. Brown (Beaches-Woodbine): Do not feel badly about compromising—

Mr. Lawlor: That party over there has been sick and tired.

Mr. De Monte: They are sick; I do not know whether they are tired, but they are sick. Do you know why they are sick, Mr. Speaker, and I take personal—

Mr. Martel: There are more performances around here tonight.

Hon. Mr. Grossman: Sock it to them.

Mr. De Monte: They are sick because they cannot comprehend people. They do not comprehend the social conscience, they think they are the only ones that have a social conscience, but you know, Mr. Speaker—

Mr. MacDonald: You are desperate, and you know it.

Mr. De Monte: He says I am desperate. He is desperate. Any man that comes out with what he did today has got to be desperate. Because his party opposes this bill, I cannot comprehend it, I do not know why. It is completely incomprehensible.

An hon. member: Get on the principle.

Mr. De Monte: My friend says, get on the principle; the whole principle is that the people in this province need this bill, Mr. Speaker. They need this bill; they need the modified Medicare that this bill comprehends.

Mr. Martel: Oh come on. In defence of the insurance companies.

Mr. De Monte: Perhaps, Mr. Speaker, the bill will most certainly develop. The common carriers will ultimately disappear, because certainly they are not going to make any money on it.

Mr. MacDonald: How are they going to disappear when you consolidate them in the bill?

Mrs. M. Renwick (Scarborough Centre): It is in the bag.

Mr. De Monte: The concept of my friends to the left, Mr. Speaker is all or nothing. That is the concept they are trying to give to the people of Ontario. Either we get it all or they will oppose any forward looking legislation.

I agree, Mr. Speaker, that perhaps this bill is not all I would like—

Mr. Lewis: Or the people of Dovercourt would like. It is too expensive for them.

Interjections by hon. members.

Mr. De Monte: They are heckling, Mr. Speaker, because, as I told you at the beginning, this is just incomprehensible to them. They are picking up picayune problems, Mr. Speaker, picking up small problems, and they say they will not support Medicare in this province because it is not purely socialistic. That is what they are saying, Mr. Speaker. They are not accepting a bill that the people of Ontario need because it is not purely socialistic.

Mr. Martel: We do not want the money bagmen in.

Mr. De Monte: That is a perfect explanation from my left. We do not want the money bagmen in. When you consider a bill of this importance, is that the type of statement that

has got to come from a member from my left?

Mr. Lewis: It is pretty clear in the bill.

Mr. De Monte: Well—it is pretty clear in the bill. I can only say—

Mr. Lewis: Many of your members have opposed this, without being so naïve.

Mr. Young: What part of the bill are you accepting?

Mr. J. E. Stokes (Thunder Bay): Will the member for Dovercourt permit a question?

Mr. De Monte: I do not have to answer any questions from that side, Mr. Speaker, they know what my position is and all I have to say is this.

Mr. Martel: Every Liberal opposes insurance.

Mr. De Monte: We Liberals on this side of the House are personally proud of the fact that a Liberal government in Ottawa has done what it has done. We will not make any excuses to the Socialists or to the Conservatives. We are proud that our party was the party that introduced Medicare into this country, and they are not going to take it away from us, Mr. Speaker. They will never take it away from us. They do not like it, but they will never take it away from us.

Tomorrow morning when the newspapers come out in this province they will read like this: NDP opposes Medicare. I would like to see the number of votes that go down the drain. I would just like to see it.

Mr. MacDonald: You are worried about that?

Mr. De Monte: Oh, I am not worried, I am very happy, because I am not worried about you boys losing votes. I am proud to be a Liberal.

Mr. Martel: Try and pick up the votes, eh?

Interjections by hon. members.

Mr. De Monte: Let us say this, Mr. Speaker, that this party worries about what people need. It is not an all-or-nothing party, Mr. Speaker, and we support this bill.

Mr. Makarchuk: Mr. Speaker, I really was not going to participate in the debate, but as I sat here and listened to the—

Mr. T. P. Reid: It has been a bad night anyway.

Mr. Makarchuk: Yes, it has been a bad night, and probably it will get worse as the evening goes by.

I just cannot help but reflect on the role that the Liberal Party is playing in this particular bill. It reminds me of the situation where the colonialists established negro kings to pacify the people when the natives got restless. The Liberal Party in this case is playing the same role in the reform movement in Canada. The natives are restless so the Liberal Party moves in and throws this little token performance and, of course, everything is all nice.

I think the member for Dovercourt was very concerned about what this will do to the people in his riding. I think something he should remember is that there are many people in his riding and every riding in Ontario who, at the moment, cannot afford OMSIP. Under this particular plan they will not be able to afford the Medicare or so-called Medicare plan.

If they are making an income of more than $4,000 they cannot afford $177 that it costs them a year to pay for the medical plan and there are people in this province at the moment who—

Hon. Mr. Grossman: How many?

Mr. Makarchuk: There are quite a few people and if the Minister wants a statistical analysis we could possibly arrange this.

Mr. T. P. Reid: One is too many!

Mr. Deans: Two million.

Mr. Makarchuk: The principle behind Medicare is to provide medical coverage for people; medical care is a fundamental right. It is not a privilege of a few individuals or even 90 per cent of the individuals. It is a right of every individual in this province. This is something this particular plan does not do. This particular plan, it seems to me, was sort of like "Rosemary's Baby". It was an involvement that the Liberals got a hand in it. I suppose they were the gynaecologists and the insurance companies were the obstetricians and this is what we have—rather, instead of "Rosemary's Baby", we will call it "Robarts' Baby".

Mr. Nixon: Should have gone to a chiropractor.

Mr. Sargent: That was an abortion.

Mr. Speaker: The hon. member for Oshawa was on his feet. Does he wish the floor before the member for Niagara Falls?

Mr. Pilkey: Right. Well, Mr. Speaker—

An hon. member: You do not need a microphone.

Mr. Pilkey: I will turn the volume down.

Mr. Speaker, let me say at the outset that the member for Rainy River, I believe it was, alluded to some of the bills that the New Democratic Party opposed. I want to remind him of Bill 133, which his hon. leader accepted in principle and which the New Democratic Party opposed.

In committee the government did amend it on the basis of this party's position and because we would not accept the principle at that time on Bill 133. I want to remind him about it.

Interjections by hon. members.

Mr. Pilkey: I want to also point out to the member for Grey South that the mass exodus that he talked about in Saskatchewan is more relevant to the last four or five years and the statistics will prove that. There has been a greater exodus of people from Saskatchewan since the Liberal government took power.

Interjections by hon. members.

Mr. Pilkey: Let me, Mr. Speaker, just relate the actual facts of what happened. The actual facts are, since 1963 or 1964, when the Liberals came to power in Saskatchewan, and taking into account the births and the deaths, there has been a reduction in population of over 30,000 people—a greater number than in the entire city of Prince Albert in Saskatchewan. This has been the reduction in that province, and that is a fact.

An hon. member: It takes the Liberals to drive them out.

Hon. Mr. Grossman: They all come to Ontario.

Mr. Pilkey: As a matter of fact, I suspect very strongly the future will see a greater mass exodus there.

Interjections by hon. members.

Hon. Mr. MacNaughton: Now back to the bill.

Mr. Pilkey: Now back to the bill.

Mr. Speaker, a majority of the people of this country and in particular, the people of this province, accepted the premise that government must assume full responsibility for meeting critical health needs. The proposition that we must have a fragmented system of private agents will, in my opinion, make the proposed plan more costly, inefficient and provide an inadequate health care arrangement.

The proposed plan, as outlined in Bill 195, does not provide a comprehensive medical health programme which will assure the people of this province, regardless of income or status, equal access to high quality health service which we are capable of providing and which all people can expect as a right.

The whole question of improving and strengthening the existing programme through extended care facilities, prescription drugs and a dental programme cannot be postponed. I want to suggest to this government that Ontario could extend the benefits under its present programme with the resources at their disposal at a cost less than we are paying presently.

I also want to make this observation, Mr. Speaker. The Hall commission, in their health charter for Canadians, in 1964, called for a comprehensive universal health service programme for the Canadian people, which includes all health services—preventive, diagnostic, curative, rehabilitative—that modern medical and other science can provide and which is universal in the sense that adequate health service shall be available to all Canadians.

I want to suggest to this House that this bill does not provide the comprehensive medical health insurance that is so necessary for the people of this province. As I said, I also want to make the observation that the premiums are really too high.

I know in Oshawa, as an illustration, where the majority of the people are covered by PSI, that the premium rates will go down. I think that PSI costs about $232 per year, where OMSIP is $177. But even at the figure of $177, that is what OMSIP costs per year. The premium is $177 and I doubt very much whether it is subsidized for many. The only thing that is subsidized are those people that have not the ability to pay.

This is the problem with this plan that is being enunciated by this government. It is geared to the question of the ability to pay. I think that we have just got to cost this plan over the whole of the population and obviously it has to be on the premise of the ability to pay.

On that basis we have in our society, what I call the medical indigents and these are the people that we call the working poor. How does this government propose that a fellow making $4,500 a year meet this premium cost

when, in fact, he is living below the standard set by the Economic Council of Canada? In other words, he is below the poverty line and yet we are going to extract from him $177 for his medical health.

I want to suggest to this government that they ought to be providing that service to that person that earns $4,500 a year. It is just incredible to think that in a province that is as affluent as ours we cannot meet the premiums for those people that are living below the poverty line.

I recall that the Prime Minister, when he was speaking to this bill on June 17, said today, through the bill, we will be able to provide basic medical health care service at minimum cost to every resident in Ontario. Does the government suggest that the present OMSIP premium is the minimum cost? I hope not.

Surely, if we are receiving $175 million from the federal government, this should in some way reflect in the cost of this medical bill. And, again, I want to say that the Premier went on to say that no one will ever be denied medical care in Ontario because of the state of their finances. Well I submit that there will be people denied Medicare in this province if they maintain the same standard that they are using now to determine whether a person would have his premiums paid or not.

The Prime Minister made another statement that I think is relevant to this bill and one that has to be opposed, if the Minister has not an answer for it. He went on to say labour and management will be able to continue to negotiate the degree of coverage, the extended coverage beyond the basic health service set out for the government—whatever sharing of costs they may wish to negotiate as part of their collective bargaining agreement.

I want to suggest to the Minister that the present bill does not give the majority of the residents in Oshawa—as an illustration, if I could be parochial for a moment—the kind of protection that the Prime Minister was talking about. In other words, we could find ourselves with a utilization fee or a deterrent fee in that municipality that will reflect in many municipalities across this province where the bill now calls for 90 per cent, and where PSI are presently paying 100 per cent of the OMA schedule of fees. I urge this Minister to bring in a bill that says that 90 per cent is what the doctors will receive and that they cannot charge any utilization fee over and above the 90 per cent of the OMA schedule of fees.

In addition to that, I want to suggest to the Minister also that there is an omission in this bill where labour and management have negotiated terms of an agreement and that as a result of that the premiums could be a lesser amount, if we take OMSIP as opposed to PSI. I am firmly of the opinion that if there is a lesser amount, this should reflect in additional capacity of the employees to purchase alternative fringe benefits, and that the government should legislate in that area too.

I mean, here is a collective bargaining agreement. There are many workers across this province who are covered, as I said, by PSI and they should not have less than what they previously negotiated because the government legislated in this area. So there are two fields I am talking about in regard to a negotiated collective bargaining agreement.

Hon. J. H. White (Minister of Revenue): Your party would have destroyed all that.

Mr. Pilkey: No, this party's policy will not destroy that.

Mr. MacDonald: No more than that your government destroyed the hospital insurance.

Mr. Pilkey: And I want to also say in that regard—

Mr. MacDonald: We are suggesting exactly what your government did in hospital insurance. But you were not around here at that time, were you, so you would not know.

Mr. Pilkey: I want to say in that regard, Mr. Speaker, that this party is standing four square on the principle of comprehensive, universal health insurance in this province regardless if our votes go down the drain.

Mr. MacDonald: But they will not.

Mr. Pilkey: That is right, but they will not. But we are standing on the principle that this bill is not adequate to meet the health needs of the people of this province, particularly if it is fragmented on the basis of private insurance agents being involved. I want to suggest to the Minister that the insurance agents being involved in this medical health insurance programme will be the downfall of this government.

They are going to rue the day that this government got themselves into that kind of a position, instead of going with one sole agent as the administrators of this plan, and they are going to find out before they are

through that the private insurance agents across this province are going to request equally as much remuneration, or profit, as they had in the past. You are going to have a great deal of difficulty holding them back, which obviously is going to reflect an additional cost to the plan. This plan is going to be more expensive because of the fragmentation in terms of agents in this province.

Hon. Mr. White: You would have scrapped all those union agreements.

Mr. MacDonald: That is exactly what your government did with hospital insurance, so quit talking nonsense.

Mr. J. Renwick (Riverdale): You do not scrap any union agreements.

Hon. Mr. White: We have saved you from yourself.

Mr. MacDonald: Put that red flag away.

Mr. Pilkey: I just wanted to conclude, Mr. Speaker, by saying that I support the amendment of the New Democratic Party. That this amendment puts our position four square in front of this government. That we are not going to buy some weak-kneed type of plan that does not fit the needs of the people of this province. We have just got to continue to fight on the basis of providing adequate facilities and adequate health plans that meet the needs of the people.

If that is what we have to do I want to suggest that this party should continue that kind of a fight and not just say that because we have got half a loaf of bread we should be satisfied. We need the whole loaf, the people of this province need the whole loaf, and that is what we are going to support.

Mr. G. Bukator (Niagara Falls): For over 20 years, Mr. Speaker, I have looked forward to the day that I would see a bill such as this one come into this Legislature where people who need care would get it.

Mr. MacDonald: Judy would be shocked to hear that. Private carriers accepted so warmly.

Mr. Bukator: Twenty socialists who need Medicare worse than any group of people in this province are going to vote against this bill. Twenty sick Democrats are going to vote against something that they claim they are responsible for, that came into this House this afternoon. I heard the leader say so himself. I heard the leader say that we have fought for this, Mr. Speaker, this is good for the province of Ontario, and almost in the same breath he moved a resolution to withdraw this bill and bring in something that they think is the proper thing for the people of this province.

Interjections by hon. members.

Mr. Bukator: Twenty New Democratic sick people who need Medicare very badly; 20 people who need the care of the province of Ontario; 20 sick Democrats who believe one day they will run the affairs of the province of this government, irresponsible people who know not what they speak. And yet you would think that our argument is between them and the Liberal Party of this province. But it is not. We, the Liberal Party of this province, are happy to go along with our leader, the man who has swallowed the bitter pill—and I wish the interjections would stop because believe me they do not affect me a nickel's worth.

Interjections by hon. members.

Mr. Bukator: Sick Democrats, many of them who know not what they want. First they argue that this is good for the people and then they say withdraw the bill. I never thought that I would see the day that there would be such irresponsibility in this House.

Mr. Lawlor: He says that in every speech.

Mr. Bukator: Is it not an excellent portion?

Mr. Sargent: It is still true.

Mr. Bukator: It fits the order very well, supposedly intelligent people who know not what they want.

Mr. Lawlor: Crocodile tears.

Mr. Bukator: No, not crocodile tears. This day I am happy. Mr. Speaker, I do not know how one goes about making his point with such interruptions.

Interjections by hon. members.

Mr. Bukator: They are expert at this game.

Mr. MacDonald: You can hand it out but you cannot take it.

Mr. Bukator: Oh, I do not know about taking it. I have listened to your interjections and they do not hit me a nickle's worth.

Let me get to the problem of this particular bill of which we speak. This govermnent, and I say this with a great deal of respect to the Minister of this department, he administers many pills as a doctor to his patients. They

were bitter but they were good for them. He, this day, accepted a bitter pill such as I have never seen any individual in this House take before. He, the Minister of this department, decided that the federal government is giving them something for the good of the people of this province and he has accepted this. I know that this gentleman did not want to go along with this bill but it is good for the people.

I can recall in my day, and most of you can recall, that there were many people who had to sell their homes to pay their doctor bills, to pay the hospital, because they had no other means of revenue. My father died in a plant called the Northern Company from silicosis because there were no unions there. I am not against unions so do not interject on that particular thing.

I say to you, Mr. Speaker, that this is as fine a bit of legislation that has come into this House since I have attended here in ten years. The people will finally get what they need: Medicare when it is necessary.

My leader put it very clearly this afternoon. This province is responsible to the people; this government is responsible to the people in this province because they have deprived us of some $200 million dollars in the last year because they did not implement this a year ago July 1.

Finally, they have decided, with minimum changes, that this is the proper approach and they ought to get into a plan that will give this country and the people in the province of Ontario the necessary care when they need it.

Mrs. M. Renwick: You are still depriving the people; when they need it and have not the money to pay for it.

Mr. Bukator: Is that not remarkable? The distortionists. The communists. The socialists of this province, the sick twenty of them, are telling us that this is not the bill.

Mr. MacDonald: Mr. Speaker, on a point of order. I have listened to the hon. member get up and make slurring personal comments about us being in need of medical assistance but when he gets to the point of adding a charge of being communist, I would suggest that he be brought to order.

Hon. Mr. Grossman: You do not mind being called "sick," but you do not like being called "communist"?

Mr. Speaker: I have listened to the members of the party of the hon. member for York South use somewhat similar words, not similar words but words of similar connotation referring to other parties in this House. I would think that what is allowable from one party should be for another. I think the hon. member corrected it, though. I think he said communist then, I think, he changed it to socialist. That is my understanding of it and I believe that the third party is a socialist party.

Interjections by hon. members.

Mr. Speaker: In any event, that was my understanding of it. I also think—and I think the hon. member for York South would agree with me—that this is undoubtedly a debate with political connotations. All the members so far have engaged in political denunciation. I see no reason why this member should not do likewise. I say, however, that my understanding was that he started out saying communist and he changed it to socialist. In any event, that was his doing.

Mr. MacDonald: Mr. Speaker, he shouted out "communist", "socialist". If I were to get up and describe the Liberals and Conservatives as fascists, you would declare me out of order. I submit that this is something that—

Mr. Speaker: The hon. member is proceeding to read Mr. Speaker's mind which is difficult because I might easily not provide a very good subject for mind reading. In any event, the analogy which he has used of course is not realistic because Mr. Speaker would do at that time—if that was said—what he would feel should be done. The hon. member might or might not be right. There are connotations to the names of certain parties or not parties really, theories.

Mr. Lewis: You might correct, Mr. Speaker, on the policy, but not to the members.

Mr. Speaker: The hon. member for Scarborough West has in his time—and I have not had the opportunity to look up *Hansard*—made some very strong denunciations of other political parties. He has used language which has not been perhaps strictly parliamentary but I maintain that this is a political arena as well as an arena where government must be carried on. Therefore, there must be some latitude and I am prepared to allow a certain amount. I would, however, say to the hon. member for Niagara Falls that since the hon. members to his left are not in agreement with Mr. Speaker as to what he would say, that he might relieve their minds of any apprehension as to what he had said.

Mr. Bukator: I will put the record straight. I said communists, then I said socialists. Let us withdraw communists. Let us say socialists and if I am not right on socialists—

Mr. J. Renwick: Mr. Speaker, on a point of order. You may think it is humorous for you to recall what the leader of this party may or may not have said on another occasion. I just happen to say, Mr. Speaker, that if a member of this Legislature calls another member a communist—which is what he did—and I am a member of the group of twenty that he referred to, then I simply say it is up to the Speaker to require that word to be withdrawn.

Interjections by hon. members.

Mr. Speaker: Order. The hon. member for Niagara Falls has already taken that action.

Mr. Bukator: To put the record straight, I will withdraw communists. I said socialists. To withdraw the word socialists, I will say that you—

Interjections by hon. members.

Mr. Bukator: Very good. Very good. One of the members of the party says I need not withdraw socialists. So I will leave it stand. I was going to say—

Interjections by hon. members.

Mr. MacDonald: On a point of order. When I hear this kind of a comment—when they call people communists—they are engaging in smearing and that is simply what I said.

Interjections by hon. members.

Mr. Speaker: Order. Order. Order. The hon. member for Niagara Falls has the floor.

Mr. Bukator: I am so impressed with this bill, Mr. Speaker, that I might have been carried away. I said communists, then I withdrew that, just for the record, I said socialists. I was told by one of the New Democratic members, the member for Scarborough West, that I need not withdraw that.

Mr. Speaker: Have you anything to say on the bill?

Mr. Bukator: By all means, I am coming to that. A most important part. But I say that the New Democratic Party of the province of Ontario, made up of twenty people, are sick and need Medicare. This bill will give them exactly what they want. My leader put it very, very clearly to you this afternoon. He did say this to you, that we need the private carriers. We need private enterprise to implement this bill for at least one year. But after the show is on the road, they can withdraw and a committee of—

Mr. MacDonald: What a dreamer you are.

Mr. J. Renwick: Your solution to every political problem.

Mr. Bukator: Mr. Speaker, I understand, according to the Prime Minister or the Premier of this province—as my leader so clearly put it this afternoon—that this bill will become law within the week.

Mr. Lewis: You have a perennial political problem.

Mr. Bukator: I have an exceptionally fine position in which to stand. The people of my riding always re-elect me and respect me and give the New Democratic Party very few votes. That indicates no respect for them at all.

So I indicate through you, Mr. Speaker, to this group, if they will listen, that their chances are not improving with the people who understand. But getting back to the people who are responsible for holding us up for one year, you on the other side of the House are responsible for the people of Ontario being deprived of $200 million. This is a lot of money, and they could have had it very well a year ago. Somebody said it was a Machiavellian fraud, and I said: "What is that?" And they said it was some fraud of the devil himself.

Mr. Lawlor: That is 200 times as much support he got.

Mr. Bukator: And I say to you, Mr. Speaker, that this is a good bill. I am happy to support the government on this issue because, as I have said on many occasions before, I recall many years ago a man had lost his home. He had leukemia; a man who was a robust individual, the reeve of Chippawa, one John Rapelje, a man who had a secure position with Hydro. He took sick and as he began to waste away, a man of some 250 pounds dropped away to 97 pounds. Blood transfusions and hospital bills left his widow with bills that she just could not pay, and this bill will solve it.

Hon. J. Yaremko (Minister of Social and Family Services): And the NDP will vote against that.

Mr. Bukator: And this particular group—and you, the government, for a year have held this from the people. And I say that until something better comes along—

Mr. Lewis: Unconscionable.

Mr. Bukator: I think until something better comes along we should support this bill.

Mr. Lawlor: It has taken you 40 years to reply.

Mr. Bukator: I get the biggest charge out of the leader of the New Democratic Party this afternoon saying, "we spoke for this when we were CCF, and we spoke for this when we were the New Democratic Party." They again need this bill implemented because they are a sick lot, because no one pays any attention to them.

It took one little individual in Ottawa—the baldheaded little man, who came about a year ago and the women all liked him—to come about and say this is good for the people of Ontario, this is good for the people of the Dominion of Canada. That man, I believe, is called Trudeau, and he decided that we ought to have this type of legislation. I said a baldheaded little man, but I tell you that while he had no hair on the top of his head he had a whole lot inside of it.

A brainy individual. A man who knew what the people of the province needed, even though he was a millionaire, like some of our socialist friends, who are looking after the poor. He brought legislation into Ottawa that allowed us in the province of Ontario to accept what he had to offer, and Mr. Speaker, this is a day that will go down in history. The people of the province of Ontario will be able to rest, and rest well, when they know that their bills will be taken care of when they are sick.

Mrs. M. Renwick: Mr. Speaker, the principle of Bill 195 may be politically sound for the Tory party members of this assembly and the world in which they move from day to day and week to week, but it is not politically sound to great numbers of voters in Ontario. There are large numbers of voters now in our province who come from countries where national medical health is a fact of life and a way of life. Countries where the system works.

I believe, Mr. Speaker, that the U.S., Canada and Turkey are the only civilized countries in the world without sophisticated medical health schemes.

Mr. A. B. R. Lawrence (Carleton East): Why do they emigrate?

Mrs. M. Renwick: The fact that this bill would be proposed in the modern political climate of today, is shocking. The federal government, Mr. Speaker, in allowing the government of Ontario to institute the kind of medical health scheme that is most in keeping with the Tory government's own political philosophy, and the world within which the members are most entwined, the business and financial community, is to outdo the real principle of a national medical health scheme.

It allows this government to do with Bill 195, as an illustration, Mr. Speaker, exactly what was done by this province under the federal bill, the Canada Assistance Plan. The outcome of the Canada Assistance Plan, Mr. Speaker, is that the province of Saskatchewan is the only province in Canada that has truly embraced the spirit of the Canada Assistance Plan.

Now we have a cosy arrangement that has been agreed in the last fortnight, it would appear, between the federal government and the provincial government, to allow this government to put in the kind of medical health scheme that this government would like, regardless of the fact that it is not, in fact, a scheme which removes the money barrier from health schemes to the people in the province of Ontario.

And the members on my right, of the Liberal caucus, are so disturbed that we would ask for another bill, Mr. Speaker. We are not asking for nothing in place of this bill. We are asking for a bill that is more in reality with the over 50 per cent of the population in this province who earn less than $7,000 a year, who return somewhere around $1,500 of that money back into government coffers, and cannot afford the present medical health scheme. To the people on my right, I would like to read a headline from the newspaper, the Toronto *Daily Star*.

> HEALTH INSURANCE AT ONCE, SAID PLAN OF PREMIER KING
>
> April 21, 1948. The Dominion Cabinet is expected to decide in the next two weeks on whether to proceed immediately with the first step of a national health insurance plan. The first step will be to lay a floor for the future operation of the plan.

Mr. Speaker, I would like to say it has taken 20 years to put the roof on the house.

The next comment of the writer, who was Robert Taylor, wrote that the question has divided the Cabinet. No doubt that division,

Mr. Speaker, was a long time split to be getting a national scheme 20 years later. The principle of the scheme, even then, was, "when the money barrier to health is lifted for the millions of Canadians." Mr. Speaker, that is what is wrong with bill 195; that barrier is not lifted in the province of Ontario.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: Mr. Speaker, since being elected to this House a year and a half ago, I have tried not to be parochial. I have not spoken of my riding, nor made specific requests for it, nor have I attempted to speak for my profession. I think I may be pardoned, just for once tonight, if I do so. I am one of the two practising physicians in this House, and I think perhaps a word should be said from the medical point of view about this bill.

A point that has been very completely overlooked, I think, by all three parties, has been the tremendous problem that this bill is going to produce for the doctors and the medical profession, because of the way it has been drawn. Specifically, I am referring to the fact that there are 200 carriers which are being allowed to bring in this form of medicare. This is going to produce a tremendous drain of manpower resources, which everyone is ignoring.

If there was one plan—if we had a universal OMSIP—we would have a scheme whereby a doctor could spend, perhaps, two hours a week with his secretary and fill out his cards and send them in at the end of the month, with very little problem.

As it stands now, there are numerous schemes that are acceptable, each with a different type of form. For example, we have AMS forms, we have London Life forms, we have Canada Packers forms, we have the OMSIP forms, and the PSI forms. The amount of paper work that is involved is tremendous. It is overwhelming now. It is going to be worse under this new form of medicare.

An hon. member: It will be better.

Mr. Lewis: No, it will not.

Mr. Shulman: No, it is not, and it will not be. Not the way this is set up.

The companies will each continue with their own forms. You are going to be having to sort out and send to different—

Mr. Ben: Do you not want the doctors to be swamped with paper work?

Mr. Shulman: Sure, but why do it unnecessarily? A lot of us are being swamped with paper, but here you have 200 carriers; that is going to mean a tremendous amount of extra paper work. These forms are not going to be sent to one central agency; they are going to go to the various insurance companies.

As it stands today, and as it will continue to be, a busy doctor seeing 30 patients in a a day, may see patients who are covered by a dozen different carriers, each of those forms are going to have to be filled out and sent to the various carriers involved. There is expense involved there for the doctor. There is extra secretarial help. There is a waste of medical time—this is one reason that the doctors, as a group, would prefer a universal carrier. It will save them a lot of time. It will save them a lot of effort. It will mean there are more doctor hours available to look after the sick people. This is something which the Minister has ignored in his efforts to bring the private carriers into the plan.

So outside of the extra expense to the public, which has been detailed so well by members of both the Liberal and NDP parties, outside of the extra expense involved for everyone, there is going to be a great loss of medical time for no good reason.

The other point I would like to make is in reference to those people who are going to get less care in the future than they are getting now. We heard a great deal about the people who are going to benefit and there is no question people are going to benefit by this scheme. There are going to be people who will have medical expenses paid that did not have them paid before. But there are some people who are going to suffer and they are a fairly sizable group in this province. This scheme is going to cost them more money than they are paying right now. And I am referring to all the people who subscribe to PSI at the present time.

Perhaps the members of this House are not aware that PSI is a medically run scheme. It is a medically run scheme that was set up by the doctors in an effort to keep medical expenses down for the people of this province.

When it was set up, we, as doctors, all signed an agreement that we would accept at that time, 90 per cent of the OMA schedule and would not render any extra bills. Now every GP who signed that—and this represented a majority of the doctors in this province—abided by that. Not one of them has

rendered an extra bill to a single individual in the many years this scheme has been in force.

Hon. M. B. Dymond (Minister of Health): Two years. Tell the story as it is. As soon as OMSIP came in.

Mr. Shulman: All right. I accept the correction. The last two years they raised the pay—first from 90 per cent to 95 per cent and then to 100 per cent—and the reason this was done, quite honestly, was in fear of the coming Medicare scheme and in an effort to set a precedent.

But the important point here is that the doctors for many years were happy to accept the 90 per cent that was offered by PSI for the simple reason that, as a result of having PSI they had no problems collecting their bills; they did not have to dun patients; they sent a form out once a month and they received their cheques back in the full amount. And this ten per cent which was sacrificed was not really a sacrifice, because it was received back in savings in not having to bill patients.

Mr. R. M. Johnston: A collection agency?

Mr. Shulman: Yes, of course it was. You are perfectly right, but the doctors were very happy to accept the 90 per cent. The doctors were very happy to accept the higher rates that PSI paid and with the present 100 per cent there is no extra billing. Once the new Medicare scheme comes in all of those agreements go out the window. The doctors will have a perfect legitimate right to do extra billing, and there will be extra billing and there will be many cases when the doctor will feel he has a legitimate reason to extra billing and the reason he is going to do it is perhaps there is more time taken on a specific call. Under the present scheme he did not worry about this because it averaged out over a period of calls.

But starting October 1st all of these people who are assured of having 100 per cent of their bill covered are no longer going to have this assurance. And all of those doctors who were quite happy to receive the amount paid by PSI are not going to be happy to be receiving this smaller amount and they are going to extra bill and the hundreds of thousands of people in this province who are covered by PSI are now going to find extra expense for themselves. It is bad for the doctors and it is bad for the people of this province and this is something that the government and the Minister of Health has overlooked.

Mrs. M. Renwick: His days are numbered.

Mr. Shulman: Unfortunately, he is here now. The thing that disturbs me, Mr. Speaker, about the debates tonight and this afternoon—and forgive me if I say this—is that this debate has degenerated into a quarrel between the Liberal Party and ourselves. What is very disturbing about that, to me, is that the Liberal Party is making exactly the same criticisms of this legislation as we are and what we are really—

Mr. G. Ben (Humber): You are making the same criticisms we are.

Mr. Shulman: It is very true, we are making the same criticisms. What disturbs me is that this debate has degenerated into this quarrel when we should be putting all our energies to try and improve this bill and what tactics we take to fight it and what tactics you take to improve it are really immaterial. What we should be doing is combining our efforts to try and make this incompetent Minister of Health bring in a better bill.

For goodness sake, let us not waste any more time fighting each other. Let us try and get a better bill in here; and whether we vote for it, in the thought that this is the best we can get, or we vote against it, in the hope to do better, is not really relevant.

Mr. Ben: Why do we not bring in the necessary amendments in committee to bring about this?

Mr. Shulman: We are going to. Let us work together on that.

I want to say one more final word. One of the members of this House had said the attitude that our party has taken here will cost many votes to go down the drain. I believe it was the member for Dovercourt and he is probably right. The headlines tomorrow will say "NDP Votes Against Medicare". He is probably right and it will cost us votes. But if, as a result of this fight, we force through some of the amendments which we think are important, if we get them this month or next year, if we get a better bill I am perfectly willing to make that sacrifice. Thank you.

Interjections by hon. members.

Mr. Speaker: Is there any other member who wishes to discuss this bill? Does the hon. Minister wish to make any comments?

The hon. member for Riverdale.

Mr. J. Renwick: Mr. Speaker, I want to comment very briefly about the bill. I want to try to draw the Minister's attention to the fundamental reason why the bill was introduced and the fundamental reason why we, in this party, have put in the reasoned amendment against the bill. That is, that when the bill was introduced and the Prime Minister spoke about the bill, he very clearly pointed out that had it not been for the imposition of the regressive two per cent social development tax by the Liberal government at Ottawa he would not have altered the Tory version of the Medicare scheme which is in force in the province of Ontario.

So the net effect is not any commitment or changed attitude of the Tory Party to the provision of Medicare for the people of the province. It is, for whatever reasons they may think so, sufficient for them to say to themselves, well we were perfectly happy. The only reason that they entered into this arrangement with the federal government and introduced this new bill was in order to recoup for the people of the province the moneys which were extracted through the two per cent social development tax and why—because it was politically hazardous for them to ignore any longer—the plan as put forward by the Liberal Party in Ottawa.

Let us not kid ourselves about it. There has been absolutely no change in the attitude of the Minister of Health or of the Prime Minister or of the Treasurer or the other colleagues of that party, in the Cabinet, about the kind of Medicare scheme which the people in the province should have. The net effect of course is that in substance there is being extracted from the pockets of most of the taxpayers in the province, an additional $100 or $120 a year to the federal government and the Ontario government is now going to get some of that money back through the adoption of this scheme.

In addition to that, the people in the province are still going to pay a total of something in excess of $300 a year in order to cover themselves, and their families, against the costs of hospital care and of doctor bills. So, no matter how one adjusts the figures, the total cost to the taxpayer in this province is going to be something in excess of $400 a year. A minimum of $100 for most people extracted by a 2 per cent regressive tax imposed by the Liberal Party; about $132 a year under the Ontario Hospital Services Commission Plan for hospital coverage, and something in the neighbourhood of $177 in order to have insurance against the cost of doctors' bills. That is $400.

What we are saying here is that you will, if you persist in the course which you have steadily adopted—certainly ever since I have been in this House, from 1965 on—you will turn people in the province against Medicare, because they will not be able to afford it. When you have got a certain fixed and relatively limited income, and you have got to make difficult choices in the face of increased taxes, in the face of an increased cost of living in every one of its aspects, and in the face of an exhorbitant charge for medical services and hospital care, then people are going to have to make the kind of choices about the expenditure of their after-tax income which will only provide a sense of frustration.

Let us be perfectly clear about this. Your attitude is driving people to the point where they are going to throw up their hands about the capacity of the system to provide them with the reasonable expectation of protection which we all believed that we all wanted, and you are not going to get it through this procedure which you are following. You get this strange conjunction of events, that if the Liberal Party at Ottawa imposes what every tax economist and every person who has seen it will refer to as a regressive tax, what does this government do—this government is trying to kid the people that, in some way or other, they have now adopted Medicare. They bring in a bill so that they can get $82 million in the six months of the latter part of this year and $175 million in future years, disguised, as it is supposed to be—on any reading of the English language—as a contribution to a medical services payment plan. They are going through some form of bookkeeping legerdemain and accounting procedures to use that money for other purposes.

The Prime Minister has indicated it is going to be used in the health field. He has been very indefinite. Certainly there has been nothing to indicate, one way or the other, that there is going to be any effort made to reduce the premiums which are going to be paid for medical coverage in this province. You are going to establish them on a plateau, and that plateau is within a few dollars of the present OMSIP medical coverage.

The result, Mr. Speaker, is that we were forced into the position that, instead of being able to support the principle of the bill, we had to decide that we would, for the reasons given, give our reasons as to why we cannot support the principle. The reason is very simple, that in addition to the four requirements imposed by the federal government for participation in that scheme in order to

make a province eligible to receive the payment, the contribution from the federal government, there has always been an inherent and essential ingredient of the New Democratic Party's position on Medicare. That is, that the premiums which are paid, were to be based upon the ability to pay, and the only way in which you can take into account the ability to pay, is in a double-barrelled method. One is to have a uniform premium payable by everyone at a low rate, and to pick up the differential in the cost of Medicare through general revenues accruing to the province from the progressive tax field.

That is how you adjust, for the purpose of making certain that the principle of ability to pay, applies in the Medicare field as it does to some degree in the hospital insurance field.

The part of OMSIP which is going to be continued in this plan, the ability to pay is taken into account in terms of those persons who are entitled to have their premiums paid by this government. That part of it is quite fine. We have supported that principle, both as a permanent basis of support for people who cannot otherwise afford it, and in accordance with the provision for temporary assistance which is placed in this bill.

But, what is fundamentally wrong from the point of view of this party, and why we have given it as one of our reasons for opposing the principle of the bill, is that there has been no acceptance by this government of a commitment to reduce the premium in order that it will be a uniform premium at a lower rate supplemented, where necessary, through the progressive aspects of the tax system which brings into the general revenues of the province the money which can be used for that purpose.

That is the essential ingredient of what we are talking about, when we say that you must do it that way, and the reason we say this, is quite simple; until there has been some movement toward Medicare over the last few years, scarce services of doctors were rationed, depending on your income. What we are simply saying is that the scarce medical services of physicians and other persons are to be rationed on the basis of need, not on the basis of whether or not you happen to have the money by which you can afford to pay for it.

Mr. Sargent: This is the last chance; last chance.

Mr. J. Renwick: That is what we are talking about. The member for Grey-Bruce now wants to leave and go home. He can come back later on, when the bells ring for the vote.

However, that is the essential requirement that we insist upon. That the rationing of scarce resources in this province be not achieved on the basis of whether or not a person happens to be able to pay for them, but will be rationed on the basis of need. That is the fundamental principle. That is the principle of equity, of fairness and of equality. That is the first point, and that is why in our reasoned amendment, proposed by the leader of this party, we specifically stated that this bill fails to guarantee an immediate reduction of premiums thereby continuing a regressive form of payment at unnecessarily high levels without meaningful regard for the patient's ability to pay.

Let me go on, Mr. Speaker, if I may, to the second point, and that is about the question of extra billing. It is essential as part of the Medicare scheme as we envisaged it, that there be no way in which a physician or a medical practitioner will be paid in addition to the schedule or tariff of payment set out in the bill. The reason for that is that the federal bill, which is the basis of the arrangement with the government of the province of Ontario, has these two conditioning clauses about the tariff of payment. I sometimes think we get hung-up unnecessarily on this 90 per cent of the OMA schedule of fees. The basic provision is not what the OMA schedule of fees is; the basic provision is a two-fold one set out in the federal government's bill, which I may say was supported by all parties in the federal House on the second reading of it—and as it was—finally passed.

These two conditions are that the tariff of authorized payment established pursuant to the provincial law shall be on a basis that provides for reasonable compensation for services rendered by medical practitioners and that is the first point. Is the compensation received by the doctors in this province reasonable? What are the critiera that are going to be applied? It is not a question of the procedures which have been set up by the Minister in the bill, much as they are a slight improvement on the procedures which were formerly called.

The first criteria about this question of the amount of the tariff of payment, is whether it provides reasonable compensation for the doctors. I would like to see the Minister speak to that part of it, to tell me and to tell the members of this House, whether or not on

any of the available statistics, the doctors in this province are, or are not, receiving reasonable compensation or more than reasonable compensation.

I am suggesting that these highly qualified men, trained at great public expense, in an atmosphere of their own which provides a certain camaraderie, which is almost impossible for we lay people to enter upon, are in fact, rapidly, as other professions are, pricing themselves out of a socially acceptable range of fees.

Mr. Sargent: What about legal fees?

Mr. J. Renwick: The same about legal fees. The hon. member for Grey-Bruce should come back when we are dealing with the Attorney General's estimates, we can talk about legal fees at that time.

Mr. Sargent: How can you criticize the doctors then?

Mr. J. Renwick: I am not criticizing them, I expect the same principle for the legal fees. Now let the member for Grey South go home.

Mr. Sargent: You are going to name me, are you?

Mr. MacDonald: You deserve to be, but you are not being named.

Mr. J. Renwick: Yes. I am saying that the first requirement is that the compensation of the doctors be reasonable.

Hon. Mr. Grossman: What are reasonable fees for a plumber?

Mr. J. Renwick: Neither you nor I, Mr. Speaker, nor the Minister of Health, nor anyone else that I have ever heard, has stood up and said that this schedule of fees of the Ontario Medical Association is a reasonable one. Nor has anybody said that in some mathematical calculation that 90 per cent of that fee is a reasonable compensation. I expect at some point to find out from the Minister of Health what his view is about the reasonableness of that schedule of fees because it is from that schedule of fees that the tariff of payment provided for in his bill is derived.

The second criteria about that tariff of payment, Mr. Speaker, is that it:

> does not impede or preclude either directly or indirectly whether by charges made to insured persons or otherwise reasonable access to insured services by insured persons.

I am saying that nothing that has been said by the government and nothing which has been said in this debate today has convinced me in one single particular that the method of extra billing which is permitted to doctors is going to ensure reasonable access which does not preclude or impede directly or indirectly a person having access to the insured services.

That, Mr. Speaker, is an essential ingredient of Medicare so far as we in this party are concerned. Therefore, on the second of the reasons why we are opposing the bill in principle: we have provided that it:

> fails to prohibit extra billings by participating doctors, thereby supporting a deterrent to use which runs counter to the principle of equal access to medical care services for everyone in Ontario.

Then we come to the third reason, Mr. Speaker. The third reason is the inclusion of the private carriers or the commercial carriers in the scheme as agents of the government. The reasons which the government has given for the inclusion of the private carriers and the support they have tried to draw for that inclusion is that in some way or other it will upset a large number of plans covering a number of fringe benefits in a composite way throughout the province of Ontario.

They have cited people who are covered by the plans and they have indicated and have endeavoured to cause concern among the trade unionists in the province that, in some way, they are going to get hurt unless the private carrier is permitted to retain a position in the game—be he called agent or anything else.

The fact of the matter is that it would be quite possible, Mr. Speaker, for this government to take out the basic medical coverage which is provided in the bill in such a way as to not harm in any way the equity or fairness of the existing agreements and to require a re-negotiation by the parties of the terms of the agreement taking into account the fact that the government in the public interest for social purposes for the common good has extracted the whole of that basic medical coverage into a scheme which is going to be operated by the government or by a single authority of the government.

Instead, what have they chosen to do? There have been references to a multiple private carrier non-profit corporation of some sort—not referred to in the bill, but which has been referred to, if my memory serves me correctly certainly by the Prime Minister and I believe by the Minister of Health. They

are going to have what can only be considered to be an administrative monstrosity.

It will be very, very difficult to administer. It will be very, very difficult to account and this is the point, Mr. Speaker, that I want to make very clearly. There is no reason to believe that the provincial auditor or the provincial auditor's staff are available with all the work which the provincial auditor is already saddled with and with the inadequacies of the laws under which that provincial auditor operates. You cannot believe that he is going to be able to adequately audit all the accounts in order to remove that sense of scepticism that we have that in some way or other, the medical services contract aspect of the private carriers, is going to be on a non-profit basis and is going to be accounted for in a way which will ensure that there is no overloading.

Those are matters which most of us are not at all competent to deal with. They are obviously going to require very difficult and refined accounting procedures. I suggest to you that the set-up was hurriedly arranged by the Minister of Health in order to comply with the federal government's requirements about the accounting procedures to be followed in order to ensure that the 200 or more private carriers who may be licensed as agents, under agreements, to act on behalf of the government are not going to be adequately supervised from the point of view of the staff of the provincial auditor or under the way in which the provincial auditor carries out the audit of these accounts.

Therefore, Mr. Speaker, we gave the third reason why we believe this bill to be defective in principle and that is, that it:

> provides for a multiplicity of profit-oriented private carriers which will result in (a) the opportunity for private insurance companies to enhance profits on related health benefits by using health insurance as a loss leader in any over-all insurance package and, (b) the loss of public control over the escalating cost of health services.

Mr. Speaker, I ask the members of the House to say to themselves: Do not these reasons commend themselves and should not the government then do as we request? That is, withdraw the bill in order that, in the few remaining days—just as this bill was obviously hurriedly prepared—in the few remaining days at any time bring in a bill which will provide forthwith for meeting these objections and how do you meet the objections? Very simply, Mr. Speaker, the first thing you do is have the government give a commitment to reduce the premium level to a basis which will enable the ordinary citizen with the available after tax income at his disposal not to have to make a frustrating choice as to whether or not he can afford it. The government should bring in whatever tax changes are necessary in order to supplement the resources available to the funds or, a commitment to use part of the federal government money for the purpose of reducing the premiums.

These are matters which this Minister can deal with overnight, if he is so mindful. The second thing is to bring in a bill which provides that there will be no extra billing by any doctor or other practitioner who operates under the plan. And the third aspect of it is simply to remove, as this government had the courage to do in 1957 in the Hospital Services Insurance scheme, the whole of this basic medical coverage from the hands of the private carriers regardless of the capacity or the designation of them.

The reason we want those amendments is because we want a medical payment scheme which will enable scarce resources to be rationed on the basis of need and not on the basis of whether or not a person has the private income to enable him to pay for them. We want to make absolutely certain that those services are accessible to that individual who pays that premium at the rate that he can afford without any deterrent fee.

This is what we are talking about. This is why, with great concern, we consider this bill. We came to the conclusions that we have come to about it and we have presented these reasons why we are opposed in principle to the bill, because the bill is defective. The defect goes deeper than the words of the bill, it goes right back to the fact that this government's attitude toward Medicare has not changed in any respect because of the introduction of this bill. The words of the Prime Minister say that in abundantly clear terms and the abundantly clear terms are that the reason this bill was presented in the House is because the Liberal government at Ottawa imposed a regressive two per cent so-called social development tax.

Let us not kid ourselves. We are not talking about the same thing. We thought, until the introduction of this bill, that in the last two or three years the Liberal Party and ourselves were talking about the same thing. But we are going to insist, Mr. Speaker, that this government change this bill.

I heard what some of my colleagues in the party said about standing on the principle and losing the votes. In this kind of a confrontation with a Tory philosophy, I have no concern about losing any votes because the people of this province who are earning anywhere up to $5,000, $6,000 or $7,000 a year are sick and tired of having the available medical resources and resources in other fields rationed on the basis of whether or not you have got the money in your pocket and can afford to pay for them rather than to have them rationed to the extent that they are scarce on the basis of need. That is our concern. That is the only concern we have; that the needs of the people of the province will be met by an adequate medicare scheme. I commend these reasons, Mr. Speaker, to the members of this House.

Mr. Sopha: Mr. Speaker, one observes that the clock says 11:20. I am one of those that is usually here during the evening sessions. I am mindful of the fact that last Thursday night —and I want the record to show this—last Thursday night when we were dealing with another important piece of legislation that came to the penultimate stages, my friend from Downsview summed up for this party. The Attorney General who was to follow him then had the benefit of the House leader adjourning the House and the Attorney General completed his remarks, I am sorry to say, during my absence the next day.

I suppose that is the intention of the government tonight. If I am the last speaker from this side of the House then they will adjourn the House and the Minister of Health will have the opportunity to ruminate overnight about the arguments that have been advanced. But I suppose that the tricks of the game go to the victor and to the majority go those devices of advantage over the minority.

I say, through you, to my friends to the left that I appreciate that they are very sincerely motivated men. The arguments they have put forward on this legislation respecting health insurance come from the heart. I have been one of those who has sat in the House over a decade and have listened to many of my colleagues in the NDP group advance the same matters of principle and deep reflection in respect of the whole problem of health insurance.

In one context they are matters of principle. There is no question about it. I regret that there is a division in the ranks of the Opposition about this bill and that division arises from the fact that we, in this party, do not see the shortcomings of the bill that our friends refer to as matters that go to the principle of the bill.

Those very valid arguments, it is our honest belief, are matters of detail. They are matters that go to various characteristics of the bill, and our objections are to be found in sections of the bill. If they do not beat us to the punch, they will find that the leader of this party, and my colleague from Parkdale, and perhaps my colleague from Huron-Bruce, probably all three of them—will advance—if they like that adjective—reasoned amendments that will get at the vices that various members of the NDP have referred to in the speeches.

The debate was very good; it was a very good debate until the end of the contribution of, I think, my friend from Huron-Bruce. Then we had that unfortunate intervention of those two midnight marauders, the one from Grey South and the other from St. Catharines. After that it deteriorated greatly.

This thing is a matter of principle, and the principle upon which we pitch our tent can simply be put in this fashion: We are not prepared, as a matter of principle, to vote against this bill, and indicate that we are content to deprive the people of Ontario of something approaching $200 million.

Now that puts it simply. I was not here to hear his speech, but I heard his comment on the radio as I journeyed from my constituency, when the leader of this party stated that that would be an act of unredeemable irresponsibility, if we were to put our votes on that line. And we cannot do it because the head of the government said the other day, when he introduced this legislation, that all of the contribution from the federal government – $82 million this fiscal year – will be used and applied towards total health services in Ontario.

Mr. MacDonald: And it will replace provincial dollars in the process.

Mr. Sopha: Total health services. Now, I am going to put that in a more specific context in a moment, but I want to say that the record, from an objective point of view—and I do not have to strain the language—of that group over the years in the field of health insurance has been fraught with cynicism and machination. They have used health insurance as a political device. It has been politics to them and politics magnificently played.

The Prime Minister in the field of health insurance has been like Vou Karajau of the New York Symphony. He has played it like

a master. Who can forget before the second last election, the sessions of 1964, when in the dying stages of the life of that Legislature he put the bill on the order paper. Do you recall that? My friend, the member for Parkdale, anticipates me. Then he had the gall to get on the television in respect of that bill and, yes, he said "done". It had not even been debated in this House.

Then the next thing, the session of 1965, when we had a full-fledged debate on the bill that was introduced by the Minister of Health and that bill never saw any light as the law of the land until 1966, they came in here and substantially altered it. And it is fair to say, because we take responsibility for the legislation—legislation of this House is ours, belongs to all of us—that bill of 1966 encompassed in its four corners many of the suggestions that had been made from this side of the House. Indeed, the statute of 1965 was hardly recognizable.

Then the statute of 1966, Mr. Speaker, had many hours of committee study, many hours and much contribution in an effort to give to the people of Ontario—from all corners of the House—the best form of health protection that we as rational legislators can possibly afford.

I want to put into the record, because they are worth reproducing, three statements from the Hall report, which probably will go down in history as being one of the most significant Royal commission reports that has ever seen the light of day in this country. It, with a couple more, will stand in the minds of future historians as being among the most significant social documents that were ever produced, and as I put each one in let me anticipate and say to my friends in the NDP to ask themselves in their hearts, where this bill offends the principles that Mr. Justice Hall has laid down.

Mr. MacDonald: We have spelled it out many times.

Mr. Sopha: The first one I want to make part of the record is the subscription to the principles announced in the preamble to the charter of the World Health Organization, which reads as follows:

> The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition. The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and states.

Now, where in the context can it be said that this bill upon which we stake our votes here is not a step in that direction? To vote against it, I contend, you would have to be able to say as a matter of conscience and conviction that it was a violation of that preamble.

Mr. Lewis: The level of premiums violates economic sense.

Mr. Sopha: Of course, the answer is—I am not going to stop to get into a personal debate—that the acquisition of $200 million a year to be applied, according to the head of the government at his word, to the total health services of the people of Ontario can never be said to be a violation of that preamble.

Mr. MacDonald: It will replace money we are already spending provincially.

Mr. Sopha: One of the unfortunate things, which it is very apposite to say about legislation that emanates from this House, is that in recent years it never had a preamble. There was a time when legislation produced by this Legislature did contain a preamble; and in the field of health insurance, too. Listen to the preamble of the statute of 1956:

> Whereas it is in the public interest to establish a plan of hospital care insurance for the people of Ontario, universally available to all without regard to age, financial circumstances, or condition of health, and whereas it is desirable to extend the powers of the Hospital Services Commission of Ontario in order that it may put such a plan into effect as soon as practicable.

That statement of policy of this Legislature could become part of the preamble of this bill.

Hon. Mr. Yaremko: The leader of the NDP did not believe that either.

Mr. Sopha: But whereas Leslie Frost, let it be said, was committed to this type of social reform, I contend in moderate language that this government has never had their hearts fully in it. Or to put it another way, when I sat in front of the television set in my home and I watched the Prime Minister at that conference say that this was a Machiavellian scheme and the greatest fraud ever perpetrated on the people of Canada, I knew that within two or three fortnights Ontario would be in the scheme. I knew they would.

That was the last gasp; that was nothing more than the goal tender going home to paint his barn and saying that he retired from hockey. There was exactly the same manifestation of political trickery and that was the

last public expostulation of his reluctance to carry Ontario into the national plan. It was no surprise to me—I was among the least surprised in the House—when the Minister of Health came in last week and introduced this bill.

Now I come to the second of the principles of health care that I want to put on the record. The commission said this:

> What the commission recommends is that in Canada this gap be closed. That as a nation we now take the necessary legislative, organizational and financial decisions to make all of the fruits of the health sciences available to all our residents without hindrance of any kind. All our recommendations are directed towards this objective. There can be no greater challenge to a free society of free men.

Our friends on the left would have to say when they stake their votes against this bill that this bill confutes that expression of principle. They would have to say—and how can they?—that the acquisition of $200 million for the health care of the people of Ontario offends that principle.

Mr. Makarchuk: Why do you not talk about the $177 that the average family cannot afford?

Interjection by hon. members.

Mr. Sopha: Just a moment. The third statement of the Hall report is:

> We wish to speed up the date when all have access to health services and to have enabled to them to make their contribution to Canada's welfare. Low incomes and poor health have been too closely associated for us to ignore the adverse effects on income distribution, of chronic illness and disability. Expenditures on good health may well be as efficient a device for equalizing the distribution of income as any subsidy can possibly be.

Hon. Mr. Yaremko: And the NDP are going to vote against that.

Mr. Sopha: It is too bad so many of them have left the benches because that is a statement of good socialist philosophy.

Mr. MacDonald: If you had been here to hear our arguments this afternoon, you would not make such comments.

Mr. Sopha: That is good socialist philosophy.

Mr. MacDonald: We answered your arguments this afternoon.

Mr. Sopha: I do not want to stop to argue with him. His arguments were so good that all the news reports that I heard in the four hour trip from Sudbury, quoted only the leader of the Opposition. That is how good his arguments were, but to get back to what I was saying.

That last statement is good socialist philosophy, it is $200 million worth of socialist philosophy.

Hon. Mr. MacNaughton: That is good, "any kind of philosophy."

Mr. Sopha: Yes.

Mr. Sargent: You know that, do you not?

Mr. Sopha: Let us underline that. The Hall report—Mr. Justice Hall, a conservative, has properly pointed out that this, as well as any other piece of social legislation, is an effective means of redistributing the national income of the country. That is true of any social legislative device where payments, or their equivalent, are made to people, and especially to people in the low income groups. Therefore I contend to them that to put their votes against this bill, I say with respect, through you, Mr. Speaker, they have to fly in the face of that statement of principle.

The last one, and I am indebted to Mr. Justice Hall and his commissioners for putting these things in such clarity of language. The man was blessed—whoever wrote it, I suppose he did—with a mastery of simple and direct and expostulatory language, the last one I wish to read into the record. It was very significant for this province:

> We do not suggest that the various provincial programmes be required to conform to any rigid pattern, but to qualify for federal support, they need to provide, in whatever manner may be chosen, universal coverage in the province regardless of age or condition, or ability to pay, upon uniform terms and conditions, and to adhere to the basic, inclusive features of each of the programmes recommended.

That is the end of the quotation. The important part of that quotation—because we have heard of the four compulsory features, is that Mr. Justice Hall, in anticipation of the present Minister of Health, in anticipation of the reluctance of this government, was saying that in the ten political divisions of this country—bearing in mind the regional differences, and bearing in mind the different

complexion of politics in this great country, of which its most charming feature are its differences—they were anticipating that various provinces would require that the plans have different characteristics. However, it was fundamental to the success of the national scheme that Ontario be included. Quebec is not going to come up with a plan apparently of any type that will satisfy either the governors of that province, or the authorities at the federal capital. But it was vital to the security of this plan, that Ontario be one of the participating provinces.

I am not going to tarry and waste my time, and that of the House, by getting into an argument. I put the principles, and these people must ask themselves whether, in conscience, this bill offends those. We say it does not, and to be clear, we say that there are offensive provisions in it which we are going to stake our votes on at the committee stage, in seeking to rectify them. Let us be clear about that, but I am not going to tarry to be wasteful of the time which is so valuable and tax the Treasurer of the province about whether he needs the money. That is trite, he does need the money, there is no question about it, and the sooner he gets it the better, and the sooner we can vote for the principle of this bill, and see that he does get it, the happier we will all be.

Hon. Mr. MacNaughton: It is our money; we want it back for the people of Ontario.

Mr. Sopha: Faced with a clear choice of where I would put my vote in this bill, what I have in mind, is that up in the territory, represented by my friends from Rainy River, Algoma-Manitoulin, parts of Nipissing, and in Sudbury, there are many areas and many people, many good folk, and many sick people—some of them in the constituency of my friend from Thunder Bay—who is not here —who lack adequate medical care. They have not got the doctors, they have not got the hospitals, they have not got the sophisticated, therapeutic techniques that are available to people in the larger metropolitan centres. In the field of health care they are deprived people, and they deserve something better. If $200 million can come to their succour, and can lead to an improvement of the health services for all of our people, no matter if they live in downtown Toronto, or in some of its magnificent surburbs, or they live in Foleyet, or they live in Atikokan, or they live in Schreiber—whose doctor left town, and they have not got one apparently to replace him—but if these people can get better health care by the government of Ontario getting $200 million to provide it, then I with my colleagues have got to hasten to put my vote in favour of this bill.

Let it finally be said that over the years—and I have sat here and I have participated and I have listened to my friend from Parkdale—we have fought the good fight, we have plugged away, we have argued and cajoled, pleaded and persuaded the government to make changes, and changes have been made.

Health insurance is not what it was in the minds of the government six or seven years ago. It is vastly different, and we are confident that this is a step in the right direction, and if we must continue to bend our efforts, there will come a day, whether before this government goes out of office and a new one takes office, but some day, my friend from Parkdale and I know that the health insurance programme for the people of this province, and this country is going to be as satisfactory and as efficient and as comprehensive as human beings can make it. I know that day is going to come.

In life you cannot expect perfection. In life you have to settle for what you can get at the particular time and you keep fighting to get what you want, but the good man sees a measure as being a step in the right direction and he willingly goes along with it. He does not sit back grudgingly, summoning up the rhetoric, and say, "Either I get the Utopia, or I do not vote for it." That is not only irrational, it is impractical, and in a democratic, enlightened society, it is non-political. For those reasons we will put our vote behind this bill. Let us get on with calling the question.

Mr. Speaker: Is there any other member who wishes to speak to the matter before the Minister?

The hon. Minister has the floor.

Hon. Mr. Dymond: Mr. Speaker, we have really ranged the broad prairies this afternoon and this evening. If I were to go over it and rebut every question that has been raised, or answer every question that has been raised and enlarge upon certain points that have been brought forward, I could take a very great deal of time.

Actually, what I said at the opening really needs not to be repeated. The case, I think, has been very well put, the case for the bill, has been very well put by the members of the official Opposition. I think they have put it in a reasonable, realistic fashion, and the fashion of practical men. We have never pretended, sir, that the bill was perfect. The first

time I introduced a bill directed towards this end I pointed out that no one should think this the last or perfect word of the government in respect of medical services insurance. It was but a step in keeping with what our hon. friend from Sudbury has spoken about now: in keeping with the philosophy laid down by Mr. Justice Emmett Hall. He realized that the programme such as his commission envisaged could not be put into operation overnight.

However, I do not intend to belabour that. There are two or three points that are of great concern to certain members which I think should be mentioned just in passing because nearly all of them will come up again, I am quite certain, as we study the bill in committee of the whole House.

There is the matter of services for the Indians. I stated, sir, at the outset, that every resident of Ontario was eligible to participate in this programme, and every resident, in my view, includes Indians, Metis, whatever they are.

There has been a great sound about reducing premiums, and this is very nice, and very desirable. But one of the things that has caused us here to delay the bringing on of this phase of our programme is the fact that we have known from the start that we have not the resources to provide the service which we are insuring as fully, or as completely, as we would like, or even as we ought. We have tried to emphasize with our friends at the federal level the need for recognition of our priorities. But all our pleas, as we have stated already, have fallen on deaf ears, and we are now at the position where we were when we brought in the Hospital Services Insurance programme. We made the same plea to the Prime Minister of that day. We pointed out then that we did not have the hospital facilities to provide the care which we were purporting to insure. But once again, we were driven into it and all of us—

Mr. Nixon: You have not got it yet.

Hon. Mr. Dymond: Yes we have. All of us know what has happened in the meantime. I do not want to get into a hassle with my hon. friend, because I have some very interesting words that flowed from his mouth which I would like to throw back, but I will when the time comes. Oh, you will not pat the desk then, you will hang your head in shame.

However, we have this vague outcry for a reduction of premiums, Mr. Speaker. One member listed certain things that should be done. Let me give you and this House a rundown on the cost of these things.

The hon. member for Scarborough West, I believe, spoke about $176 million. He spoke about nursing home care—$130 million a year, sir. He spoke about a drug plan—$150 million a year. He spoke about, I believe, subsidizing the hospital insurance premium in the same manner as OMSIP is now subsidized—$52 million. And then he spoke about health resources development—$70 million a year, sir, as a minimum figure for the next eight to ten years. We are committeed to those expenditures, and then we talk about reducing premiums. Where does the money come from, sir, if we are going to provide the facilities that will make these services that we are insuring available to the people?

Hon. Mr. Yaremko: Irresponsible.

Hon. S. J. Randall (Minister of Trade and Development): He has his own printing press.

Interjections by hon. members.

Hon. Mr. Dymond: There is really very little to be said about the "reasoned", and I put that word in quotes, sir, the "reasoned" amendment. It is a kind of reasoning I would expect from our socialist friends. Ever since I came into this House, and I came into the House on the same day as the hon. leader, the member for York South, he has longed to be the government; and all of his little coterie that he has gathered around him long to be the government with him. But knowing full well that he never will be the government, nor the group that he has gathered around him. Indeed they are already cutting his throat. The pseudo-leader from Riverdale reminds him periodically that he is treading on very, very thin egg shells. So they will never form the government. They are fighting with each other constantly, that is why they can never form a government, Mr. Speaker; but they long to do so.

Mr. MacDonald: Why do you not defend the bill?

Hon. Mr. Dymond: You know, they remind me of an incident that happened in Ottawa, I think at the higher level of government—was it in 1957?—when the then leader of the Opposition plaintively called upon the Prime Minister of the day to sit over and let him take over the government.

This is what our honourable friends, the socialists, want to do, sir, knowing full well that the only way they can hope to govern is by persuading this government to adopt

their policies. They only know the answer to social legislation. They have that schizophrenic attitude, Mr. Speaker. They never learn from experience.

Interjections by hon. members.

Mr. MacDonald: Remember, you went in for medicine, not the ministry.

Hon. Mr. Dymond: They forget—at least they appear to forget—what happened in their favourite province of Saskatchewan. I do not believe that they have forgotten. I think what they would like to do is persuade this province—

Mr. J. Renwick: Where is the Conservative Party in Saskatchewan?

Hon. Mr. Dymond: —this great province which has been well governed now for 26 years, to adopt the same stupid mistakes that their ilk in Saskatchewan adopted, and what happened to that province. What happened to Medicare there?

Interjections by hon. members.

Hon. Mr. Dymond: Do we want to bring in to this great province of Ontario a stupid, ill-conceived, ill-begotten programme? Somebody spoke about a baby. In that case, sir, they flushed the baby down the drain and kept the afterbirth.

Mr. Speaker, this is not a reasoned amendment, this is a totally unreasonable amendment and I think the only thing this House can do is defeat it and defeat it suddenly.

Interjections by hon. members.

Mr. Speaker: When the House is ready for the motion to be placed, I shall be pleased to place it.

Hon. Mr. Dymond has moved second reading of Bill 195. Mr. MacDonald, seconded by Mr. Renwick, has moved that the motion for second reading of Bill 195, entitled An Act Respecting Health Services Insurance be amended by deleting all the words after "that" and substituting therefore the words:

"this House is of the opinion that the bill is fundamentally defective in principle in that:

1. It fails to guarantee an immediate reduction of premiums, thereby continuing a regressive form of payment at unnecessarily high levels, without meaningful regard for the patient's ability to pay;

2. It fails to prohibit extra billing by participating doctors, thereby supporting a deterrent to use which runs counter to the principle of equal access to medical care services for everyone in Ontario;

3. It provides for a multiplicity of profit-oriented private carriers which will result in:

a) the opportunity for private insurance companies to enhance profits on related health benefits, by using health insurance as a loss leader in any over-all insurance package,

b) the loss of public control over the escalating costs of health services;

and this House is further of the opinion that Bill 195 should be withdrawn and a new bill meeting the objections in principle listed above be introduced forthwith."

As is well known by the House now, as the hon. member for York South mentioned when he introduced his amendment, the first question to be decided is whether the motion that the bill should now be read a second time shall stand as part of the motion.

The House divided on the question as to whether the words "the bill be now read a second time" should stand as a part of the motion, which was affirmed on the following division:

Ayes	Nays
Allan	Brown
Ben	Burr
Boyer	Deans
Brunelle	Gisborn
Bukator	Lawlor
Bullbrook	Lewis
De Monte	MacDonald
Downer	Makarchuk
Dymond	Martel
Edighoffer	Peacock
Evans	Pilkey
Farquhar	Pitman
Gaunt	Renwick (Riverdale)
Gilbertson	Renwick (Mrs.) (Scarborough Centre)
Good	Stokes
Grossman	Young—16.
Guindon	
Haskett	
Henderson	
Hodgson (Victoria-Haliburton)	
Hodgson (York North)	
Jessiman	
Johnston (Parry Sound)	
Johnston (St. Catharines)	
Kennedy	

AYES

Kerr
Lawrence (Carleton East)
MacNaughton
Meen
Morningstar
McKeough
Newman (Ontario South)
Nixon
Paterson
Potter
Pritchard (Mrs.)
Randall
Reid (Rainy River)
Reid (Scarborough East)
Reilly
Reuter
Rollins
Root
Rowntree
Sargent
Simonett
Smith (Hamilton Mountain)
Sopha
Stewart
Trotter
Villeneuve

AYES

Welch
Wells
White
Whitney
Winkler
Wishart
Worton
Yaremko—59.

Clerk of the House: Mr. Speaker, the "ayes" are 59, the "nays" 16.

Mr. Speaker: I declare the motion for second reading of the bill now carried.

Motion agreed to; second reading of the bill.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, before moving the adjournment of the House, we will go into committee of the whole House tomorrow to do this particular bill, bill 195 and the Niagara bill and everything else that is in committee.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 12:15 o'clock, a.m.

No. 159

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, June 24, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, June 24, 1969

Eleventh report, standing legal and municipal committee, Mr. Demers **6043**

Presenting report, governors of the University of Toronto, Mr. Welch **6043**

Schools Administration Act, bill to amend, Mr. T. Reid, first reading **6043**

Human Rights Code, 1961-1962, bill to amend, Mr. Pilkey, first reading **6043**

Schools Administration Act, bill to amend, Mr. Pitman, first reading **6043**

New mortgage lending programme as part of HOME plan, statement by Mr. Randall 6044

Logging road into Killarney provincial park, questions to Mr. Brunelle, Mr. Nixon 6046

Tax rebate complaints, questions to Mr. McKeough, Mr. MacDonald 6047

Expropriations and easements by Ontario Hydro, questions to Mr. Kerr, Mr. T. P. Reid 6047

Jailing of two men for being late for court, questions to Mr. Wishart, Mr. Ben 6047

Banning use of DDT in Ontario, questions to Mr. Kerr, Mr. Shulman 6048

Ontario Securities Commission and Clairtone, question to Mr. Rowntree, Mr. Shulman 6048

Ontario Securities Commission and Seaway and Revenue Properties, question to Mr. Rowntree, Mr. Shulman 6049

Landlord and Tenant Act, questions to Mr. Wishart, Mr. Shulman 6050

Adams-Munk-Clairtone papers, questions to Mr. Wishart, Mr. Shulman 6050

Southwest Oakville Property Owners Association, questions to Mr. McKeough, Mr. Good 6051

Metro police and electronic bugging equipment, questions to Mr. Wishart, Mr. Trotter 6051

Composition of cooked meats, questions to Mr. Stewart, Mr. Makarchuk 6052

Ontario Hydro and Canadian General Electric Co., questions to Mr. Kerr, Mr. Lewis 6053

Workmen's compensation board and irregularities, questions to Mr. Bales, Mr. Lewis 6054

Garbage from vessel M/V Lac Vancouver, questions to Mr. Kerr, Mr. Nixon 6054

Meeting in Armstrong re Indian people, questions to Mr. Yaremko, Mr. Stokes 6054

Maximum shareable shelter allowance, question to Mr. Yaremko, Mrs. M. Renwick 6055

Ambulance service in Etobicoke, question to Mr. Dymond, Mr. Lawlor 6055

City of Thunder Bay, statement by Mr. McKeough 6055

Health services insurance, bill respecting, in committee 6057

Recess, 6 o'clock 6084

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 24, 1969

The House met at 2.00 o'clock, p.m.

Prayers.

Mr. Speaker: Today we expect a great number of visitors in our galleries: In the east gallery we have members of the seventh scout troop, Tillsonburg; in the west gallery, students from Bethel Reformed Church in Dunnville, the First Leaside Land Rangers from Leaside, and MacPhail Memorial elementary school in Flesherton.

Later this afternoon there will be students from Dunwich-Dutton public school, Dutton; MacKillop public school, Richmond Hill; St. Anthony's separate school, Sudbury; Harry J. Clarke public school, Belleville; and Brussels public school in Brussels.

This evening we will have with us two groups: in the east gallery there will be the South Peel Young Liberal Association members; and in the west gallery the Eglinton Young Progressive Conservative members from Toronto.

Petitions.

Presenting reports.

Mr. Demers from the standing legal and municipal committee presented the committee's eleventh report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill 178, An Act to amend The Police Act.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, I beg leave to present to the House the report of the governors of the University of Toronto for the year ended June 30, 1968.

Mr. Speaker: Motions.

Introduction of bills.

THE SCHOOLS ADMINISTRATION ACT

Mr. T. Reid (Scarborough East) moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

Mr. T. Reid: Mr. Speaker, this private member's bill amends the subsection of The Schools Administration Act which authorizes a principal to suspend students from school, by striking out those parts of the subsection which can be used to threaten pupils with the loss of their freedom of speech and freedom of association, which other residents of Ontario have.

The bill adds other grounds for pupils' suspension, more suitable to a school in a democratic society, and provides for written notification to the parents or guardian of a suspended student, and for "due process" in the appeal procedures to the school board concerned.

THE HUMAN RIGHTS CODE, 1961-1962

Mr. C. G. Pilkey (Oshawa) moves first reading of bill intituled, An Act to amend The Human Rights Code, 1961-1962.

Motion agreed to; first reading of the bill.

Mr. Pilkey: Mr. Speaker, the bill adds the sex of a person as one of the grounds on which no person may discriminate against another in the manner set forth in the Act.

THE SCHOOLS ADMINISTRATION ACT

Mr. W. G. Pitman (Peterborough) moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

Mr. Pitman: Mr. Speaker, the purpose of the bill intituled, An Act to amend The Schools Administration Act, is to provide for the establishment of an advisory committee to every board of education and a school council in every elementary and secondary school. In this way, students, ratepayers, parents and teachers will have a greater role to play in the decisions which affect the education of the young people of this province.

Mr. Speaker: Before the orders of the day I would like to remind those farmer members of this House who have the right to vote, that the voting place for the GFO vote for

them and others is in room 418 in this building and the polling booth is open from 8.00 this morning until 8.00 this evening. I would hope that the members would exercise their franchise.

The hon. Minister of Trade and Development has a statement.

Hon. S. J. Randall (Minister of Trade and Development): Mr. Speaker, I would like to announce a new mortgage lending programme and it is aimed at encouraging the traditional lending institutions to finance housing being built under the HOME plan.

Since Ontario Housing Corporation was created in 1964 we have worked continuously towards alleviating the shortage of housing for modest income families. We recognize that if overall housing need is to be met, our programmes must provide the greatest possible degree of flexibility. This is why we introduced the student housing programme in 1966 and the land lease scheme the following year. Each of these programmes complements our geared-to-income housing for families and senior citizens as part of the overall HOME plan.

Shortly after the HOME plan was introduced, meetings were held with the traditional mortgage lending institutions—the chartered banks, the insurance companies and the trust companies—to enlist their participation in the new programme. As a result of these meetings many millions of dollars were provided, particularly by the chartered banks, for modest cost houses constructed on land developed under the HOME plan.

In 1967 the Ontario government introduced legislation to permit condominium title in Ontario. Since the legislation was enacted Ontario Housing Corporation has played a major role in encouraging this form of development by making available serviced land under the HOME plan with no down payment and long-term mortgages. In addition, as an incentive to builders and financial institutions to participate, OHC has provided guarantees over and above those available under The National Housing Act.

In the Metropolitan Toronto area alone, over 8,500 condominium dwellings under OHC sponsorship are at the construction or planning stage. While the cost of these, excluding land, will be in excess of $125 million, far greater amounts of money must be directed to this segment of the residential mortgage market if our housing needs are to be met.

During our discussions with the mortgage lending institutions we invited suggestions concerning other financial measures which might be introduced to stimulate a flow of mortgage funds. A number of excellent suggestions were made and since that time we have been taking a look at these with a view to determining how the government of Ontario might assist the financial institutions in providing an adequate and constant supply of mortgage funds.

I am now pleased to provide the members with an outline of the new programmes which will shortly be put into effect as part of the overall HOME plan.

I am sure many of you will be aware that in the late 1940s the Ontario government introduced a secondary programme to assist purchasers of modestly priced dwellings. This programme was administered by Housing Corporation Limited, an agency of the Ontario government and over a period of two years, second mortgage loans were made to approximately 15,000 home purchasers.

Housing Corporation Limited will shortly be reactivated and will carry out a new mortgage programme in conjunction with Ontario Housing Corporation. This initial programme will be as follows:

(a) To make loans on the security of a second mortgage in conjunction with a first mortgage loan by an approved lending institution. The first mortgage will be for 75 per cent of the lending value of the dwelling and the second mortgage will be in an amount sufficient to provide total financing equal to that available under the terms of The National Housing Act. This would normally be 20 per cent of the value of the dwelling.

The Housing Corporation Limited second mortgage will be in addition to assistance already provided potential home owners in the form of land on a leasehold or a long-term mortgage basis. Where the dwelling is to be constructed on land provided on a long-term mortgage under the HOME plan, it will be incorporated with the second mortgage on the dwelling. But no down payment will be required with respect to the land cost.

(b) All mortgages under this programme will be insured by Ontario Housing Corporation at a fee of one per cent of the principal amount advanced on the dwelling, such fee to be amortized over the same period as the second mortgage.

(c) Interest rates to be charged on Housing Corporation Limited second mortgages will be not more than the rates charged individual home owner applicants by Central Mortgage and Housing Corporation under section 40 of The National Housing Act.

(d) Interest rates to be charged on first mortgages by approved lending institutions will not be more than would be charged for National Housing Act insured mortgages in line with the proposed changes in NHA-insured mortgages.

(e) Interest rates on both first and second mortgages will be subject to adjustment at five-year intervals from the date of commencement of the mortgage, in line with the proposed changes in NHA-insured mortgages.

(f) First mortgages will be written for terms of up to 35 years depending upon the income of the applicant. The Housing Corporation Limited second mortgages will be available for terms up to 35 years at the discretion of the borrower.

While this programme is primarily directed to secondary financing, first mortgage financing will be made available by Housing Corporation Limited under special circumstances where primary financing is not available through an approved lending institution.

For the balance of the current fiscal year an amount of $50 million will be made available to Housing Corporation Limited by the Treasurer of Ontario (Mr. MacNaughton). This will provide secondary financing for some 15,000 new dwellings or a total development programme, excluding land, in the order of $250 million.

As I mentioned earlier, this new programme has evolved from discussions with the mortgage lending institutions of Ontario. By introducing an adjustable interest rate, we have removed one of the major concerns expressed that the "locked in" interest rate of NHA-insured mortgages discouraged lending by organizations which must pay a competitive rate of interest on moneys deposited with them. It is our hope that the second-mortgage feature will instill greater confidence in the lending institutions to provide primary financing for condominium and other developments which under the terms of the HOME plan, are oriented to potential home owners in the $6,000- to $10,000-per-annum income category.

Furthermore, the amount available on a second-mortgage basis coupled with assistance already being provided in the form of land, will enable lending institutions to enter into mortgage arrangements with almost double the number of potential home owners.

As I am sure the hon. members are well aware, interest rates on private second-mortgage financing for new construction are in the order of 15 to 16 per cent, and in any event, are normally short term only.

We are currently in contact with the lending institutions with a view to determining the extent to which they are able to participate in the new programme during the current year. It is our hope that the institutions will also work with us to simplify procedures which in turn will represent savings both in time and money to the individual purchaser. Just as soon as these matters have been resolved, the programme will get underway, hopefully in time to make a major impact on this year's building programme.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, on a matter of clarification. Could the Minister tell the House when he expects to make the first loans on this plan, and what the sliding interest rate will be at its inauguration?

Mr. Speaker: I would point out to the hon. member that some time ago we decided there would be no questions on Minister's statements. However, I think this is an important question and I would be glad to have the Minister answer it, if he wishes.

Hon. Mr. Randall: I would say we have already entered into an agreement with the Royal Bank on the Parkwood—400 condominium units up on Highway 401 and the Donway. We have some others going up in Edgeley in northwest Toronto, and we anticipate starting very shortly on our Chapel Glen Village in Flemingdon Park, so we are arranging to have funds made available for those programmes. As soon as an application is made to us by a building under the condominium arrangement at these prices, we will entertain the opportunity of doing business with him.

Mr. Nixon: What would the rates be now, then?

Hon. Mr. Randall: Well, the rates would be NHA rates prevailing at the present time.

Mr. Nixon: Both for first and second?

Hon. Mr. Randall: That is right. As the member has realized, under a conventional mortgage that rate can be anywhere from half to three quarters of a per cent higher than the NHA rates. Our rates will be the same as the NHA, and the second mortgage rate will be the same thing.

Mr. E. Sargent (Grey-Bruce): Mr. Speaker, on a point of clarification.

Mr. Speaker: The hon. member, I do not think, should ask a point of clarification. There was great discussion in this House about this and it was decided there would be no questions for clarification on Ministers' statements. I believe that that arose after certain statements.

Mr. Sargent: How is it you will take one question but you will not take another one?

Mr. Speaker: That is a fair question, and I thought that the interest rate was of great importance to the members.

Mr. Sargent: I have one of interest, too.

Mr. Speaker: I think that we should not allow it. The hon. member can place a question tomorrow if he wishes or, if there is an opportunity, at another time in debate. When the hon. leader rose to his feet I thought he was going to ask his questions, which he has, and which he was entitled to ask, and I think we should proceed to have him do that now.

Mr. Nixon: I am sorry for any confusion and I hope it can be cleared up.

Mr. Sargent: You are still lost in the woods.

Mr. Nixon: I have a question for the Minister of Lands and Forests.

Has the logging road been built by the Rogerson Lumber Company or any other agency into Killarney Provincial Park, and under what circumstances was a permit issued for them to build such a road?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in answer to the hon. leader of the Opposition: to the first part of the question the answer is "yes"; and this road was permitted under the authority of the Crown licence issued to the Rogerson Lumber Company Limited.

Mr. Nixon: I wonder if the Minister would answer a supplementary question. I know that he has been criticized by people around the community at large for allowing this to happen. Does he feel that this lumber licence should be removed or restricted and, in fact, the road not be extended?

Hon. Mr. Brunelle: I would say, Mr. Speaker, to the hon. member, that Killarney Park is one of our very beautiful parks, and like most of our larger parks we have a master plan, and in this master plan, about half of the park is a primitive area. The most attractive part of the park is a primitive zone, and in this primitive zone no roads are allowed. The road in question has been built in a multiple-use zone in the east end of the park, and therefore will not interfere with the primitive zone of the park which is to be kept in the wilderness state.

Mr. Nixon: Is it true to say, Mr. Speaker, that in fact the park that is designated multiple-use has not been put to any other use until this time?

Hon. Mr. Brunelle: I would say, Mr. Speaker, there is quite a history. There has been logging in that area since about 1950, starting from the east end, and the road was constructed somewhere around 1950 or 1955. Then when the licence was issued to this company, it was issued in the multiple-use zone, so they were allowed to construct roads. The multiple-use zone is used for several purposes—recreation, logging and so forth. But, as I said, at least half of the park is a primitive zone and there will be no logging roads allowed.

Mr. Nixon: Under these circumstances, would the Minister consider extending the primitive allocation to include the whole of the park?

Hon. Mr. Brunelle: As time goes on, we are increasing our primitive zones. We are making them larger and larger. But you must understand that there are cottages in that area. When you have cottages, they have to be acquired over a period of time. But it is our intention to increase the size of the primitive zone. As I said, at least half of that park is a primitive zone.

Mr. Nixon: It will be awfully hard to reverse this process once the roads are built.

I would like to ask a question of the Minister of Energy and Resources Management.

1. Is the vessel *Lac Vancouver* under charter to the Ontario Water Resources Commission for water pollution studies?

2. Did the vessel discharge garbage and leave same on the dock while berthed at Pier 10, Berth 108, in Hamilton on June 4 and 5?

3. And, if so, is the Minister taking steps to see that this does not recur?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, I expect to have the answer to the hon. member's question any minute now and will be happy to reply before the question period is finished.

Mr. Speaker: The hon. member for York South.

Mr. D. C. MacDonald (York South): Mr. Speaker, I have a question of the Minister of Municipal Affairs.

Do any tax rebate complaints made by tenants to the Minister's department still await processing by the department?

And, if so, can the Minister assure the House that they will be processed before the July 1 deadline?

Hon. W. D. McKeough (Minister of Municipal Affairs): Yes and yes.

Mr. Speaker: The hon. member for Rainy River.

Mr. T. P. Reid (Rainy River): Mr. Speaker, I have a question of the Minister of Energy and Resources Management.

Will the Minister personally investigate the actions of Ontario Hydro in the Rainy River and Thunder Bay districts in regard to the expropriations and easements for transmission purposes without due regard to the amenities of the property owners in the area?

Hon. Mr. Kerr: The answer is "yes", Mr. Speaker. I have already asked Ontario Hydro for information on this subject and, I believe, this is the matter that was raised recently by the hon. member for Fort William. I expect a copy of a reply and I would be happy to send the hon. member a copy.

Mr. T. P. Reid: By way of supplementary, while the Minister is investigating this, would he also contact the regional and district foresters of northwestern Ontario in The Department of Lands and Forests, for a report from them on the ravaging of the country that this department has done?

Mr. Speaker: The hon. member for Humber.

Mr. G. Ben (Humber): Thank you, Mr. Speaker. This is a question of the Attorney General.

Can the Attorney General indicate whether the investigation he undertook for the member for Downsview, concerning the jailing of two men for being late for court, is completed, and what its findings are?

If the answer is "no", can we expect a report before the adjournment of the Legislature?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I have now obtained a copy of the transcripts respecting this particular matter and I have had an opportunity of perusing it. It should be noted that when the cast involving Messrs. Corbett and Barber was called at 10.00 o'clock, the two men were not present in the courtroom and the case could not therefore be dealt with. It was placed down the list and later called prior to adjournment.

When the case was later called, the two men answered and the judge then enquired of them as to their absence at 10.00 o'clock. One man indicated that he had been speaking to someone outside the courtroom; the other was delayed in finding a parking space. The judge then answered in the most reasonable manner that the court started at 10.00 o'clock and he then indicated that persons appearing must be in attendance so that the court calendar could be dealt with. In order to ensure their attendance at the next appearance, as the case was put over further; he directed that bail be fixed for each of them at $25. The deposit of the bail was obviously intended by the judge to ensure recognition of the court hours and his comments and explaining the proceedings were both polite and well directed.

The men were then taken out of the courtroom to arrange for the bail, but as they did not have cash bail they had to make arrangements for it and so were subsequently held in custody until the bail was arranged. Mr. Barber was released later in the afternoon of June 5; Mr. Corbett was not released until 2.50 in the morning of June 6. This latter difficulty arose because of the delay that was encountered in obtaining a justice of the peace and for this I have no explanation, I must say.

The men were not jailed for being late for court, as the hon. member for Humber has indicated, but they were taken into custody when they were unable to post the $25 bail that was fixed as a result of their failing to appear when their case was first called on the morning of June 5.

Mr. Ben: Mr. Speaker, of the Attorney General, is the Attorney General aware that (a) it is quite customary for cases to be called and asked to be stood down because a defendant or accused is late, and (b) what would have prevented personal bail being taken from the accused to make exactly the same point?

Hon. Mr. Wishart: I am aware, of course, that cases are sometimes put over, not usually for persons being late unless there is a very good reason for it. In this case, it was the presiding judge who said, "You must be here, the court must operate. It opens at 10.00

o'clock and in order to assure that you will be here" he fixed the amount—it was not a justice of the peace—and said, "I am going to see that you realize this and you must be here and it will be $25 to make sure you are here on time the next appearance." This was not a case of the ordinary application for bail; this was a judge exercising his judicial function. So it is not a case of bail being fixed.

I am not going to comment on the matter. The transcript makes it clear that the judge spoke very politely and very clearly and indicated to these persons that they should be there so that the court could operate properly. But, I think it seems quite apparent that it was not anticipated that these men would be unable to put up $25 at once. I am concerned—this is where my concern arises—that it took from some time that afternoon and midnight went by and still a justice of the peace was not available to arrange a bail application.

Mr. J. E. Bullbrook (Sarnia): Can anything be done about that?

Hon. Mr. Wishart: Yes.

Mr. Speaker: The hon. member for High Park.

Mr. M. Shulman (High Park): Mr. Speaker, I have a question of the Minister of Energy and Resources Management:

In view of the revelation in last Friday's *Wall Street Journal* that a six-month study had revealed damage to wildlife and a great possibility of eventual harm to humans from DDT, will the Minister ban the use of this dangerous chemical in this province?

Hon. Mr. Kerr: Mr. Speaker, I have not read the report to which the hon. member refers, but I question its applicability to Ontario conditions. I have already tabled a report dealing with Ontario conditions and describing an interdepartmental control programme to minimize the use of DDT in Ontario. I have also said that if our continuing monitoring programme shows that problems arising from the use of DDT are continued, then I will be prepared to take further steps at that time.

Mr. Shulman: Will the Minister accept a supplementary question? Is the Minister suggesting in his reply that the effect of DDT may be different in the United States than it is in Ontario?

Hon. Mr. Kerr: Well, yes. I am suggesting that the actual results of the use of DDT in the United States may be quite different from that in Ontario.

Mr. Shulman: I have a question of the Minister of Financial and Commercial Affairs, Mr. Speaker:

Will the Minister release the Ontario Securities Commission report on Clairtone at once in order to inform all the shareholders of the facts, as there are now only two weeks left for them to take action?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Speaker, may I say at the outset that there is no formal report as such from the Ontario Securities Commission on Clairtone. On March 11, 1968, the Ontario Securities Commission requested permission from the Minister to make any evidence obtained by the commission available to complainants. This permission was granted on March 21, 1968, and the Ontario Securities Commission subsequently made such evidence available as requested.

The question of the release of their investigation findings and so on was contained in a letter from the chairman of the commission to me and, if I recall accurately, the matter of principle was discussed with the chairman and I determined that this information should be made available.

There has been considerable news coverage of this matter, particularly during the past few weeks. To the best of our knowledge, no shareholders have approached the Ontario Securities Commission regarding the use of sections 113 and 114 of The Securities Act or the similar sections under The Corporations Act.

I would like to point out for the record that Industrial Estates Limited, which is a Crown corporation of the province of Nova Scotia, has effective control of Clairtone. It is my understanding that it owns some 80 per cent of the shares.

I would also like to record that here have been discussions with senior officials of the Nova Scotia government offering our assistance should they consider it advisable to take action in this matter. Whether or not Industrial Estates Limited, the Crown corporation of Nova Scotia, or the Nova Scotia government itself, will take action in the matter, they themselves will have to determine.

Mr. Shulman: Mr. Speaker, on a point of order. The Minister is either misleading the House today or misled it during his estimates of 1968.

Subsequent to the date which he read just now, he stated in this House he would not release the report because legal actions might be taken. He now comes up and says that he is willing to give the report to anyone who asks for it, but nobody would ask for it, because he had said he would not release it. He is misleading the House—

Hon. A. Grossman (Minister of Correctional Services): Another misleading charge?

Mr. Shulman: —and he is protecting the directors of Clairtone.

Mr. Speaker: The hon. member has further questions.

Mr. Shulman: He is responsible for people losing millions of dollars.

Mr. Speaker: The hon. member will continue with his questions.

Mr. E. W. Sopha (Sudbury): That is an assault—

Mr. Shulman: It is an assault on the truth, that is what it is.

Mr. Speaker, I have further questions for this Minister:

Why did the securities commission not stop trading in the stock of Seaway and Revenue Properties 12 days ago during the department's estimates, when I presented the Minister with certain facts about those companies and recommended that action be taken at once?

Is the Minister aware that millions of dollars' worth of stock in those companies have been sold during that time?

Is the Minister aware whether the Toronto Stock Exchange intends to continue F. H. Deacon and Company as a member of that body?

Was $500,000 paid to F. H. Deacon and Company by Seaway in connection with the sale of one million shares of that company's stock at $25 per share?

Did any partner of F. H. Deacon and Company sit on the Toronto Stock Exchange committee that approved the issuance of this stock?

Did Mr. A. Manley of 74 Strathearn Road and Mr. P. Sherman of 287 Hillhurst Boulevard receive a "finder's fee" of $100,000 in connection with this deal?

Does the securities commission now intend to stop trading in shares of Seaway and Revenue Properties, whether on the exchange or over the counter, as was done by the U.S.A. regarding Revenue many weeks ago?

Let us try better this time.

Hon. Mr. Rowntree: Mr. Speaker, the securities commission did not consider that it was in the public interest that shareholders who owned the stocks of these companies should be deprived of their right to dispose of them, if they saw fit. Additionally, the banning of trading removes this stock from the class of securities eligible for borrowing and a banning order might have affected the margin and collateral positions of many persons not connected with the inquiry which the commission, together with the Securities and Exchange Commission, was making into the affairs of the companies.

With respect to question No. 2, the public trading records of the Toronto Stock Exchange would show the value of the shares sold. The position of F. H. Deacon and Company Limited on the Toronto Stock Exchange is a matter for the governors of that body to decide.

Fourth, Seaway Multi-Corp. Limited advised the commission on January 22, 1969, of a private placement of one million common shares, at $25.50 per share, with some 33 financial institutions whose names are on the list which I have before me.

F. H. Deacon and Company Limited was named as a person to whom compensation was paid in connection with the transaction, but the amount of the compensation to F. H. Deacon and Company was not set out.

Fifth, no representative of F. H. Deacon and Company is currently a member of the board of governors of the Toronto Stock Exchange. J. S. Deacon is a member of the audit committee of the exchange.

Sixth, I have no information or knowledge regarding the fees of Messrs. Manley and Sherman.

Seventh, the commission does not now intend to stop trading in the shares of Seaway and Revenue Properties for the reasons given in answer to question one. The public is aware of the current situation regarding these securities, and the commission does not consider that they should be deprived of their rights to decide for themselves whether or not to buy or sell these shares. There is nothing that has happened to date which would justify denying to the shareholders of these companies their ordinary access to the market place, such as is enjoyed by holders of securities.

The situation in the United States is not as indicated by the question. Revenue Properties was listed on the American stock exchange and was suspended from trading by that body some weeks ago. No order banning general trading of Revenue Properties has been issued by the United States securities commission. That body obtained an injunction restraining the management group of Revenue Properties from trading in its shares in the United States.

Mr. Shulman: It would be crazy to buy stocks in this province, Mr. Speaker.

I have a question of the Attorney General: Is the Attorney General aware that in anticipation of improvements in The Landlord and Tenant Act this fall, landlords in Toronto, using the Canada Permanent Trust Company as an administrator, are requiring their tenants to sign a waiver reading:

> The lessee hereby waives and renounces the benefit of any present or future Act of the Legislature of the province of Ontario taking away or limiting the lessor's right of distress, and agrees with the lessor that notwithstanding any such Act the lessor may seize upon and sell all the lessee's goods and chattels for payment or rent and costs as might have been done if such Act had not been passed.

Does the Attorney General intend to take any action to prevent this evasion of the intention of the laws of this province?

Hon. Mr. Wishart: Mr. Speaker, I was not aware of this practice until it was brought to my attention in this question, but it can be very effectively overcome as we have done in other legislation, such as the consumer protection legislation, where we simply pass a section in whatever statute might be involved —here it would be The Landlord and Tenant Act—saying that it would be forbidden to waive the protection of the statute. We have done this in other fields on other occasions. I particularly mention the consumer protection legislation.

As to the part of the question which asks whether the Attorney General is going to take action, I have answered on a number of occasions recently in this House that we are studying the landlord-and-tenant matter with a view to producing legislation.

Mr. Shulman: Will the Minister take this precaution in the new legislation?

Hon. Mr. Wishart: I would think we would carefully consider this. As I say, we have used this means and it is a very effective method.

Mr. Shulman: I have another question for the Attorney General, Mr. Speaker.

Has the Attorney General completed his investigation as requested by me some weeks ago into why the Adams-Munk-Clairtone papers have been removed from the public files?

Hon. Mr. Wishart: Mr. Speaker, I answered this question on June 5. I indicated, in the absence of the hon. member for High Park, that the documents were not missing but were in the hands of the judge, Mr. Justice Stewart, who is the judge designated by the Chief Justice of the High Court to hear the particular application. I think I answered the question on the day following its being asked.

Our enquiry indicated that Mr. Justice Stewart had, as is quite common, quite usual and quite proper, asked the court for the papers so that he might study them since he had been assigned to hear the case and they were in his office in his possession.

Mr. Shulman: Will the Minister accept a supplementary question?

Hon. Mr. Wishart: Yes.

Mr. Shulman: Why did Mr. Justice Stewart not return the papers after the case had been decided?

Hon. Mr. Wishart: Are they not back yet?

Mr. Shulman: I have not been down there today.

Mr. Sopha: Why does the member not phone him up and ask him?

Hon. Mr. Randall: How did the member know they were missing?

Mr. Shulman: They are not in the file. There is no record of them.

Hon. Mr. Wishart: All I can say is, it is quite proper, quite usual, and in fact quite necessary, I think, for a judge, if he is going to try a case properly, to make himself fully acquainted with the pleadings, the claim, the defence, the affidavits, all the material that is on the file. This is a common, ordinary, well-known, well-recognized practice. If a judge is to give a proper adjudication he does not wait until he sits on the bench and then start reading the documents, which may be very voluminous and which may pose some questions that he may want to look at in the law. He may want to be very familiar with the case if he is going to do a proper job, so he takes the papers into his possession,

and he is the person who, of all people, should be entitled to see them. So there is nothing strange about this, nothing mysterious, there is nothing hidden, and how long the judge keeps them is a matter for his own discretion.

Mr. Shulman: Is the Minister aware that the judge removed these papers at a time that the securities commission was being notified not to come down because the case was not going to be heard?

Hon. Mr. Wishart: That does not matter. The papers were in court. The judge had been assigned to the case and he had not only a perfect right but I think a responsibility, as judges accept, to make himself aware of the background of the case, the matters at issue. He was not removing papers—

Mr. Shulman: He sure did.

Hon. Mr. Wishart: The way the hon. member uses the word you would think the judge was filching them from the court.

Hon. Mr. Grossman: That is a Shulmanism.

Hon. Mr. Wishart: Well, I cannot make the matter any more clear to the hon. member.

Mr. Speaker: The hon. member for Waterloo North.

Mr. E. R. Good (Waterloo North): Mr. Speaker, I have a question of the Minister of Municipal Affairs.

Is the Minister investigating the dispute between the Southwest Oakville Property Owners Association and the town of Oakville in connection with the resolution presented by the association to the town of Oakville, and the town's refusal to submit the resolution to the Ontario Municipal Board on June 16?

Hon. Mr. McKeough: Mr. Speaker, the answer is "no". It is my understanding that this matter relates to the county board of education, especially that portion of the budget to be allocated to Oakville, and in this respect I think the question and the matter should have been directed to the Minister of Education (Mr. Davis).

There is reference in the question, and in the correspondence which I have seen, to a resolution which was directed to the Ontario Municipal Board. I have not seen the resolution, but it is my understanding that the matter in question is not one which can be dealt with by the board.

Mr. Good: Mr. Speaker, could I ask a supplementary question? Since this association has been unable to have a satisfactory hearing by both the county school board and the town of Oakville council, would the Minister not feel a responsibility to help them carry their grievance to the municipal board?

Hon. Mr. McKeough: The Ontario Municipal Board has absolutely no jurisdiction in the matter according to my understanding of it, so there is nothing the municipal board can do about it.

Mr. Good: Even though their grievance was against the council?

Hon. Mr. McKeough: No, but whether they have a grievance with the council or anyone else, the Ontario Municipal Board has no jurisdiction. I have grievances with a number of people too, but the Ontario Municipal Board does not have any jurisdiction I hope, not yet. I am sure if they discuss this matter with the Minister of Education this will be clarified, but it is within his ambit and not mine.

Mr. Speaker: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, a question for the Attorney General.

Is the Attorney General aware that the Metropolitan Toronto police, in order to reclaim electronic bugging equipment from the Bell telephone company—equipment owned by the Metropolitan Toronto police—swear before a justice of the peace that they have reasonable grounds to believe that the bugging equipment was in some way connected with the commission of an offence, or was likely used in the commission of some offence?

What offences are the Metropolitan Toronto police committing?

If the Metro Toronto police are not committing any offences, are they swearing out false warrants?

Hon. Mr. Wishart: Mr. Speaker, the Metropolitan Toronto police are neither committing an offence nor are they swearing out false warrants in recovering this equipment.

I would point out, Mr. Speaker, that the police do not know what devices are removed by Bell Canada until they are notified by the company by a letter addressed to the chief of police. With the knowledge that some theft of service may have been committed if such devices had been used, the

police then obtain a search warrant to investigate the device that is used. This is an ordinary practice in police investigation.

The telephone company, I understand, does not describe the location of the device. It simply says it has picked up a device from its line. The police are certainly interested in knowing whether it might be one of theirs, I grant, but they are interested in knowing if someone else is using it and they want to know all about it and want to find out where it was. And they are quite proper in saying that it would appear they have reason to believe that the offence of theft of service has been committed. So they swear out a warrant and recover the device. Quite proper; no offence, no false information.

Mr. Trotter: Mr. Speaker, is the Attorney General not aware that the officials of the Bell telephone company say publicly that the police are coming to pick up their own equipment? The Minister is not facing up to the question.

Hon. Mr. Wishart: Yes, I am. I grant I said some of this equipment may be placed by the police, but Bell does not indicate anything more than that they have picked up a device and the police should know if other persons are bugging or wire tapping or using electronic items. And they do not know. The only way they find out is to say we have reasonable ground to believe that offence of the theft of service is being committed and they get a search warrant and they go and pick up the device.

It may be theirs. It may be a criminal's. Maybe somebody else—

Mr. Trotter: Well how can police pick up their own equipment?

Hon. Mr. Wishart: Well it is picked up. One of the cases, I understand—

Mr. Trotter: The Minister said that their own equipment—

Hon. Mr. Wishart: One of the things they have picked up, I am told, was a woman bugging her husband's telephone at the office.

Interjections by hon. members.

Hon. Mr. Wishart: When I can get an opportunity to finish my answer, I would point out that when the Bell telephone company reports a line has been tapped or bugged, as the hon. member used the expression, it says: "We believe there is an offence of theft of information, of a service—"

Mr. Trotter: Their own equipment?

Hon. Mr. Wishart: They do not know. The Bell does not tell them whose equipment it is.

An hon. member: The police know their own equipment.

Hon. Mr. Wishart: They do not know from the Bell's statement; they only know that the Bell has picked up a device. They want to know all instances of this and they say: "We have reason to believe that an offence may have been committed," and they go and pick it up—

Mr. Trotter: That's no answer.

Hon. Mr. Wishart: That is the answer. That is all that is to be said.

Mr. Speaker: The hon. member for Brantford.

Mr. M. Makarchuk (Brantford): Mr. Speaker, I have a question of the Minister of Agriculture and Food in two parts.

First: When will the Minister's current investigation into the high cost of beef be completed?

Second: In view of the statement by Canada Packers carried in the *Telegram* June 19 that meat is sold to retailers at an average of 64 cents per pound while the price at the retail level ranges between $1.39 and $1.89 per pound, will the Minister take immediate necessary action to bring the price down to lower levels?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, I will take the question as notice.

By the way, Mr. Speaker, I have the answer to a question I took as notice from the same hon. member yesterday: Question 1943.

Mr. Speaker: By all means.

Hon. Mr. Stewart: In reply to the first question that was asked, the United States Department of Agriculture is currently holding public hearings concerning limiting the fat content of cooked meats to 33 per cent.

The protein content of wieners of 19.6, as asked by the member, would appear to be in error since this would be in excess of the protein content of other cuts such as standing rib roast, cottage rolls, bacon, and so on.

In reply to the second question, Mr. Speaker. In Canada the composition of cooked meats is, as I indicated yesterday, controlled by food and drug regulations of the govern-

ment of Canada which limits the filler in a content of such cooked meats to four per cent and the total moisture content to a maximum of 60 per cent.

There are no regulations as yet concerning the amount of fat content in sausage or wieners. But, there are regulations pending which will be introduced shortly at the federal level governing fat or protein content of wieners and cooked meats. The protein content of such cooked meats ranges between 11 and 12 per cent.

In reply to the third question, currently all labels and contents are under the control of the government of Canada and there would appear to be no valid reason for Ontario to duplicate these services.

The answer to the fourth question: Not to our knowledge, we have been assured that such is not the case.

Mr. Makarchuk: Mr. Speaker, I have a supplementary question.

On the third part, the Minister said that the federal government at the moment does not label the contents of the sausages. Is the Minister prepared to bring in legislation in Ontario that would ensure that at least it is labelled in Ontario?

Hon. Mr. Stewart: This is under the government of Canada's food and drug regulations, and, as I said earlier, I see no reason why we should duplicate these services.

Mr. Speaker: The hon. member for Thunder Bay.

Mr. J. E. Stokes (Thunder Bay): Thank you, Mr. Speaker. I have a question for the Minister of Energy and Resources Management:

Is the United Corps of Army Engineers conducting a survey of water flow and levels around Armstrong and Collins in the Thunder Bay riding?

Is Ontario Hydro participating in this survey?

What is the purpose of this survey? Are they exploring the possibility of exporting water to the United States?

Hon. Mr. Kerr: Mr. Speaker, this question requires that enquires be made that will take some time. I will take the hon. member's question as notice and I hope to have an answer for him this week.

Mr. Speaker: The member for Scarborough West.

Mr. S. Lewis (Scarborough West): Thank you, Mr. Speaker. A series of questions for the Minister of Energy and Resources Management.

One: Is it correct that Ontario Hydro has recently negotiated a large contract with Canadian General Electric to build five steam turbines?

Two: Is the Minister aware that 70 per cent of this contract has been farmed out by Canadian General Electric for production at its Schenectady, New York, plant with only 30 per cent of the order remaining in Ontario at Peterborough.

Three: Is the Minister aware that, at the same time, Canadian General Electric is now phasing its turbine work out of operation at its Scarborough plant, with the jobs of 600 production employees potentially at stake?

Four: Does the Minister not feel that Ontario Hydro, in the letting of large contracts, should insist on Canadian production wherever possible?

Hon. Mr. Kerr: Mr. Speaker, the answer to question number one: Ontario Hydro has recently placed an order with the Canadian General Electric Company Limited to supply four turbo generators for approximately 575,000 kilowatts each for installation at the Lennox generating station, west of Kingston.

Two: Because of the size of these units, some of the major components will be manufactured by the General Electric Company in Schenectady, New York. Ontario Hydro does not believe it can properly dictate to any Canadian manufacturer where each specific component should be made. Its objective has been twofold: To obtain the most efficient and economical equipment available. And, secondly, to encourage the expansion of Ontario and Canadian industry. Accordingly, in ordering the four units for Lennox generating station, Ontario Hydro has obtained an undertaking from the Canadian General Electric Company Limited that it will produce additional exports to the value equal to that of the import content of the order.

Three: The plans of Canadian General Electric follow policy decided upon some time ago with respect to the plant at Scarborough. It is understood that this policy was an aid to market conditions beyond, as well as in, this country.

Four: Yes. This is not only my opinion, but it is the general practice of Ontario Hydro in placing all of its orders for equipment.

Mr. Lewis: I would like to ask a supplementary in view of the Minister's last remark. Does the Minister think there is propriety, perhaps even legality, in the letting of a contract to Canadian General Electric which then turns over the major part of that contract to the parent American company? Did the Minister know what would occur when the contract was let? Scarborough could have produced it.

Hon. Mr. Kerr: This is the information I have, Mr. Speaker, that these components could not have been manufactured in Peterborough or Scarborough. Peterborough, I believe, was the particular plant the member was talking about.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, I might enter this if you would permit me. I do not know if the hon. member completely understood that the parent company in the United States would ensure that an equivalent amount of exports would be generated by the Ontario company to match the purchases from the parent company in the United States. In effect, the Canadian content remains the same. Because of the balancing of their manufacturing capacity between the parent company and the Ontario company, this arrangement was entered into. Do you understand it?

Mr. Lewis: Yes, the branch plant economy maintains itself in balance.

Mr. Makarchuk: Just like the defence production sharing agreement in Ottawa.

Mr. Lewis: Mr. Speaker, I have a three-part question of the Minister of Labour, sir. He is now in the House. It is question 1892 from June 18. I think this is the first time we have been in the House simultaneously.

Mr. Speaker: Does the Minister have that question? I do not have it.

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, this question was asked last week, on behalf of the hon. member for Scarborough West by his colleague, the hon. member for Riverdale. At that time I took it as notice. I would now advise him that the question really concerned a matter under investigation by the workmen's compensation board in which the board sought police assistance. Following the police investigation charges were laid and the matter is before the courts. For that reason, Mr. Speaker, I would leave the question at that point.

Mr. Speaker: This might be—

Mr. Lewis: Mr. Speaker, in the intervening six days, the Minister will be pleased to know that I have thought upon a supplementary which I would beg permission to ask. Is the Minister satisfied that a correction has been made in the administrative operations of the workmen's compensation board, such that the same occurrence cannot again be repeated? I gather it had something to do with the creation of dummy companies and claims for non-existent workmen, and I stand to be corrected. Something obviously was askew in the operation of the board.

Hon. Mr. Bales: Mr. Speaker, since the matter is before the courts, I think we will have to see the outcome of that before I could really answer the question.

Mr. Speaker: This might be an appropriate time for the Minister of Energy and Resources Management to answer the question from the leader of the Opposition for which he advises me he now has an answer.

Hon. Mr. Kerr: Yes, part 1 on the hon. leader's question, Mr. Speaker: "Is the vessel M/V *Lac Vancouver* under charter to the OWRC for water pollution studies?" The answer is, "yes". Part 2: "Did the vessel discharge garbage and leave same on the dock while berthed at Pier 10, Berth 108 in Hamilton on June 4 and 5?" The answer is that garbage from the M/V *Lac Vancouver* was deposited on the dock in bags for disposal on June 4 and 5. Through an oversight by the person responsible for disposal of the garbage, it was left on the dock.

Part 3: "Is the Minister taking steps to see that this does not recur?" The answer is that the owner of the *Lac Vancouver* has been advised to take appropriate action to avoid recurrence.

I understand, Mr. Speaker, that the practice has been to leave the garbage in proper disposal bags on the dock and there is a service by which these bags are picked up and disposed of, but apparently this was not done on these particular dates.

Mr. Speaker: Perhaps the hon. member for Thunder Bay would now place his question.

Mr. Stokes: Thank you, Mr. Speaker, I have a question of the Minister of Social and Family Services.

Was a meeting held in Armstrong on Wednesday, June 18? Was it called to deal with the needs and problems of Indian people? Was this meeting attended by members of the children's aid, the Alcohol and Drug Addic-

tion Foundation, The Department of Lands and Forests, and a Roman Catholic priest? Were there any Indian people present or invited? If not, why not?

Hon. J. Yaremko (Minister of Social and Family Services): Mr. Speaker, the answer to the first question is "yes". Question 2: The meeting was a gathering of personnel from agencies involved with the social conditions of the Armstrong area and was held to discuss mutual problems. Question 3: Yes. Question 4: It is my understanding that those who were invited are representatives of agencies offering services to the area. Our department was not directly involved in the calling of the meeting, and I am therefore not in a position to discuss the reason for the selection of those invited.

Mr. Speaker: The hon. member for Scarborough Centre.

Mrs. M. Renwick (Scarborough Centre): To the Minister of Social and Family Services:

Would the Minister clarify if there is a guideline from his department to the municipalities that the discretionary granting of the utilities and household supplies allowances should only be granted in cases where the recipient is paying rent in excess of the minimum allowed under The General Welfare Assistance Act?

Hon. Mr. Yaremko: Mr. Speaker, there is no minimum rent. What is probably meant is the maximum shareable shelter allowance. The regulations make it clear that if the recipient has any costs for utilities or household supplies, the municipality may grant the amount up to certain maximums, and it is shareable. This interpretation of the regulations has been conveyed to the municipalities in meetings and training sessions.

Mr. Speaker: The hon. member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): To the Minister of Health:

Is it true that the emergency service ambulance station on Superior Avenue in Etobicoke is closed down completely if the one attendant is either sick or absent?

Hon. M. B. Dymond (Minister of Health): Mr. Speaker, I think the hon. member knows that this is under the direction of Metropolitan Emergency Services. They have advised me that if for any reason this station is not available for servicing, the calls are relayed to a neighbouring station.

Mr. Speaker: The Minister of Municipal Affairs.

Hon. Mr. McKeough: Mr. Speaker, I thought you would like to have it reported in *Hansard*, and the members would like to know, that the Prime Minister and I both sent wires this morning to His Worship, Mayor Laskin, the new mayor of what would appear to be the city of Thunder Bay, our newest municipality.

Mr. Stokes: Mr. Speaker, on a point of personal privilege, I was just about to ask the Minister if he was aware that the name Thunder Bay was being usurped by the people of the Lakehead. I will be quite happy to represent any or all of them, but I was wondering if the Minister does not think it will create problems having the city of Thunder Bay and the district of Thunder Bay, although not within the electoral boundaries of Thunder Bay, which is also a geographic location out in Lake Superior. Is this not going to create problems?

Hon. Mr. McKeough: The people have spoken, Mr. Speaker, the people have spoken. Before making my order, which I am to do under the Act, I propose asking the council if this is the decision of the people and I will be writing to the new council within the next few days. I realize that it was a bad day for the member for Thunder Bay, because his name has been stolen, and two NDP aldermen went down to defeat and the NDP candidate for mayor went down to defeat.

An hon. member: Oh, no!

Hon. Mr. McKeough: So it was not a good day for the New Democratic Party.

Mr. Shulman: Mr. Speaker, on a point of order.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: Before the orders of the day, I wish to rise on a point of order.

My point of order is that the Attorney General yesterday deliberately misled the House. Yesterday, sir, I drew your attention to certain remarks made by the Attorney General which were quoted in Saturday's press. I detailed at some length the complete inaccuracy of those remarks. However, the Attorney General did not withdraw his comments nor did he apologize. On the contrary, he rose in this House and said that he was referring to another case.

Following his remarks, sir, I have made a very careful search of the records and must inform you that there is only one case. The woman's name was Pearl Grey, the doctor who operated on her was Doctor B, and the date was November 19, 1964. The facts are purely and simply that an addict doctor made an error in an operation which resulted in a woman's death. Worse, the hospital and the college were aware of the facts and they had taken no action.

Sir, the Attorney General misinformed the public and the Press. When the facts were brought to his attention, he attempted to cover this up by deliberately misleading the House.

Mr. Speaker: Order. I must caution the hon. member against imputing motives to the Attorney General, another member of this House, which is not allowed. If he wishes to rise on a point of order that the Attorney General misled the House, he is entitled to do so, but he is not entitled to use the words "deliberately misled" but only "misled the House".

Mr. Shulman: Sir, I assume that a Minister of such well-publicized honour will take haste to explain or apologize.

Mr. Ben: Mr. Speaker, on a point of order—

Mr. Speaker: Order. The hon. member will delete from his statement of his point of order the word "deliberately" because it is not proper in this House so to impute motives to a member, and I presume that the hon. member will have no objection to that.

The hon. member for Humber.

Mr. Ben: Mr. Speaker, I suggest the allegations made by the hon. member for High Park be referred to the committee on elections and privileges to determine the veracity of those statements. He has made serious accusations against a Minister of the Crown and I think that it ought to be cleared up before the committee of elections and privileges, as should all subsequent and further allegations of this nature.

Mr. Shulman: I would be very agreeable to that, Mr. Speaker.

Mr. Speaker: Of course, the hon. member for Humber will realize as I do, and as I have also been advised, that such a motion requires notice. If the hon. member wishes to put such a notice on the order paper, I am sure that is his prerogative. The hon. Attorney General wishes to have the floor.

Hon. Mr. Wishart: Mr. Speaker, I can only think that the hon. member for High Park and myself are thinking of two different cases altogether.

Mr. Speaker: Orders of the day.

Clerk of the House: House in committee of the whole House; Mr. A. E. Reuter in the chair.

The Honourable, the Lieutenant-Governor recommends the following:

That,

> The expenditures necessary for the purposes of the Health Services Insurance Plan established under section 3 of The Health Services Insurance Act, 1968-1969, shall, until the 1st day of April, 1970, be paid out of the consolidated revenue fund,

as provided by Bill 195, An Act respecting Health Services Insurance.

Resolution concurred in.

Mr. J. Renwick (Riverdale): Mr. Chairman, just in a bit of a rush here—I am sorry that the resolution was put. I would hope that I could ask the Minister a question with the unanimous consent of the committee.

Mr. Chairman: Well, the resolution has been properly put before the committee. I mean, without the concurrence of the House on a resolution we cannot proceed with the bill.

Mr. J. Renwick: Would you ask the House if I could have unanimous consent to put one question to the Minister, Mr. Chairman?

Mr. Chairman: Do I have the consent of the committee for the hon. member for Riverdale to place a question before the hon. Minister of Health, having to do with the resolution just placed before the committee? Agreed.

Mr. J. Renwick: Thank you, Mr. Chairman. Would the Minister tell us what his estimate of the expenditures that we have just authorized to be paid out of the consolidated revenue fund may be?

Hon. M. B. Dymond (Minister of Health): Mr. Chairman, I can give an estimate. In the remainder of the fiscal year 1969-1970, it is estimated the amount required will be $256,359,000.

HEALTH SERVICES INSURANCE

House in committee on Bill 195, An Act respecting Health Services Insurance.

On section 1:

Mr. M. Gaunt (Huron-Bruce): Mr. Chairman, I have an amendment to section 1, paragraph (k), and I move that paragraph (k) of section 1 be amended by adding at the end thereof, the words: "and without restricting the generality of the foregoing, shall include chiropractors, osteopaths and optometrists", so that the paragraph shall read as follows:

> Practitioner means a person, other than a physician, who is lawfully entitled to render insured health services in the place where they are rendered, and without restricting the generality of the foregoing, shall include chiropractors, osteopaths and optometrists.

Mr. Chairman: Mr. Gaunt has moved that paragraph (k) of section 1 be amended by adding at the end thereof, the words: "and without restricting the generality of the foregoing, shall include chiropractors, osteopaths and optometrists".

The hon. member for Huron-Bruce.

Mr. Gaunt: Mr. Chairman, if I may, I want to make a few comments with respect to this amendment, and before I begin, I should indicate to you, Mr. Chairman, that I propose to submit a complementary amendment to section 32, having to do with the regulations. That complementary amendment will have the same purport as the one I have just introduced.

But let me say first of all that my reason behind introducing this particular amendment, having realized of course that optometrists are now included in OMSIP, was that I felt that it should be spelled out in a very precise way in the bill.

As far as the other paramedical services are concerned, I feel that there are no restrictions in the bill. These can be added to the plan at the Minister's pleasure; there is no restriction whatsoever. I am simply indicating to you, Mr. Chairman, and to the House, that these services which I have mentioned in my amendment should be added forthwith.

I am not going to go over all of the arguments which I have outlined from time to time when I have been talking about the value of the various paramedical groups which operate and are licensed to operate across this province. But I think, Mr. Chairman, it is only fair to point out—and I put aside all of the other arguments I have used over the years—the value of chiropractors, the value of osteopaths and the other paramedical people, and the costs involved. I made a speech about that last year, I believe. I am going to put all of that aside. I think the strongest argument for the inclusion of chiropractors, for instance, is the fact that the North-American Academy of Manipulative Medicine, which is only about three years old, is co-operating with the medical faculties in holding short courses. They are holding a short course on spinal manipulation.

Now these short courses, as I understand it, are held over two or three days, usually a weekend, and they give a few brief hours of instruction to medical doctors who for years have been conditioned to believe that there is no value in this particular form of therapy. And this is supposed to give a physician a more-or-less kindergarten knowledge of the techniques of chiropractic manipulation with which he may then experiment on his patients, since he is already a licensed practitioner.

It seems to me that this is grossly unfair.

I have two programmes here. One course was held September 12 to September 17, 1966, under the heading of "Manipulation in Medical Practice" and for a fee of $150 a medical doctor could take that course and get a crash programme in manipulation. What is happening here is that the doctors are starting to use manipulation; they have not developed the technique sufficiently but they are experimenting with it, and they are attempting to do the job that is being done by people who have to take four years to be thoroughly proficient before being allowed to practise.

I think the latest course that was given was on May 30 and May 31 of this year, 1969, and the fee has come down considerably, Mr. Chairman. It is interesting to note that it is now $50, and here again it is advertised as "Manipulation in Medical Practice" and it is a crash course in manipulation.

My information is that chiropractors are already seeing patients whose physicians have attempted spinal manipulation only to aggravate the condition and cause the patient to seek qualified chiropractic attention.

The important point for the government to realize here is that this type of unqualified manipulative practice is being paid for under OMSIP at the present time, because it is being carried out by a medical doctor. The government in effect is paying for untrained,

unqualified manipulators in the medical profession which rightfully belongs in the field of chiropractic. The difference in standards between these two professions in the field of manipulation is so extreme as to be ridiculous.

Certainly compared with the weekend short course for the medical practitioners, the chiropractor, after four years of intensive training, is required to pass examinations set by the Canadian chiropractic examining board, whose standards of examination have been approved by the University of Saskatchewan on the same basis on which medical and nursing examinations are approved by that institution.

I am simply saying to the Minister that the doctors now realize that there is some value in manipulation. They are taking crash programmes and they are applying the techniques given them in these crash programmes to their patients and they are being paid for it.

On the other hand, the chiropractor who is well trained, well qualified in this field, is not being paid for it. I can say to you that, in my opinion, that is discrimination and discrimination of the rankest sort.

So this really is the purpose of my remarks and the reason behind my amendment and I hope that it will solicit the favour of all sides of the House.

Mr. Chairman: The hon. member for Scarborough West.

Mr. S. Lewis (Scarborough West): In the way of some direction from you, sir, I have an amendment I wish to move to section (n). Now, is that—

Mr. Chairman: Paragraph (n) of section 1?

Mr. Lewis: Right! Paragraph (n). You are quite right.

Mr. Chairman: There have been occasions in the past in committee where we have accepted further amendments of this type, so I would say it would be in order.

Mr. Lewis: Would it be in order to move it now, sir? Or after the amendment—

Mr. Chairman: I think perhaps we should deal with this particular amendment and then the member can introduce his amendment at that point.

Mr. Lewis: Perhaps while I am on my feet, I might take advantage of the opportunity to say that, of course, we in this party have supported the proposition—fought for the proposition for some time—that the paramedical services should be included in any health insurance scheme.

My colleague points out that this is particularly important in the case of this bill, Mr. Chairman, because there are many negotiated contracts which extend coverage to chiropractic services, optometric services, osteopathic services and various other services which would now be excluded under the terms of the present bill. That will make life very difficult indeed for the renegotiation of contracts.

I would also say, Mr. Chairman, as a separate point, that the matter of psychological services might well be included as a specific provision of this bill.

Hon. Mr. Dymond: Mr. Chairman, I think, on a point of order, I must point out that this is getting into the field of principle. It seems to me that this was very thoroughly debated. What is provided under the bill was debated yesterday, sir. Now we are getting into the proposal that there should be additional services.

This, in my respectful opinion, sir, has to do with the principle of the bill.

Mr. Lewis: With very great respect, Mr. Chairman, section (k): "Practitioner means a person other than a physician who is lawfully entitled to render insured health services in the place where they are rendered." The member for Huron-Bruce, as I understand it, wants to have the word "practitioner" further defined in that paragraph to include chiropractors, optometrists—what was the third?—osteopaths.

I am simply suggesting in passing, Mr. Chairman, by way of observation on the amendment, that the whole field of psychological services, psychologists and social workers, might also be included in this clause.

The Minister has pointed out, Mr. Chairman, the reason why I think this is so valid. The Minister himself pointed out yesterday that, in the case of optometrists, the province of Ontario would be itself assuming the costs, solely and exclusively assuming the costs. That is the reason for the word "'practitioner" in this paragraph of this clause.

What we are saying is that since the Minister has already accepted that particular, he should now extend it to include the practitioners indicated in the amendment by the member for Huron-Bruce and, indeed, give serious thought to the other categories of practioner to which I just alluded.

Mr. Chairman, we in this party would be very interested to hear what the Minister of Health has to say about not extending the definition of the word "practioner" to include these other para-medical personnel. We certainly think they fall within the bill. It is appropriate that we raise it now at this point in amendment; there will have to be parallel amendments to section 32 of the bill.

We would like to know what the Minister's reaction is to including these services, which other health plans in other provinces include, which workmen's compensation include, which are respected parts of the medical team, and which, for whatever reasons, have been deliberately excluded from health insurance legislation by this government.

Might the Minister indicate his viewpoint?

Mr. Chairman: Is there anyone else wishing to speak on the point of order raised by the hon. Minister?

Mr. Lewis: It is not a point of order.

Mr. Chairman: The hon. Minister raised a point of order and the point raised by the Minister was to the effect that the motion, if I am correct, the motion—

Hon. Mr. Dymond: No, Mr. Chairman, in light of what the hon. member for Scarborough West went on to say, I think I anticipated that he was talking about specific services to be added. He was simply elucidating his view of another type of practitioner.

Mr. Chairman: Then the hon. Minister does not feel that the amendment is out of order? The motion posed by the hon. member for Huron-Bruce is in order. In the Chair's opinion it was, but is the hon. Minister suggesting that the comments being made by the hon. member for Scarborough West—

Hon. Mr. Dymond: I anticipated them, sir.

Mr. Lewis: The word psychological set the Minister off.

Mr. Chairman: Well, I think perhaps the hon. member for Scarborough West may proceed.

Mr. Lewis: I have not only proceeded, I have momentarily concluded.

Mr. Chairman: The hon. member for Sudbury.

Mr. E. W. Sopha (Sudbury): I can allay the anxieties of people this weekend who may ask—and many will want to know—since there is a standard fee to be paid under this plan and its connection with the national Medicare plan, are we to assume that if many thousands of workers are the beneficiaries of a private plan, as a result of collective bargaining—

Mr. Chairman: Might I point out to the hon. member that we are dealing with the addition of certain words. Is that what the hon. member seeks?

Mr. Sopha: That is exactly my question.

Mr. Chairman: I could not see the relevance up to this point.

Mr. Sopha: That is because you momentarily lost your patience.

Mr. Chairman: Not in the least. The Chairman has not lost his patience at all.

Mr. Sopha: Right. May I get down to it?

Mr. Chairman: As long as you are speaking to the motion you may.

Mr. Sopha: Are you finished, Mr. Chairman? Are you finished? Because we want you to feel free to say anything you want to say.

Mr. Chairman: I appreciate the generosity of the hon. member for Sudbury. I must point out to him that at the point that I interjected and stopped him, he was not speaking to the motion before the committee.

Mr. Sopha: Are you finished?

Mr. Chairman: I will let the hon. member know when I am finished.

The amendment before us is to add certain services to clause (k) of section 1. Now the hon. member for Sudbury may speak to that if he wishes.

Mr. Sopha: Apropos of my friend's amendment, are we to assume that, in respect of the private plans that provide the services involved in my friend's amendment, these people are going to be expected to pay more than the fee for basic coverage under the national Medicare scheme? Is that going to be the situation?

Hon. Mr. Dymond: Mr. Chairman, the word "practitioner" was deliberately used because if we were to adopt the amendment proposed by the hon. member for Huron-Bruce, we would be restricting this—unless we include every practitioner in the healing arts—and there are far more than the four

mentioned by the hon. member for Huron-Bruce and the hon. member for Scarborough West.

We deliberately used the word "practitioner" because it is a recognized word describing all of those who practice their profession or their technique. I think it is far more useful and far more flexible if we abide by that word than if we spell out three, or in this case four. The optometrists are already in the programme, they do not have to be spelled out; dentists, at least in limited measure are in our programme, they do not have to be spelled out.

It is not necessary in my view, Mr. Chairman, and it would be quite redundant. I think we would be fencing this section in far too rigidly if we start spelling out every individual practitioner. Who knows what new group may come into operation in the very near future? I cannot tell you, sir, but practitioner will apply to all of them.

In answer to the question posed by the hon. member for Sudbury, I think this can be generalized, too. Chiropractic services and several other ancillary services are now provided under certain contracts. I think I spelled out quite clearly that the federal plan permits and subscribes to all necessary services provided by a qualified licensed physician, and the specified dental oral, surgical procedures—nothing else. That is the federal plan, that is what we must provide as our basis.

Because we have become accustomed over the past years here in Ontario to accept refraction of the eyes by optometrists, their services are in and they will continue to be part of the Ontario basic programme. Any other services that are not provided in contracts will be separated off the provincial plan and will be provided as an extra service; as an extended health benefit. In many, many cases there are, and I would emphasize that the hon. member for Huron-Bruce has really answered his question – or had it answered for him by his hon. colleague—because chiropractic services are now available on an insured basis. OMSIP, the government's insurance carrier, has not elected to add those services yet.

As I pointed out many, many times, there is no discrimination. If we are discriminating against chiropractors, then I suggest we are discriminating against dentists, druggists, chiropodists, clinical psychologists and all of the rest. We have got to have the money to pay for all of these services, and, of course, for the hon. member to say that manipulative medicine is the specialized or exclusive field of chiropractors is just so much nonsense—and I say that with great respect.

Manipulative medicine was practised by physicians from time immemorial, long before we had many other tools in our hands. It was well practised, and it is still being well practised. The hon. member talks about crash courses. My friend, I was taught manipulative medicine, I chose not to practise it.

Interjections by hon. members.

Hon. Mr. Dymond: Yes I have learned the other kind of manipulative medicine, that manipulative therapy I use on the Opposition does not work too well at times, but I try it. Manipulative medicine is not an exclusive field, nor is insurance for it denied those who want to purchase it. One or two provinces have chosen to put it in their basic plan as we have put in optometry, but they have not put optometry. I say compare their programmes with ours and you will find that Ontario's programme stacks up against the best, and exceeds that provided by most of the provinces.

I would suggest, Mr. Chairman, it would be a mistake to rigidly limit this by the addition of the two or three new words. Practitioner covers everybody, and covers those who may not yet be in existence.

Mr. Sopha: Nobody is trying to limit anything. To refer to my friend's amendment and the services he seeks to add, I have no doubt that my friend from Huron-Bruce firmly believes that the inclusion of these services constitues a minimum standard of adequate health insurance contract.

One would have thought that the approach of the Minister of Health would have been quite the reverse. You would think that he would have made a survey of the province to ascertain the characteristics of plans—one by trade unions, for example—that cover many tens of thousands of workers and their families in this province. Having made a survey, he would have determined what they—exercising their own rational faculties—considered to meet their minimum needs.

I strongly suspect that the basic services, the minimum services—and that is what they are, no matter what verbiage he uses, the basic contract is a minimum contract—are far below the comprehensive quality of the contract that covers—and I hesitate to be parochial—18,000 workers and their families

at INCO. That is more than a half a hundred thousand people.

Hon. Mr. Dymond: It is better.

Mr. Sopha: I doubt that. Well all right, I will accept that, but I suspect there are many insurance contracts covering a good many workers in the province which are far superior. Here is the crux of the issue: It passes my comprehension why the government should fall short, or dig its heels in, upon a programme of insurance coverage which is below that which many rational people in the province consider to be a minimum for adequate health care. My comprehension fails at that, and when Ontario went into the federal scheme I would have thought that it would have been the better part of reason to extend its coverage in line with the latitude afforded by the federal Act.

Hon. Mr. Dymond: Mr. Chairman, on a point of order, I must correct the hon. member on this. I hope he will accept it as a correction because I emphasize OMSIP, the proposed provincial plan, already exceeds that required by the federal Act and to part of it the federal Act will not subscribe in any way.

It may be minimum in the hon. member's mind, but it is the requirement laid down in the federal Medical Care Act. I want to emphasize that; indeed it goes a bit beyond it.

Mr. Sopha: All right, I must accept that the federal Act provides for chiropractic services.

Hon. Mr. Dymond: Not at all.

Mr. Sopha: Oh yes it does, it provides—

Hon. Mr. Dymond: Mr. Chairman, it does not. I can read the Act to the hon. member. It is clearly set out that it is the necessary services provided by a physician. Dental procedures have been added and nothing else. One of the hon. members last night read a letter into the record from the Minister of Health which spelled that out quite clearly.

Mr. Sopha: It is my understanding that the federal Act in its terms could be interpreted to include this type of service. Put it another way, let us get at the Minister of Health and win an answer from him. If OMSIP covered chiropractic services, does he say to us that the federal legislation would prohibit its inclusion?

Hon. Mr. Dymond: No, it would not pay anything towards it. The federal funds will not pay anything towards it.

Mr. Chairman: The hon. member for Humber was up first.

Mr. G. Ben (Humber): Mr. Chairman, I rise to take issue with the Minister's interpretation of the effect of the amendment proposed by my hon. colleague, the member for Huron-Bruce.

First of all, as worded, the section definitely will not restrict the definition of the word "practitioner". The hon. member previously had a proposed amendment which might have had that effect but the rule, *inclusio unius exclusio alterius*, was brought to his attention. For that reason the words—and without restricting the generality of the foregoing—were added to this proposed amendment. Therefore the word "practitioner" would not be restricted and it would not be necessary to add all the words which the hon. member for Scarborough West suggested.

Perhaps with this government, safety lies in naming every paramedical practitioner that might be involved for fear that the government might just take another interpretation of this rule.

The fact, however, is the hon. member for Huron-Bruce feels that—notwithstanding the attitude of the federal government in this matter—these three services: chiropractic, osteopathic and optometric are essential to proper, basic, minimum medicare service for the people of Ontario. It is no answer in this House to say that the federal medical scheme makes no provisions for all or any of these services. The federal scheme is just a basic outline of the very, very minimal requirements. It takes into consideration that many provinces in Canada are not as affluent as Ontario or, perhaps, British Columbia or some of the other provinces.

It is extremely minimal in its requirements. We, in this province—especially this party and no doubt the party to our left—feel that we can go beyond the basic minimals. These three services should be included in a basic, prepaid medical health scheme available to all the people of the province of Ontario.

Therefore, Mr. Chairman, we are asking for the Minister's concurrence. I am sure that if he consults his legal advisers they will tell him that the clause, as worded, does not raise the fear that the word "practitioner" shall be restricted in its meaning, but it also makes clear that the people of this province shall

be entitled to these three services—the services of chiropractors, osteopaths and optometrists—even though one or more of them may already be available to the people of the province of Ontario.

Under the circumstances we can hardly understand the Minister's attitude in not asking the government members to support this amendment.

Mr. Sopha: On a point of order—

Mr. Chairman: Point of order?

Mr. Sopha: Point of order.

Mr. A. B. R. Lawrence (Carleton East): Point of order.

Mr. Sopha: I seldom rise to a—all right, fine, I am not—

Mr. Chairman: Did the hon. member for Carleton East have a point of order?

Mr. A. B. R. Lawrence: Yes, I would like to pose the question to the Chairman whether or not this motion is not one requiring the expenditure of public funds and is thereby out of order?

Mr. Chairman: No, I would think not. The motion purely has to do with the definition of the word "practitioner". I do not believe it has to do with the expenditure of public funds in that sense of the word. That would be my opinion.

Mr. Gaunt: That was a good try though.

Mr. Chairman: The hon. member for Sudbury has a point of order.

Mr. Sopha: No, it is not necessary to put it in a point of order, I am just continuing the discussion with the hon. Minister. His last statement really draws the issue between us. When he says to me that if chiropractic services are included, apropos my friend's amendment, the federal government will not pay for it. All right. Now that really defines the issue, because the evidence is that the federal government is waiting for a consensus of the provinces and as soon as they get that consensus they are perfectly willing to extend the coverage.

Mr. Gaunt: Right. That is it.

Mr. Sopha: Right. In the meantime, British Columbia, Alberta and Manitoba have included extended coverage for chiropractic services but Ontario has not.

It is rather a wry comment of the Minister of Health of Ontario, short of that consensus of the provinces, to stand in his place in this Legislature and brusquely pass it off as a failure of the government of Canada to pay for the services and, albeit perhaps, leave the impression that Ontario might magnanimously include them if they could get a *quid pro quo* from the federal government.

The opposite of course is the case. Now let us put the record straight about the attitude of the federal government in this respect. Subsection 3 of section 4 of its bill reads as follows:

> In the application of this Act to a plan established by an Act of the Legislature of a province, any health services of a kind prescribed by the Minister to be required health services rendered by a person lawfully entitled to render such services in the place where they are so rendered shall, under such terms and conditions as may be specified by the Governor-in-Council and if the provincial law so provides, be deemed to be services rendered by a medical practitioner that are medically required.

That is the end of the subsection. The Minister of Health of Canada has unequivocally stated this and these are his words, I quote:

> During 1967 and 1968 there were a number of federal-provincial meetings at both Ministerial and official levels to discuss the federal medical care programme. One of the subjects which was discussed at these meetings was the manner in which the federal government would use section 4, subsection 3. It was apparent that several of the provinces favoured an early extention of the programme to include the services of certain other health practitioners, while another group of provinces was against any extension until further experience had been obtained. A third group was non-committal.
>
> This lack of unanimity is still present, although as more provinces prepare for participation in the federal programme, the number of non-committal provinces is diminishing. However, the degree of opposition to broadening the benefits at this time is still sufficiently strong that were the federal government to unilaterally proceed along these lines it could well retard the entry of certain provinces into the federal programme.

He must have meant the province of Ontario, and we are gifted with hindsight here, because this statement was made by the Minister of Health on April 16, 1969, well before

Ontario's participation had been published. So he must have had this province in mind in contra-distinction to British Columbia, Alberta and Manitoba which already provided the extended coverage to cover the services in my friend's amendment or some of them.

Now Ontario has joined and I would think that the Minister of Health should indicate to his counterparts in Ottawa that Ontario is in complete agreement with the actions taken by the three western provinces in order to achieve that consensus. I say all that by way of background to demolish the statement of the Minister of Health of this government and I want to do that when he begs excuse that he does not accept my friend's amendment because the federal government will not pay for it.

That puts an end to the validity of that statement because Mr. Munro, to put it another way, has unequivocably said that upon the attainment of that consensus the federal government will participate to the full.

All right then, why do we drag our heels in Ontario? Why do we drag our feet about this? If we can take advantage of recovering 50 per cent of the cost then why do we not leap at the opportunity? The Minister of Health has not given any explanation this afternoon. Nothing needs be added to what my friend from Humber said about the legal interpretation. I can tell him as a lawyer—and the Attorney General, I have no hesitation in saying, will completely support me—that the way my friend's amendment is worded there is nothing inhibitory or restrictive about it at all. That is the common lawyer's device, the use of the words "without restricting the generality of the foregoing".

Those words are expansive; they are not limiting and courts so view them. Chiropractors, osteopaths, and so on, are merely examples that do not resirct the generality of the words at all, and any medical or paramedical art could at some subsequent time be pleaded to be encompassed in the definition.

Now, having said that we have made it clear, failing response from the Minister of Health, that it is not the federal government that is dragging its feet. It is Ontario, reluctantly as usual, which has to be cajoled and pushed and persuaded to go along with these things. It never willingly or voluntarily goes in. One of the deficiencies, I may say, and I may say so courteously, flows from the fact that a medical practitioner is Minister of Health. And that is no personal allusion at all.

It is an objective comment, that by his training, his background, his intellectual investment, his associations, his ambiance, and everything else, he cannot escape the relationship that he has to the medical practitioner and the reluctance of many of his colleagues to recognize the benign and helpful arts practised by other branches of medical science. I would ask him to merely consider outgrowing that intellectual inhibition some time before he and I leave this chamber in future years. I would like to see him become expansive for a change, instead of restrictive.

Now, the other aspect, I am extremely bothered by the fact that many people in the province have better coverage than this plan provides. They have chiropractic coverage, and they may have others, and they are paying a higher premium. Why should those people not expect that when Ontario joins the national plan there will be at least a modest increase in the comprehensive nature? That is all I am asking for. I could argue all night pleading for the inclusion of dental services, and drugs and many other things, but I am only asking for a modest increase at this time, and Ontario's entry into the national Medicare scheme, I am disappointed to see, was not accompanied by enlargement of the services provided. It ought to have been an Act of celebration. That would have been celebrating, to have adopted some or all of those services in my friend's amendment to herald the great day that we have finally joined the national Medicare scheme. Well, that is a minor point. I am delighted to have had—

Mr. J. Renwick: They just wanted to get their hands into the till.

Mr. Sopha: Yes, I am afraid that is so. We could have been much sharper with the Treasurer (Mr. MacNaughton) than we were.

Mr. Chairman: Order, please. Could we stick to the amendment?

Mr. Sopha: We could have been much sharper.

Mr. Lewis: You could have been much sharper last night, Elmer.

Mr. Sopha: One tries to persuade when one has the opportunity. You people are going to look bad in Middlesex South. You are going to look bad, because the Tories are going to go in there and they are going to say that you voted against Medicare.

Mr. Chairman: Order, please. Could we stick to the amendment more closely?

Mr. Lewis: You are not entirely clairvoyant. Remember Kenora.

Mr. Sopha: And you will not be able to deny it. You did, in a real sense, vote against Medicare last night.

Mr. Chairman: Would the member for Sudbury please stick more closely to the amendment?

Mr. Sopha: What headlines? Who reads the headlines?

Mr. J. Renwick: Last night's *Star*.

Mr. Chairman: Order, please!

Mr. Sopha: Who reads the headlines?

I stand with Emerson, and I often find the motto at the masthead of the newspaper so attractive that I have little appetite to read anything written underneath.

I really want to say to the Minister of Health that I expect some further explanation; that, he having given that one, which does not hold water, that the federal government will not pay for it, it has been demonstrated unequivocaly, if *Hansard* requires another statement—

Mr. Gaunt: It is legally possible—

Mr. Sopha: I will not bother to tarry with that but I would like the Minister's answer about his earlier statement.

Mr Gaunt: Mr. Chairman, if I may, I just want to say that my friend from Sudbury has stated it well and accurately. In the House this winter, according to *Hansard* dated January 27, 1969—in reply to a question from Mr. Knowles, asking as to whether optometry would be included insofar as cost sharing was concerned in the plan—Mr. Munro, the federal Minister of Health said that it would be legally possible, which means that it is possible under the bill. That is precisely the point that my friend was making when he went on to say that they had decided to proceed in that connection along the lines of co-operation and consultation, and went on further to point out that the provincial and federal Ministers of Health had set up a formula for this type of consultation. Upon a consensus, any extended services could be added to the plan and would be shared by the federal government, provided that consensus had been obtained by the provinces.

So we have B.C., we have Alberta and we have Manitoba, all with chiropractic in their health plan, and if Ontario were to add chiropractic to its health plan, then surely that could be construed as forming a consensus and the federal government would thereupon share 50 per cent of the cost. I think the Minister has just underlined and underscored the point I was making initially, and that is the fact that the medical doctors are now using it—and the Minister says they have always done this, but apparently they have increased their interest and speeded up their practice as far as manipulation is concerned. The point is that the doctors are now using it, and the Minister has said this, and said they have been using it all along and they get paid for using manipulation. But the chiropractors, who are much more adept and professionally knowledgeable in the art, are not paid for it, and I think that is the point the Minister should bear in mind.

Hon. Mr. Dymond: Mr. Chairman, we have a great deal of consensus this afternoon. I grant you this, the words used by the hon. Minister of National Health and Welfare are taken from *Hansard*, but the hon. Mr. Munro did not tell the House of Commons what transpired at our deliberations in the last Ministers' conference we had in December of last year. There was no consensus.

Indeed, the history of the reason for this amendment which the hon. member for Sudbury read out to crush me apparently has been forgotten by the member. The hon. Allan MacEachen brought this in in a great flurry because of the great lobby by the optometrists established in Ottawa at the time this bill was before the House of Commons. It was fully believed then, by them and by a great many of us, that optometry would be included in the national proposal. I, among others of my colleagues, was rather thunderstruck when we went to the next Ministers' conference in Ottawa to find that there was no intention—indeed, the Minister of the day told us that he had no intention to recommend to the Governor-in-Council that optometric services be included in the basic programme.

When we discussed the basic programme, there was great difficulty getting a consensus among the provinces to include dentistry and optometry and these are the two services which most of us are already providing in our own programme. There was great difficulty to get consensus. We never did get a consensus on optometrical services. The dental-surgical services were included, but not the optometrical.

I would not want to state this as fact, but I have little recollection of any great plea

being put forward by my three colleagues in the west for the inclusion of chiropractic services. Every one of us recognized that our programmes were a little different; the needs of our provinces were a little different; our priorities were a little different. The only thing on which one could say with certainty there was consensus was the great concern expressed by all of us that our provinces were not ready for the kind of programme which was being imposed upon us.

I say to you, as I have said before, Mr. Chairman, this word "practitioner" is all-embracing, it is all-inclusive and in my opinion it does not require any further definition.

Mr. Chairman: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Yes, Mr. Chairwan, the Minister indicates that the word "practitioner" does not need any enlargement upon. Yet it seems quite clear to everyone in this House that there is no intention, at least for the time that his Minister holds the position of the Minister of Health of this province, of ever including chiropractic services within any programme over which he has administration.

All of the wonderful arguments in regard to whether or not the federal government is prepared to put up the money really begged the issue. The issue is this, that the people of Ontario require this service to be included in this particular Medicare programme. And this Minister has done all in his power to insure that there will be no chiropractic service in any programme over which he has administrative power.

I would ask him, sir, if he would explain to this House whether at any time, during the discussions he had with the federal Minister, he did in fact suggest to the federal government that it ought to participate financially in the securing of the chiropractic services under the federal programme as outlined in the Act? I think this would clearly indicate whether or not there is any intention at all to include it within the general description of "practitioner."

There is no point, I think, at this time in going into the value of having it included. I think we have done that in this House on numerous occasions and done it quite well. There is no point now in us trying to sell the Minister on the value of it. If he cannot see the value of it at this time it is because he is unwilling to see it. Perhaps that is why he is including optometric services.

But one of the problems that we are facing now is that the people of the province can see the need. We are asking you, sir, whether or not you have made representation to guarantee that there will in time be moneys available and whether you have any intention ever—in the foreseeable future, of including chiropractic in the Medicare programme of the province of Ontario.

Mr. Chairman: Mr. Gaunt has moved—

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I just want one brief word on this matter of the amendment which I support.

I want to speak particularly concerning the chiropractors, because they are the major paramedical group concerned in the amendment. I say they are the major group, simply because of the extent their services are used by the people of this province and, because they have been kept out of the OMSIP programme and out of a number of other plans, primarily where the plans are dominated by the Ontario Medical Association or by this government, the average citizen in this province is losing money.

So often the doctors talk about freedom of choice. In my view a good many hundreds of thousands of people in this province are denied a freedom of choice, simply because the chiropractors are not in the plan as prescribed by this government.

We all know the history of the struggle between the chiropractors and the Ontario Medical Association, a struggle which the Ontario Medical Association is bound to lose. But in essence, the reason why the chiropractors are kept out of the scheme, is simply because of the personal animosity of the present Minister toward that profession. I am quite convinced of that.

This is the reason why we, continuously, particularly through the member for Huron-Bruce, have brought this type of amendment before this House, year in and year out. We are going to persevere and we are going to win, but I think it is unfair to the people of the province, it is most assuredly undemocratic, the fact that the pique of one man can withhold a whole profession from participating in the public service that is required and demanded by the people in this province.

I would ask the members of this committee to support the amendment and at least let the people of the province have a freedom of choice.

Mr. Chairman: The member for Hamilton East.

Mr. R. Gisborn (Hamilton East): Mr. Chairman, I think the information we have received this afternoon puts a different light on the subject.

I was quite surprised when the Minister gave us his impression of the provisions of the federal Act in its application of payment and by the explanation we received from the member for Sudbury. I would think there is likely something better than 20,000 employees in Hamilton who are covered by their negotiated contracts for chiropractic service.

I wonder if the Minister could tell me whether or not in his discussions in the past few months with the private insurance companies, that he has their assurance that they will continue to reinsure these employees for that coverage—if we cannot convince the Minister to include it in this bill.

Mr. Chairman: The member for Sudbury East.

Mr. Gisborn: I would like to have that point answered to base my thinking on this amendment.

Hon. Mr. Dymond: Mr. Chairman, I have not specifically asked the private insurance carriers what extended benefits they are going to offer. I do know that they are very anxious to remain in the field of extended benefits and it would be my view that they will be looking around for other and new services.

There has been nothing in our discussions to indicate that they are going to pull in on those benefits. Rather they are more likely to expand them.

Again, stating quite unequivocally that we have not mentioned any specifics, they have been quite inquisitive as to whether we were going to expand our programme or not. We have stated quite clearly that at the present time the provincial plan, for a variety of reasons, will be as OMSIP now is.

Mr. Gisborn: Mr. Chairman, I thank the Minister for his answer. I think he has answered my question; to the effect the insurance companies would be happy to reinsure these employees for chiropractic coverage. Of course, we do not know at what cost, and this explains our skepticisms about the bill as was enunciated yesterday on second reading.

So I see no other reason for the Minister not including chiropractic coverage, other than to again aid and abet the insurance companies in participating in the health programme in the province.

Mr. E. W. Martel (Sudbury East): Mr. Chairman, I was interested when the Minister mentioned the word "priority" for Ontario. Coming from a region that involves primarily heavy industry—mining, and so on—I find, in checking with the chiropractors, that they handle literally thousands of cases. If this is not a priority, I really do not know what is.

It seems to me that, if we are going to get $82 million this year and we are not going to reduce the premiums, but we are going to expand services, and if the priorities are such that chiropractic services are those that are necessary, a good portion of that $82 million should be directed towards chiropractic services—towards a service whereby a man who has a back injury can get back to work rather quickly, rather than be sent to a hospital and stretched out on a bed for five or six weeks.

I cannot see the Minister's reluctance—his continuous reluctance—to show us where this $82 million is going. Why not designate a portion of it in an area that is of vital necessity to the people of Ontario? As I say, in my own region where the work is heavy industry it is used very frequently.

The other point, of course, is that I at one time belonged to a London Life plan which paid chiropractic services. It seems to me that if we are getting into the field of Medicare and we are already opting out of some of the provisions which should come under Medicare—that being chiropractic services—and that people are going to have to be paying these on their own to the private insurance companies and it seems to me we started the opting-out process already. I would urge the Minister to go along with chiropractic services, because so many people make use of this facility daily in Ontario.

Mr. Chairman: The hon. member for Essex South.

Mr. D. A. Paterson (Essex South): Mr. Chairman, I would like to say a few words on this. I think that is a very reasonable amendment introduced by my colleague.

It seems to me that when the hon. member for Carleton East rose on the point of order suggesting that this talk was concerning money, possibly he was out of order. But away in the background this is probably the underlying reason why this amendment is being rejected by the hon. Minister at this time. The member for Sudbury East, I think, touched on this point, that the people of Ontario are expecting that if the premiums for Ontario health services are not to be re-

duced, they expect an extension of health services such as hospitals and other things like that, but they are also expecting some extension in the benefits.

Some of us have done a rather brief and hurried study of the cost of chiropractic based on the example of British Columbia, and we have projected that to extend chiropractic coverage to the people of our fair province may cost in the neighbourhood of $10 million for a fiscal year, approximately seven per cent of the rebate that is going to be given to us by the federal government. Possibly the Minister could clarify this point to me. I think it is very reasonable that this amendment be carried, that some small portion should be delegated to the extension of these health services, and I would certainly support the amendment as put forth by my colleague.

Mr. Chairman: The hon. member for Kent.

Mr. J. P. Spence (Kent): I rise in support of the amendment of the hon. member for Huron-Bruce in regard to including chiropractic services in this Medicare bill. I might say I know in my part of the province that many would not be working today if it was not for the chiropractic services they are receiving.

I must say that about ten years ago I had an opportunity to visit a chiropractor. I was in the hospital at that time, in traction for 13 days, and I was told by my medical doctor that there was no way around but an operation. I got out of the hospital in 13 days and went to a chiropractor and with one treatment I did not need to go back again and I have not had an operation since. So I cannot say enough good about chiropractic services in this province.

Might I asy, Mr. Chairman, with the highest regard and the highest respect for the Minister, I think that he is depriving a lot of people of these services. I know we cannot do without the medical profession, but I do know and I do feel large portions of the population of this province want the chiropractor to be included in this bill. I think he would be doing a justice to them.

They talk about the $10 million increase in costs, but I would say, Mr. Minister, keeping a man working would not mean it would cost $10 million. You have to keep the breadwinner working. I think that trucking and farming are industries which are creating back injuries, back problems, and I would say with all the greatest honesty that the chiropractor is doing a tremendous job keeping husbands working.

I know the Minister is very fair. I think he will take another look at this. I think there is a place for the chiropractic services to be included in the Medicare programme, and I think if the medical profession and the chiropractic services would work together it would be a great thing for the people of the province of Ontario.

Mr. Lewis: I have one or two specific questions for the Minister on this proposed amendment. Has the Minister an estimate of the cost which would be incurred by bringing chiropractic services within this plan?

Hon. Mr. Dymond: I think the estimate of $10 million a year to begin with is reasonable.

Mr. Lewis: The estimate of $10 million a year is reasonable. Well, now, we are beginning to find some interesting facts. May I then ask the Minister what it is that the money from the federal government will be used for, other than going to subsidize the existing plan? The Prime Minister (Mr. Robarts) indicated that the money would be used for basic health requirements in the province of Ontario. It was implied rather strongly that some of the money which would come—either the $82 million portion, or the subsequent $176 million portion—would be used for things other than the simple subsidy of this plan. Can the Minister indicate what those health needs are?

Mr. Chairman: I really think the question is not relevant to the motion before us. We are dealing with the amendment as to whether or not these services be included. On top of that, the answers were previously given to the questions and I would ask the Minister whether or not he has answered it before.

Mr. Lewis: With respect, Mr. Chairman, I want to establish whether or not the amount of money which would cover the costs of services provided by these practitioners might be available, and that is simply why I am asking the question. I would appreciate the Minister answering.

Hon. Mr. Dymond: Mr. Chairman, I cannot tell him that. Indeed, there is even more doubt in our minds now because we thought we had a fairly good idea how much money would be coming to us, and the Minister of National Revenue is reported in the newspapers as saying that the amount we would

get in this fiscal year might be something in the order of $40 million. Reports of this kind coming out of the mouth of the Minister of National Revenue, sir, rather frighten us, and we would be loath to start spending money that we do not know whether we are going to get or not.

I do not think this is possible at this time. As I see it, and as the hon. Prime Minister sees it, there are many negotiations left to be conducted. We need the passage of this bill as a vehicle to permit us to get into the programme and to get down to the nuts and bolts of the negotiations under which will come definitive decisions concerning what can be provided, how much is going to be available to us under this programme and then how we shall spend, having in mind the matters of greatest priority to serve the needs of our own people.

Mr. Lewis: Mr. Chairman, does the Minister say that if he gets $82 million rather than $40 million he can include chiropractic services?

Hon. Mr. Dymond: No, I am not saying any such thing.

Mr. Lewis: No, that is not what you are saying, exactly. So let us not raise that insulting red herring. Your own Prime Minister indicated that you were going to get $82 million between October 1, 1969, and March 31, 1970, and I appeal to the Minister not to be so devious as to attempt to sidestep this very valid amendment by reverting to that kind of irrelevant argument.

The fact of the matter is, Mr. Chairman, we now have it very simply before us, that if Ontario supports the proposition of the inclusion of chiropractic services, then a national consensus would have been reached.

Hon. Mr. Dymond: On a point of order, there is no validity for such a statement. I sat in the meetings with the Ministers of Health. The hon. member for Sudbury read a letter, which I state quite unequivocally, and I hope to have the opportunity to tell my counterpart in Ottawa, that his letter is subject to very ambiguous interpretation. It does not tell what went on in the conference of Ministers, and I say to you quite unequivocally, sir, the federal Minister of Health is not waiting for the province of Ontario to make up that consensus.

Mr. Lewis: I assert, Mr. Chairman, just as unequivocally, that that is precisely what the federal Minister of Health is waiting for.

Hon. Mr. Dymond: Were you there?

Mr. Lewis: That is precisely what he is waiting for.

Hon. Mr. Dymond: Were you there?

Mr. Lewis: In this instance, let me say that I accept his public assertion.

Hon. Mr. Dymond: Were you there? Now, who is speaking?

Mr. Lewis: I accept his public assertion. I would prefer to have a report by hearsay on the meeting rather than a report from the Minister.

I may say, Mr. Chairman, that chiropractors across the country are well aware of the fact that if Ontario comes into this plan supporting the inclusion of chiropractic services, then the federal government will provide the money. And I point out, Mr. Chairman, that all we are talking about in terms of an expenditure is $5 million. Never was $5 million better spent than to provide chiropractic services across the province. We may not, indeed, be talking about an amount of that kind; it may even be less than that in terms of the total spectrum of health costs. In the context of the agreements that exist in the context of those who are already covered for that service and in the context of costs generally, there can be no doubt that it is a most useful expenditure.

One would ask, why does not the Minister simply ask for clarification publicly from Ottawa, if he doubts it? Why play the role of preserving the shrouded veils of opinion which may or may not exist? Why does he not simply state his position and ask the hon. John Munro for clarification? He knows he will get it soon enough and he knows that that clarification will indicate that if he includes chiropractic services, then the federal government will give the required $5 million towards it.

Then you will have a plan that verges, just barely verges, on the semblance of usefulness in those paramedical fields which have yet to be incorporated.

Why cannot we be honest in this discussion about what it is that impedes that obvious solution? The Minister of Health has never had any use for chiropractic services. For whatever reasons, his Cabinet colleagues have supported him in that view. Only the president of the Tory association in Ontario has use for chiropractic services.

Mr. T. P. Reid (Rainy River): He is carrying the whole bunch—

Mr. Lewis: All the rest of them eschew it. As a matter of fact, as vigorously as Alan Eagleson advocates it, so even more vigorously does the Cabinet resist it. That is what concerns me about the future of the inclusion of services in this plan.

Mr. Sopha: There must be a dark meaning there.

Mr. Lewis: I may say, Mr. Chairman, that those are the realities around this debate. It is a legitimate amendment. It would cost $5 million; the money will be reimbursed in half measure by the federal government. Ontario could provide the way for a consensus incorporating all the provinces of this country. The Minister does not have a leg on which to stand in this area other than the insufferable prejudice towards paramedical groups generally. And so we are going to vote enthusiastically in support of this amendment.

Mr. Sopha: There will be many who will read the record of this debate. Therefore, it is of absolutely fundamental importance that our position be made perfectly clear. We are reinforced with the knowledge that over there, on the government benches and indeed down here in the corner of the House, there are many private members who support our views. Many of them support them publicly.

I always feel I am on the right track in something if I have the public support of the member for Armourdale (Mr. Carton) because I am very impressed with that young man's good sense. I do not know but that he staked his career in this House by getting up and supporting the inclusion of this service, but he did so in a magnificent speech in the last hour of an afternoon here a few weeks ago.

Let me hear what the Minister of Health in Ottawa had to say. I am sorry; I apologize for not reading the whole of the paragraph previously, but I am going to read the whole paragraph, so let us hear just what he had to say. The Minister talks about his meeting in the fall of last year—that meeting, I suppose, was in December. This letter is written on April 16, 1969, and it reveals the Minister of Health's recollection of what took place at the meeting, and here is what he says:

> This lack of unanimity is still present, although as more provinces prepare for participation in the federal programme—

Now let me interpolate this, it must mean Ontario.

Mr. Lewis: Of course.

Mr. Sopha: Ontario must be one of the provinces he has in mind. All right, I will go on with the quotation:

> The number of non-committal provinces is diminishing.

Well, that follows; I do not want to criticize the verbiage of the Minister of Health, but as my friend says, *inclusio unius, exclusio ulterius*. All right, he goes on:

> However, the degree of opposition to broadening the benefits at this time is ill-sufficiently strong that, were the federal government to unilaterally proceed along these lines, it could well retard the entry of certain provinces into the federal programme.

He must mean Ontario.

Hon. Mr. Dymond: Why?

Mr. Sopha: He must mean Ontario.

Hon. Mr. Dymond: Why? Why do you suppose—

Mr. Sopha: Because that is April 16, 1969.

Hon. Mr. Dymond: But there are other provinces not in it.

Mr. Lewis: When did you come in?

Mr. Sopha: When did you come in?

Hon. Mr. Dymond: What about Nova Scotia?

Mr. Lewis: Are you frantically running in at the last minute?

Mr. Sopha: Yes, as my friend from Scarborough West says: "Are you frantically running in at the last minute?" It must follow logically that he means Ontario; the Minister of Health is not deterred by what is going on in Nova Scotia. He has in mind the largest, wealthiest and the most necessary province in the plan to make it any kind of a success.

All right. But it is more important to draw the logical inference from what that sentence says. He says that what he is keeping out, and I paraphrase, and correctly I think: "What is retarding the participation of some of the provinces is the possibility of broadening the benefits.

I know *a priori* that he means Ontario; that is the province that he has in mind, because it would be Ontario, under this Minister of Health, that would demonstrate the greatest reluctance to the inclusion of chiropractic services. And the Minister of Health

at Ottawa is demonstrating his sensitivity to the danger of offending Ontario and keeping Ontario out of the plan.

Mr. Lewis: Because of one man's opposition to chiropractic services.

Mr. Sopha: That is what that sentence means. Now, I go on and quote the remainder of that paragraph:

> I therefore felt obliged at the federal-provincial meeting of Ministers of Health in Ottawa last November, to state that I was not prepared to recommend a further broadening of the benefit coverage under the federal programme until the intentions of all provinces, regarding the timing of their participation in the present programme, are known.

That reinforces it even more strongly. He is not, in other words, going to risk the delay of Ontario's entry into the plan by hinting at any broadening of the coverage.

Do I distort language—I ask the Minister of Health, through you—am I unreasonably distorting? Am I drawing improper inferences from the words of the Minister of Health at Ottawa, when I put that interpretation? The converse is, of course, that we can justly state here, and we do assert that if Ontario participated in the consensus of broadening the coverage in line with the amendment offered by my friend from Huron-Bruce, the federal authorities would readily accede. There is the nub of the matter, that it is incumbent upon the Minister of Health, who appears now to me, to have gone into a sulk. He has gone into a sulk because the logic of this argument has rendered him in—

Interjection by an hon. member.

Hon. Mr. Dymond: Any day—

Mr. Sopha: Yes, now he will no longer look. He wants to let on he is not listening to us.

Hon. Mr. Dymond: I cannot stand it.

Mr. Sopha: That is what I feared, that is what I feared.

Mr. J. Renwick: Our only hope is for the Treasurer to get a crick in his back.

Mr. Sopha: I have got a headache already. As long as nothing develops in regard to his receiving hand—

An hon. member: He has got to broaden his palm.

Mr. Sopha: Yes, that would be the great danger to him. I take the responsibility for what I say and I urge upon you, Mr. Chairman, that this is no distortion of language. This is not a case of dragging inference out of this communication that are not there. The rest of that rather lengthy paragraph in the letter reads as follows:

> By insisting on a provincial consensus, not only will the objections of certain provinces be met but it will allow a truly national programme to be developed in a logical step by step fashion with the true portability of benefits which is one of the major objectives of the programmes.

Two things flow from that. It was of paramount importance to the Minister of Health and his colleagues at Ottawa to get Ontario in. That was the immediate objective. At all reasonable costs, Ontario had to be brought in and Ontario's reluctance could not be fortified by setting up or increasing the risk of extension of coverage.

The other thing is that the Minister of Health at Ottawa is clearly indicating that the federal government is agreeable to a progressive improvement of the basic coverage.

Now that Ontario has joined, it strikes us that the next logical step is for Ontario to lead the way—as Ontario, in many aspects, does lead the way—by importuning the Ottawa government, bolstered by such support as Ontario can win from fellow provinces, to embark upon a vastly improved basic scheme. Now I have lost the Minister of Health entirely. He is finding out from the Minister of Agriculture and Food (Mr. Stewart) how the vote is going for the farm organization.

One of the un-nice things of the Minister of Health is that when he disagrees with you he will not deploy toward you the ordinary rudiments of listening to your arguments. It is a failure of communication, and what I am saying is that it is incumbent upon us, that is my plea, to be the leaders at Ottawa in the struggle for a progressive improvement of the plan.

Hon. Mr. Dymond: You are the apologist for your friends in Ottawa.

Mr. Sopha: You misunderstand the constitutional nature of this country. We have no responsibility for the people at Ottawa, and I daresay that the government of Ontario has better channels of communication with them than we have, as it should be, constitutionally. I am happy to say that our

brethren in Ottawa do not tell us anything behind their hands that we should not hear, that would be improper, in dealing as men of integrity, one government to another. I personally would not have it any other way.

But my plea, based on what I conceive to be solid argument, is that Ontario should be asking the federal government, with such support as it can get from the other provinces, to extend the coverage immediately and get that 50 per cent subsidy of the extended coverage. That is why the amendment offered by my friend from Huron-Bruce is such a reasonable addendum to this section.

I do not really see why it should offend the Minister of Health for us to put arguments like that. I do not see why he should go into a sulk about it and sit there with a studied attitude of ignoring our logical and reasonable arguments. Why should he, I ask the Treasurer?

Hon. C. S. MacNaughton (Provincial Treasurer): I suggest that—

Mr. Sopha: All right. That is just what we are dealing with and we are inviting the Cabinet council, the Executive Council of Ontario of which the Treasurer is a member, to take the initiative to extend the coverage for the people of Ontario under the basic plan. That is just what we are asking to do.

Hon. Mr. MacNaughton: Let us pass this vote. Let us do one thing at a time.

Mr. Sopha: All right. That is what we want to do now. This intervention by the Treasurer, I think, is new-found interest in the medical plan *per se*. I think the Treasurer's interest was largely a financial one.

Interjection by an hon. member.

Mr. Sopha: The Treasurer was very much on the hook and needed $175 million quick, which he is now going to get. In the last few days, I must say—have others noticed it?—the lines have disappeared from his face. His—

Hon. Mr. MacNaughton: Mr. Chairman, may I say that this House—

Mr. R. F. Nixon (Leader of the Opposition): Mr. Chairman, the members of this House, this afternoon, have their democratic responsibility to vote in favour of the amendment put forward by my hon. friend from Huron-Bruce.

It was just last evening, when this bill was discussed in principle, that the member for Grey South (Mr. Winkler), rose in a rage at the very thought that the member for Huron-Bruce would bring before this House the fact that Liberals were in favour of the inclusion of this service, because he, at the federal level, had been demanding that it be included in the federal bill.

Now the argument and the facts have been put forward, that the inclusion or the expressed desire and intention of the province of Ontario to include this in our own statute would mean that it would be basically a part of the federal programme, it will give all members on all sides an opportunity to stand in their places and vote for this inclusion.

This is what we are here for, to express our views as we stand and vote and not let any partisan considerations divide us when the welfare of the people, particularly through this statute, is involved. Surely you will understand, sir, that when this discussion is completed it will be necessary for us to divide the House so that every member will have an opportunity to indicate publicly where he stands on this very important matter.

Mr. Chairman: Any other member wishing to enter the debate? The hon. member for Niagara Falls.

Mr. G. Bukator (Niagara Falls): Mr. Chairman, when I supported this bill in principle last night I knew there were going to be some amendments. We have had some experience in my home with chiropractors. It would appear to me that we do not have the minimum type of coverage that we were going to get in this bill if we do not include chiropractors.

It would appear rather odd to me that an individual who goes to a doctor can get his bill paid and when he walks into a chiropractor—because many doctors will send him to a chiropractor—he will not have his bill paid for him. This seems to be using some kind of discrimination against some people. You are treating some in one fashion by paying their bills, and some of the people who need chiropractic treatment—such as I have said to you just a minute ago, where one assisted my family in my home—have to pay the bill. If it were the individual who said the chiropractor had assisted him, then I would say, "Maybe we do not know what we are talking about; maybe they are not doing the job that many people in this province feel they are doing however."

The workmen's compensation board in this province used chiropractors and used them very extensively. I say again that the workmen's compensation board uses chiropractors

for a very good purpose because it assists them in the type of treatment that these people need. So, the Minister and his government, if they do not go along with our amendment to this bill, are not treating many people in this province the way they ought to be treated and they are not treating them all alike when it comes to paying their bills. This is the reason for this amendment.

I find that nothing more can be said, I guess, that would influence anyone. Three Ministers sitting in the front row out of four are having a private conversation among themselves.

However, there is an injustice. There is an imposition on some and that is why we cannot go along with this bill in its present form and so we have to have an amendment passed.

There are many people who depend on chiropractors and their bills ought to be paid. This government, by not allowing this amendment, is not giving the people of this province what they need.

Mr. Chairman: The hon. member for Windsor West.

Mr. H. Peacock (Windsor West): Mr. Chairman, I would just like to ask the Minister a question in regard to the section which is being amended. Will "practitioner" include a physiotherapist working either in association with the medical practitioner or on his own to be designated as a practitioner?

Hon. Mr. Dymond: Physiotherapy, Mr. Chairman, is not included in this bill. It is already an insured service under the Ontario Hospital Services Insurance programme.

Mr. Chairman: Any other member wish to enter the discussion? Does the hon. Minister have any comments?

All those in favour of Mr. Gaunt's motion will please say "aye".

Those opposed will please say "nay".

In my opinion the "nays" have it.

Call in the members.

All those in favour of Mr. Gaunt's motion will please rise.

All those opposed to Mr. Gaunt's motion, will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 31, the "nays" 46.

Mr. Chairman: I declare the motion lost.

Mr. Nixon: Mr. Chairman, there is just one query I would like to make on section (n).

In the debate on principle, several members brought to the Minister's attention the difficulties with extending OMSIP coverage, under the normal circumstances, to Indian residents. If there is any further information the Minister could give at this time, I think it would be appreciated by the Indian people concerned.

Hon. Mr. Dymond: Mr. Chairman, this definition is taken directly from the federal Act, sections (j) and (k) of the Act, and includes everybody as stated here. It does not exclude any except those specifically mentioned. This is fact.

Mr. Nixon: Then if an Indian registered as a resident of a reserve makes an application and you are aware of the fact that he happens to live in that particular part of the province and he indicates that he has no taxable income, you are prepared to give him the OMSIP coverage without the premium being paid? Is that correct?

Hon. Mr. Dymond: Exactly the same as any resident of Ontario.

Mr. Nixon: That is good.

Mr. Trotter: On section 1, I have a question regarding 1(c), Mr. Chairman. With dependents, is there any particular age limit —is it 18 or 21? Is it going to follow under The Ontario Hospital Services Act or what?

Hon. Mr. Dymond: It follows The Ontario Hospital Services Insurance Act—age 21—and also the national Income Tax Act, but it will also spell out certain unusual circumstances. It will spell out the physically and mentally handicapped who are, perforce, dependent upon parents and will spell out certain other dependents who are usually considered as such within the family context, but for legal reasons are sometimes excluded.

Mr. Chairman: The hon. member for Thunder Bay.

Mr. J. E. Stokes (Thunder Bay): Mr. Chairman, I would like to move an amendment to section (f) of the bill—subsection (f) of section 1—that section 1 of Bill 195, An Act respecting Health Services Insurance, be amended by adding to (f) the following words after "regulations" in line 5: "and actual transportation costs incurred to obtain insured health services in the event that such

services are not available within 40 miles of the insured person's place of residence."

So that the section would read:

Insured health services means all services rendered by physicians that are medically required—

Mr. Chairman: There is a considerable amount of interruption taking place in the House so neither the hon. Minister or the Chairman can hear the hon. member. Perhaps we could have a little quietness.

The hon. member for Thunder Bay.

Mr. Stokes: Thank you, Mr. Chairman. So that the section would read:

Insured health services means all services rendered by physicians that are medically required and such other health services as are rendered by such practitioners and under such conditions and limitations as are prescribed by regulations and actual transportation costs incurred to obtain insured health services in the event that such services are not available within 40 miles of the insured person's place of residence.

And not including services that a person is eligible for and entitled to under The Hospital Insurance and Diagnostic Services Act, Canada, or under any other Act of the Parliament of Canada, except The Medical Care Act of Canada or under The Workmen's Compensation Act.

Mr. Chairman, the reason for the amendment, as you well know, is that in northern Ontario there are a good many municipalities with a population of from 2,000 to 3,000 people, who do not have a medical practitioner.

Mr. Chairman: I should point out to the hon. member, if I might, that this amendment seems to call for the direct expenditure of funds, which is not permissible as a motion to amend by the member. The other motion before us was considered to be indirect, but this is a direct provision for expenditure of moneys.

Mr. Stokes: In my opinion, the premiums that would be collected by this plan would be used for that specific purpose. It would not call for an expenditure of funds.

Mr. Chairman: It would not matter in the least. It is still the expenditure of public money.

Mr. Stokes: It is not public money, with all due respect.

If it is money that is collected from people supposedly to provide a service that is not available to them, surely we can introduce an amendment whereby those services will be made available to them—services that they are paying for through premiums?

Mr. Chairman: The moneys so collected and paid in are all considered part of the public funds of the province and the motion does call for a direct expenditure. I regret to say that I must rule the motion out of order on that ground.

Mr. T. P. Reid: Mr. Chairman, on a point of order. Can you explain how this motion could be out of order when the previous one in regard to chiropractic services was accepted?

Mr. Chairman: The other motion is purely a definition of the term "practitioner" under subsection (k). It did not specifically call for the expenditure of public funds, whereas this motion specifically does say that certain funds will be paid, actual transportation costs, and does call for an expenditure of public funds.

Therefore, I do rule this motion out of order.

Mr. T. P. Reid: Mr. Chairman, may I then put to the Minister, in the form of a question, whether he will consider this amendment put by member for Thunder Bay and give it serious consideration, taking in the special consideration of northern and northwestern Ontario and the distances involved for the people from actual medical centres where they can get medical facilities?

Mr. Chairman: I would think the question is a proper question in discussing section 1, if the hon. Minister has any comments on the question.

Does the hon. member for York South (Mr. MacDonald) wish to discuss the same point?

Hon. Mr. Dymond: Mr. Chairman, the hon. member for Thunder Bay has discussed this matter with me on several occasions, as have some of the other hon. members from the northern parts of the province. We have been seeking, and are continuing to seek, ways and means of providing that service.

With the introduction of this bill, we shall apply ourselves even more vigorously, if that be possible. We have certain positive ideas which we believe can be made to work, now that we are in a programme of this kind.

In due course, when these are developed further, I can assure the hon. members our

efforts will be outlined and the results reported in this House.

Mr. Stokes: I would like to ask the Minister a question, through the Chair.

Does the Minister consider that the cost of transportation is a necessary cost of seeking medical attention in those areas where it is impossible to get the required services that are provided for in this bill, sometimes within 50 or 100 miles? Would he consider the cost of transportation a legal claim on this particular plan?

Hon. Mr. Dymond: I would have to seek advice on this myself. I really could not at this point in time, answer the hon. member's question. I would only be giving a personal opinion and, of course, it would not be valid.

I could not bind my government to what would be essentially a personal opinion without seeking legal and other advice.

Mr. Chairman: Anything further under section 1?

Mr. Lewis: Mr. Chairman, I want to come back.

I had an amendment drafted, on paragraph (n), I guess it was, which reflects what it was that the leader of the Opposition put to the Minister of Health. I want to pursue this just a little further. I want to be absolutely clear in my mind as to what the Minister has said. Is it so that Indian residents, as Indians, are entitled to every benefit under this Act by way of claim, without any referral to Ottawa, without any identification, without any prohibitions on the basis of another federal Act for which moneys are given to the province for this purported purpose?

Hon. Mr. Dymond: Mr. Chairman, the answer is, unequivocally, yes. This does not bind me from going after my federal friends to pay me back some of the money I am going to pay for indigents, but the Indian will not be denied coverage, nor will he be refused coverage.

Mr. D. C. MacDonald (York South): Does it preclude you?

Hon. Mr. Dymond: It will include me too, I hope.

Mr. MacDonald: It does not preclude you; you said it does not bind you.

Hon. Mr. Dymond: Oh no, it does not preclude me, but the Indian does not have to wait nor is this string attached to his getting the plan.

Mr. Lewis: Good, then the $175 million—let us take that figure for the moment which will be coming your way—is based on a figure for the population of Ontario which does not include the Indian population, is that right?

Hon. Mr. Dymond: Yes, it does. The only people who are excluded, as set out in the Act, are members of Canadian Forces, members of the Royal Canadian Mounted Police force, or a person serving a term of imprisonment in a penitentiary as defined in The Penitentiary Act. That is taken directly from the federal Act, sections j and k of clause 2.

Mr. Lewis: Why would you go back for more money since the money is already provided?

Hon. Mr. Dymond: Only 44 per cent of it.

Mr. Lewis: But for every other resident of Ontario, only 44 per cent is provided. Why would you go back for more money in this case?

Hon. Mr. Dymond: We are charging the other people of the province a premium, they are paying their 56 per cent. For the on-reserve Indian who is not paying or who is indigent, and eligible for full subsidy, I reserve the right to go after the federal government. The important thing is that it is not conditional upon this for the Indian receiving the plan. He will get the plan and I will try to get the money.

Mr. Lewis: There is a very important point here. There are a great many people in the province, Mr. Chairman, who are in the indigent category. Those people are subsidized in full or in part, under OMSIP as it stands. And under this bill, as it is proposed. You are not going back to the federal government for more money for those people. You are, however, indicating that you intend to go back to the federal government specifically for money for Indian residents of the province of Ontario. That is what I was wondering about. That is, in effect, what you were saying.

Hon. Mr. Dymond: Yes, because traditionally the federal government has taken responsibility and under the hospital insurance plan they collect the premiums for us, they collect the money and the subscribers share it. Whether they collect it from the person, or whether they pay it out of their own funds, we do not know nor do we really care, but the hospital insurance programme is conditional upon this.

The federal government has told us it will not do this in respect of medical services insurance, so I emphasize that this does not in any way hinder the Indian no matter where he lives from getting in the programme. I would like to reserve, however, the right to go and try to collect some more money if I can.

Mr. Lewis: I am accepting that it will not hinder them, and I know that, when you say to me you intend to exercise that right, you will exercise that right. What I am putting, Mr. Chairman, is that in order to exercise the right you are going to have to isolate the Indian population once again for the purposes of computing the amounts to which you are entitled. Once again we are back into the position of specifically identifying groups in the province. To me this is a highly invidious basis of identification, and perpetuating exactly the mold which characterizes this government in its relations with Indians.

In this instance, in terms of the usefulness of social equality and of an egalitarian principle, I am saying that the Minister should be pleased to accept the same subsidy for every Indian resident in Ontario as he does for every other resident. He should not engage in the principle of isolating the Indian community once again for the purposes of extracting additional moneys from Ottawa.

If you want moneys for programmes from Ottawa which have a commitment to on- or off-reserve needs, then you go ahead and implement the community Indian development programme, or the welfare programme, or any of the other programmes, but in this health bill at least let the egalitarian principle be incorporated. Even if you lose a few dollars as a result of it, Mr. Minister, have the residents who are Indians in this province treated identically with every other resident in this province, in no way distinguished by your computers, or your accounting procedures, or your claims payment people for the purposes of getting a few more dollars. I think inherent in this there is a reasonable principle involved.

Hon. Mr. Dymond: I will take the hon. member's views under consideration. They are his views, but it hurts me, you know, not to collect all the money I can. I might well try to collect on behalf of all of the people who are being subsidized because we know how many people we are subsidizing, and I might very well try to collect that if I can, believe me. I am going to try to get all I can for Ontario.

Mr. J. Renwick: Mr. Chairman, I want to comment very briefly on this point. I spent some considerable time dealing with the question of the constitutional position of the Indians. I want to support totally what my colleague from Scarborough West had to say about it. I attempted to say very clearly in this House about the very limited aspect within which the federal government in fact has legislative authority over Indians, whether they are on reserves or off reserves. It is a question of status.

What I tried then to show was, that the responsibility of this government—under the constitution, in matters related to health—was no different for the Indian than it was for anyone else within the province of Ontario. You had the legislative authority to deal with the matter, and that was accepted by your colleague the Minister of Social and Family Services (Mr. Yaremko). As a corollary of that—

Some hon. members: What are you waiting for?

Mr. J. Renwick: I am waiting for the Minister.

Hon. Mr. Dymond: I am listening.

Mr. J. Renwick: As a corollary of that, the executive authority to implement it for the Indians was the responsibility of this government. The third aspect of that was that the financial responsibility rested upon this Minister. The conclusion that follows from that is that to the extent you endeavour, under some misguided conception of your financial responsibility, to collect money from the federal government, only isolates, as my colleague has said, the Indian into this strange special category which we here are endeavouring to break down.

Section 1 agreed to.

On section 2:

Mr. Sopha: I should like to hear from the Minister what administrative apparatus he has to set up to satisfy the requirements of the context of the federal legislation.

Hon. Mr. Dymond: Well, I am not sure just exactly what the hon. member means, but it seems to me that this is something—

Mr. Sopha: Is there any other additional administrative machinery that you have to set up within your department to satisfy the requirements of participation in the national scheme?

Hon. Mr. Dymond: No, I do not think so, not if I understand you correctly. We have the machinery for enrolment, paying claims, public audit, and whatever returns are necessary. If this programme is like the others, then it will be subject to federal audit as well.

Mr. Sopha: There is no additional bureaucratic costs that you would have to invest in as a result of our joining the national scheme?

Hon. Mr. Dymond: There will be a requirement for an additional number of staff because we expect to have a fairly substantial increase in our enrolment. Apart from that, we may need a bigger computer, I am not sure.

Mr. Sopha: No new machinery?

Hon. Mr. Dymond: Not unless it is capable of taking a larger volume.

Section 2 agreed to.

On section 3:

Mr. J. Renwick: Mr. Chairman, section 3 continues, as section 2 did, to set out in the Act the various criteria which are laid down in The Medical Care Act of Canada, and which it is an essential part of the implementation of the scheme that they accord with the provisions of that Act.

I cannot tell whether it makes a difference in the wording of the Act or not—but the first question I would like to ask the Minister is whether or not there has been any pre-approval of the provisions of this Act by the federal government, so that when this plan as set out in section 3 and the balance of the provisions of the Act is passed by this Legislature, we will know it meets the requirements. Is there some commitment by the federal government to that effect?

Hon. Mr. Dymond: Yes, Mr. Chairman. The federal government had to be assured that the principles set out in its Act would be met by our Act. We gave them that assurance and therefore are aware that there will be no bar to our Act being acceptable to them.

Mr. J. Renwick: Mr. Chairman, I want to point out a distinction, and I do not know whether it makes a difference or not, either (a) about the approval by the federal government or (b) in the substance of the point which my colleague, the member for Thunder Bay, raised.

The criteria set out in The Medical Care Act of Canada in paragraph (b) of subsection 1 of section 4 of that Act has this language which has been paraphrased by transposition into the Ontario Act:

> The plan provides for and is administered and operated so as to provide for the furnishing of insured services upon uniform terms and conditions to all insurable residents of the province by the payment of amounts in respect of the cost of insured services in accordance with the tariff authorized.

It seems to me that the emphasis has been switched, that the emphasis in the federal agreement is to the furnishing of services for which the cost is going to be defrayed; and I would suggest that when you transpose the wording as you have done in this Act to a provision for a plan for the purpose of providing for insurance of the cost of insured health services, you have in some way limited the intention of the words as set out in The Medical Care Act of Canada.

I only comment about that, not to expect the Minister to clarify it from my point of view, unless he happens to have a very clear recollection of why the wording was so changed, but to point out that under the federal scheme it would appear to be possible to so include within the term "insured health services, or insured services" the kind of transportation cost or additional cost to which a person is put because of geographic considerations, in having the same uniform access to facilities which other residents in other parts of the province may have.

That, I think, is worth a comment if the Minister can make it. If not, I want in any event to deal with this provision about the accounts and financial transactions of the plan being audited annually by the provincial auditor. I want to move an amendment, Mr. Chairman, that clause 3 of Bill 195 be amended by adding thereto subclause 3 as follows:

> 3. The provincial auditor shall make an annual report to the Assembly respecting the preceding year:
>
> (a) as to his examination of the accounts and financial transactions of the plan;
>
> (b) as to his examination of the accounts and financial transactions of each designated agent in respect of its participation in the plan, the charges made by it for administration, and verifying that its participation is on a non-profit basis, and

(c) stating whether he has obtained all the information and explanations he has required and whether in his opinon the accounts and financial transactions are properly drawn up so as to present fairly the financial position of the plan and its operation on a non-profit basis.

I do not believe, Mr. Chairman, that it is necessary for me to speak at any length on it. It is simply that we feel that there should be an annual report tabled in the Assembly covering the specific matters which are set out in the proposed amendment, and I so move.

Mr. Chairman: Any comments on Mr. J. Renwick's amendment? The hon. member for Humber.

Mr. Ben: Mr. Speaker, what the hon. member for Riverdale is trying to draw to the attention of this House is that we would like to have a statement from the auditor that the plan is being run in accordance with the concepts that were brought forth in this House. So, in that respect, I would think we must agree with the member for Riverdale's desire to have some sort of an amendment put into the Act which would cause a report to be tabled before every member of this House.

However, I do not know that we are prepared to go as far as the hon. member would suggest in his proposed amendment. It is one thing to say we desire to have a certain course of conduct followed; it is another thing to have this course of conduct followed within a specified period of time and to the degree that is stated in this proposed amendment.

For instance, without an extremely large staff and without extremely large expenditures of public funds, I cannot see how an auditor, provincial or otherwise, could give a meaningful report to the members of this Legislature, referring to the preceding year. In essence, he would have less than a year in which to do this; indicating that his examination revealed that the accounts and transactions of each designated agent in respect of his participation in the plan were in order, that charges made for administration were proper, and verifying that it was on a non-profit basis.

Mr. Sopha: How would the provincial auditor's normal course differ?

Mr. Ben: It is easily two years. My colleague, the hon. member for Sudbury, asked me how the Provincial auditor's normal course would vary from what is being suggested here. The difference between what is being suggested here and what the auditor does is the difference between night and day. The provincial auditor does not audit the accounts of the province of Ontario, he simply verifies statements made by the Crown. He does not carry out an audit. What is being requested here is for an audit to be carried out. Many of us have risen in this House and—

Mr. J. Renwick: Mr. Chairman, on a point of order, so we will not waste any time, my provision does not provide for an audit. Subsection 2 provides for the audit: "shall be audited annually by the provincial auditor." I am adding a subsection 3 asking for a report of that audit.

Mr. MacDonald: In other words you are saying it is impossible? It is already in the bill?

Mr. Ben: I am saying that it is impossible to audit in this manner.

Mr. Peacock: It is in the bill, subsection 2.

Mr. Ben: The provincial auditor has not audited anything. It is a farce, it is a travesty of justice, it is playing loose with the language, when he talks about an audit in the sense that the hon. member for Riverdale is claiming it for.

Mr. J. Renwick: Mr. Chairman, on a point of order again, if the member will read the clause that I have introduced, the word "audit" does not appear in it. Now, if I—

Mr. Ben: Mr. Chairman, I have the proposed amendment before me. What the hon. member for Riverdale states is that the report which the auditor is to table in the House is to contain the following information: "(a) As to its examination of the accounts and financial transactions of the plan", that, he is supposed to examine the financial transactions of the plan. The present provincial auditor does not examine financial transactions. He leaves all these things to the standing committee on public accounts.

An hon. member: Ask the Minister what he means by public accounts.

Mr. Ben: He means it in the sense that the provincial auditor presently operates.

Mr. Chairman: May I point out to the hon. member that the amendment just simply states "shall make an annual report"; it does not mention audit.

Mr. Lewis: How do you vote for the bill on second reading when—

Mr. Chairman: The audit is covered in subsection 2?

Mr. Ben: Are you engaging in a debate?

Mr. Chairman: No, I am just pointing out that the amendment, in case you do not have a copy, does not call for an audit, it calls for an annual report to the assembly.

Mr. Ben: Mr. Chairman, please govern the proceedings of the House. I did not say it used the word "audit," but it asks for an annual report which contains certain information; information which can only be acquired by a detailed audit of the books of all the participating designated agents. I do not care what word is in there, or what word is missing, but what is required of the provincial auditor is a verification audit.

Mr. Sopha: A rose by any other name—

Mr. Ben: So do not play loose with words that are here or words that are not here. I am saying I would like to see a detailed report of the affairs of not just the operation of OMSIP, or of this particular health service, but of all the operations of this government. We have been asking for this year after year after year. We are not trying to deny the people of Ontario what the hon. member for Riverdale suggested we have, I am just saying that much as we would like to see it, we cannot see it being done in one year.

Mr. Lewis: Are you saying that there will be no public audit of the private carriers?

Mr. Ben: I am not saying that at all, if you would do me the courtesy to listen.

Mr. Lewis: I am trying to understand you.

Mr. Ben: I am trying to say that we agreed that the people of this province, through their elected representatives, ought to have available to them, a report setting forth in detail, the operations of all aspects of government, which would include the operation of the health insurance service. We agree with that! But what we are trying to point out is that the information which the hon. member for Riverdale requests this report contain, that because of its detail it would be impossible to acquire within one year—that is, to have it tabled this year for the preceding year without great expenditures of public funds.

Mr. Lewis: The audit has been done.

Mr. Ben: What they call an audit would be done, but not what the hon. member for Riverdale wants in his report. An audit is not checking the books. They do not do an audit in the province. They use the word loosely. That is not an audit.

Mr. Lewis: But you supported the bill on the assumption that the audit would be complete, guaranteeing the principle of non-profit.

Mr. Ben: In the sense, by custom and usage, that is the way the—

Mr. Chairman: Back to the amendment please. Order! Please speak to the amendment not to private conversations with other members of the House.

Mr. Ben: I do not yield the floor. I will not yield the floor.

For generations, long before my coming to this House, and since I have been in this House, the word "audit," as used in connection with the provincial auditor, has had a specific meaning. You might call it custom or usage. It is not an audit as is used in the accounting profession where you go in and check invoice against expenditure, check it back to see that the services or the goods called for by that invoice have been supplied, that is an audit.

The provincial auditor has never audited the books of the province of Ontario in that respect. He has not acted in the sense that the auditor general at Ottawa has acted. There are two distinct entities regardless of what they try to con you into believing. We do not have an auditor general in the guise of a provincial auditor in this province.

Mr. Lewis: What are they going to do about the private carriers?

Mr. Ben: You still will not let me finish. All you want to do is obfuscate the issue and you are trying to protract a debate. I am saying that we agree that we ought to have a report in detail. We are simply saying that it is asking too much to have—

Mr. Chairman: Order! Please address the Chair and never mind the private conversations.

Mr. Ben: What is the matter? Can you not hear me?

Mr. Chairman: Please address the Chair.

Mr. Ben: There is no rule of this Legislature that says I must face you all the time even though I am addressing you.

Mr. Chairman: The rule is that you are—

Mr. Ben: Stop being so interrupting and insulting. I will face whichever direction I please. Maybe your countenance is not pleasing to me.

Mr. M. Makarchuk (Brantford): Turn your back on him.

Mr. Ben: Mr. Chairman, I will try to repeat for probably the nth time we would expect and hope for a detailed report on the operation of this scheme. Surely we would like to know how it operated during the first year of its existence. We are simply suggesting that a report in the detail which is required by the proposed amendment could not be obtained in the time that is specified in the proposed amendment without an extremely large staff and large expenditures of money.

Even our own accounts do not come to us that quickly. This is the point I am trying to make. Even our own accounts do not come to us—the operations of the province of Ontario do not come to us—that quickly, and they are not in that detail. If it was suggested that we have an ordinary report, as we do with the public accounts of the province annually, and then have a very detailed analysis every two years—

Mr. Lewis: There is no time limit—

Mr. Ben: There is a time limit set in there.

Mr. Peacock: On a point of order.

Mr. Chairman: Point of order!

Mr. Peacock: The point of order is that the hon. member is suggesting time limits are prescribed in the amendment. They are not.

Mr. Ben: I am sorry, I think he should go and see his optometrist. It says in here, Mr. Chairman, that, "The provincial auditor shall make an annual report to the assembly respecting the preceding year." If that is not a time limit—

Mr. Lewis: You mean he cannot make a report within a year?

Mr. Ben: I am saying that to give it in this kind of a detail, sir, without extremely huge expenditures of funds to provide the staff, is impossible at that time. That is all. That is the only point that we are making. We applaud the attempt and the principle of the member's amendment.

Mr. MacDonald: Are you voting for it, or against it?

Mr. Ben: We are just pointing out that we deem it to be an impossibility without expenditures of large sums of money and we are questioning whether it would be worth it.

Mr. MacDonald: Like a good Liberal you are in favour of it and opposed to it, at the same time.

Mr. J. Renwick: Mr. Chairman, I regret that I did not go into a little more detail. I thought it was self explanatory.

One of the criteria of the federal Medical Care Act, which is embodied in subsection 2, of section 3, is that the plan is subject in respect of its accounts and financial transactions, to audit by such person as is charged by law with the audit of the accounts of the province, and, therefore, I took it that the Minister had put in subsection 2 of section 3 of the bill in order to provide for meeting that criteria established by the federal Medical Care Act.

Then I looked at The Audit Act to find out what was the responsibility of the auditor with respect to the accounts of the province of Ontario as a whole in terms of reporting to the assembly, and I paraphrased in substance the provisions of section 20 of The Audit Act which begins:

The auditor shall make an annual report to the assembly respecting the fiscal year then closed:

(a) as to his examination of accounts of rereipts and payment of public moneys.

(b) as to so and so.

(c) as to so and so.

It went on at some length as to what he is required to do so that all the limited purpose, Mr. Chairman, of my amendment, is to ask that the auditor be required, having audited in accordance with the requirements of subsection 2—the accounts and financial transaction of the plan—would make his report available to the assembly.

I felt that it made sense to spell out, not in great detail, but in broad phraseology, the areas which would be of interest and concern to the assembly in his report, paraphrasing as I have said, section 20 of The Audit Act of Ontario. Item (a), for example, is respecting his examinations of the accounts and financial transactions of the plan.

Mr. Sopha: Tell us why it is necessary to spell them out.

Mr. J. Renwick: Well, I think I just did, Mr. Chairman. I was trying to spell out very

much what the auditor does about the provincial accounts, and that it would be advisable for us to have the information which is set out in each of these items, together with the information required in section 3, namely, stating whether he has obtained all the information and explanations he required, and whether in his opinion the accounts and financial transactions are properly drawn up so as to present fairly the financial position of the plan and its operation on a non-profit basis. I felt that that would be a very useful adjunct to any normal report made by an auditor of accounts.

And I would commend this amendment to the Minister so that we in this assembly will receive the kind of annual report which would be an assurance of the way in which this part of the public business is carried on.

Mr. Nixon: Mr. Chairman, I am quite interested in the amendment in that it refers to a special report of the medical insurance programme. I do not think that it is referred to elsewhere in the bill, and it was normally expected that this would come under the report of the Minister himself, but it seems to me that such a report should be forthcoming. I would have thought that the way the section is phrased would have required the provincial auditor to look into the books of those organizations associated with the plan to see that the principles had, in fact, been carried out. And for that reason I would normally have thought that the phrasing of the amendment would have been unnecessary. But I like the idea of having a specific report called for in the bill itself, and I would think that the Minister might consider that.

Hon. Mr. Dymond: Mr. Chairman, I do intend to introduce an amendment at the appropriate time, setting out that we will have to submit, statutorily, a separate report, although generally speaking the affairs of the operation will be included in the department's report. The interest in this is of such a nature that most members, if not all members, would want to see the affairs set out separately. Much of the information we must keep separate anyway for our own operation, and it would be very simple to put it in report form.

Before I go any further, I have now received confirmation in answer to the question of the hon. member for Riverdale that the federal people have gone over our Act and it is in accordance with their requirements. So we are assured of that now.

Now, in respect of the amendment proposed by the hon. member for Riverdale, it seems to me that he is hedging-in the provincial auditor rather unnecessarily. I am not familiar with the provincial auditor's Act, or whatever the name is, but I have read it, and his reading of that clause 20, I think it was, brought some recollection of it to me. It seemed to me that this is required of the provincial auditor already. The provincial auditor, a servant of this assembly, is charged with certain responsibilities, his administering of which in the 15 years I have been in this House I have never heard criticized. I would therefore take it that he does the job well. Being an auditor, he is certainly not going to put his name to anything until he is sure he can testify to the actual statements appearing in his report.

Furthermore, the non-profit aspect will be very thoroughly looked into because all our books are subject to federal audit as well and we have to be assured, and we have to be in a position to assure their auditors, that this is a non-profit plan.

One of the conditions necessary, one of the basic principles of the Canada Act is that we and our agents, our whole plan, be a non-profit plan, and I can assure you they will be looking into this. Again, they have certain yardsticks by which to measure our performance.

I just do not see where this is going to help. Indeed, again, I would suggest with respect that it is hedging him in. You would be detailing certain things, and if I know anything about law—and let me make it clear that I do not, but as I understand it, listening to the experts in legal matters—if the law spells out what he is to do, that is it and nothing more.

As I understand it, his Act makes it incumbent upon him to do all of the things necessary for an auditor to do and to report factually on his findings. From time to time I have read his findings which were quite critical of our operation. He says they should be because he is the watchdog for the Legislature.

Mr. J. Renwick: I would be glad to add a clause or two to enlarge on it.

Hon. Mr. Dymond: I really do not think you need to enlarge it. I think the provincial auditor knows his job well enough already, and I do not think we need to spell it out. I know of no other Act in which this kind of thing, his specific duty is spelled out. If I recall any Act coming within my own departmental purview where the provincial

auditor has a duty, this is about the only sentence that is mentioned.

Mr. J. Renwick: Mr. Chairman, perhaps the Minister would answer the question. Does he know of any other Act in which there is a specific requirement that the auditor is to conduct an audit where the result of that audit is not made available to the assembly? That is the important point. This Act, in the immediately preceding subsection, requires an audit to be made. All I am asking is that the report of that audit—his report of the financial transactions of the plan—be made available with his comment about whether he has received all the information to which he is entitled.

Mr. MacDonald: Mr. Chairman, may I ask a question before the Minister replies again? I am just a little baffled as to what point the Minister is making, apart from the technicality that he claims this restricts the provincial auditor. He asserts, and I think rightly, that the provincial auditor has the obligation to make an audit, to do all the things that are included here. The thrust of the amendment is simply that, having done all those things, we will make certain that this Legislature will have a copy in the form of an annual report so that we will be able to take a look at this rather complicated new experiment.

Because, Mr. Chairman, it seems to me that we have not only the normal obligation, we have the normal obligation compounded because we are going to have potentially 265 private agencies. There are 265 insurance companies with a licence to do business in this province. You are going to have an interesting time turning those down if they all come to you. So the need for pursuing the audit in detail to make certain that the non-profit aspect of it is being respected is going to be particularly important.

The Minister says, quite rightly, that the federal audit will insist on this, and certainly the provincial auditor will be obligated to do it, so I am a little puzzled as to why the Minister is so hesitant to say, "Fine, the amendment is going to make certain that we have an annual report for this Legislature. The Legislature is entitled to it. Good, we will put it in the Act." Instead, the Minister himself says, "Well, I have an amendment."

Presumably he was saying he had an amendment for the same purpose, so I asked the Minister, where is it going to come in? Are you going to take this one and emasculate it and bring it in somewhere else? Where is the amendment to fix the obligation for bringing in an annual report going to be introduced in the Act?

Hon. Mr. Dymond: Mr. Chairman, the requirement for tabling of a submission of a report usually comes near the end of an Act and it will be brought in at the appropriate place. I have not got it here but my legal people will tell me where it comes in. I think it will be quite—

Mr. Lewis: Frantically between 6.00 and 8.00, you will bring in a newly drafted amendment.

Mr. MacDonald: This surely is the appropriate place?

Hon. Mr. Dymond: You know, the hon. member is so suspicious he must really hate himself at times, I think, Mr. Chairman.

Hon. A. Grossman (Minister of Correctional Services): I am sure he does.

Hon. Mr. Dymond: The purpose is that the auditor's report should be included in the annual report, and I have absolutely no fault to find with that, sir, because this is the kind of report that we submit every year in respect of the hospital services commission. The commission, being a separate body, however, does things a little differently. Ordinarily the report for this project OMSIP would be in the departmental annual report. I have undertaken to submit it separately and we will write it into the Act.

There will be an annual report tabled in this House, and I have no objection—if you would feel better—to including it in that amendment. The auditor's report shall be included in the annual report. I see nothing wrong with that. But I still repeat, sir, to spell out the things that he must do when they are so patently required of an auditor, I do not see why we should clutter up this section of the Act by putting it in.

Mr. J. Renwick: Mr. Chairman, I want to comment very briefly, because I can see now where the concern of the leader of the Opposition and the Minister falls. The objection to the amendment, as I understand it, cannot possibly fall under item (a) of the draft amendment, which is simply transposing the words—

Mr. Nixon: I have no objection to the amendment if you put it.

Mr. J. Renwick: —as to his examinations of the accounts and financial transactions of

the plan. That is (a). Now (c) is stating whether he has obtained all the information and explanations he has required—

Mr. Sopha: What is wrong with that?

Mr. J. Renwick: —and whether, in his opinion, the accounts and financial transactions are properly drawn up so as to present clearly the financial position of the plan and its operation on a nonprofit basis. Surely that is not a problem for the auditor?

Mr. Sopha: No, of course not. What does he mean?

Mr. J. Renwick: Now, item (b) appears to—

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): He has defined the certificate that goes with—

Mr. Sopha: As the session has worn on, our friend from Riverdale has become repetitive.

Mr. J. Renwick: Gets stronger and stronger.

Mr. Sopha: It is tedious.

Mr. J. Renwick: Item (b), of course, says, as to his examination of the accounts and financial transactions of each designated agent in respect of its participation in the plan—

Mr. Sopha: What is wrong with that?

Mr. J. Renwick: —the charges made by it for administration and verifying that its participation is on a nonprofit basis. If the Minister has an objection to including that as a requirement for the provincial auditor's report, I wish he would so state it now so that we could discuss it.

Hon. Mr. Dymond: I can only say, Mr. Chairman, that it is no wonder to me that we in the laity get a bit confused with the law. While we have to—

Mr. J. Renwick: It has nothing to do with the law.

Hon. Mr. Dymond: —spell out every detail in an Act like this, it is no wonder—

Mr. J. Renwick: Mr. Chairman, on a point of order. We are passing a law. The Minister cannot get away with the supposition that somehow or other this is legal technicality.

Mr. Chairman: Order! Order!

Mr. J. Renwick: He is introducing the law.

Mr. Chairman: Order! The hon. Minister has the floor.

Hon. Mr. Dymond: I heard the hon member for Sudbury, I think, use an excellent word this afternoon. I am not sure what it means. It is likely a legal word, but I think it applies very well here—obfuscating. That is what the hon. member for Riverdale seems to be trying to do, and he is just a little short in the fuse about it. Mr. Chairman, we want the law as simple as possible.

Mr. J. Renwick: So do I.

Hon. Mr. Dymond: And capable of doing the job.

Mr. J. Renwick: I want to see it visibly in this House.

Hon. Mr. Dymond: We do not want it so bound up in red tape, as we are trying to do now, that it will be impossible to make it operate.

Mr. Lewis: Bound up? Look at what you are.

Hon. Mr. Dymond: I will read to the hon. member the amendment—which we shall propose at the proper time—out of order, with your permission, Mr. Chairman:

> The Minister shall make a report annually to the Lieutenant-Governor-in-Council on the details of the plan—

And I propose to add a further sentence there:

> —including the auditor's report, and shall then lay the report before the assembly, if it is in session, or if not, at the next ensuing session.

Mr. Lewis: Is that typed or written?

Hon. Mr. Dymond: This is the kind of clause that is found in any Act that I can think of at the present time that is related to this sort of thing.

Surely that covers everything? Surely the auditor can be trusted to know his job and to do it, certainly a great deal better than I could instruct him. And I believe, with the exception of any auditors who might be in the House, probably a great deal better than any of us could instruct him.

I would re-emphasize, sir, however, that our books will also be subject to federal audit, and this will be a double safeguard.

Mr. J. Renwick: It does not say so.

Hon. Mr. Dymond: The federal people have told us.

Mr. J. Renwick: Mr. Chairman, on a point of order. Do you think that the federal auditor has the auditing staff to audit the accounts of the plans throughout seven provinces?

Hon. Mr. Dymond: Mr. Chairman, they do it now in many programmes we have. They do it in several cost sharing programmes.

Mr. J. Renwick: Mr. Chairman, there is no provision in The Medical Care Act for the federal audit. There is no provision in this Act, but there are very elaborate provisions for this government providing information to the federal government on the basis of which the contribution by the federal government will be determined.

In all of those matters, the responsibility cannot be escaped by this Minister saying that some other audit is going to do it. His bill says this auditor is going to do it. We want the auditor's report.

We want a Minister's report too, but if he wants to scribble out during the supper adjournment a more adequate amendment to the one he proposed, then quite likely we might consider it, but it is nearly 6.00 o'clock now.

Mr. Chairman: I am not sure which member had the floor first, but since the last speaker was a member of the New Democratic Party, we will take a member from the Liberal Party.

Mr. Ben: Mr. Chairman, I must take issue with the Minister about his objections to the proposals that are put there. My only objection is to the use of the word "audit" in provincial legislation, and since I have been here I have objected to its use in an improper sense.

In the federal House we have an auditor general. Some people are under the misguided belief that the auditor only finds out about horses on the payroll—and I use that example because it had to do with the Liberal administration. So, because he audits every single invoice.

Well, he does not. What the auditor general does is verify the accounts of the government of Canada, as does the provincial auditor verify the accounts of the province of Ontario, but in Ottawa there is an added fillip—the spot checks with audits.

In other words, they pull an invoice at random and then they check back and see whether the items represented by that invoice were supplied. That is how they found out that Joe Blow was not a man but a horse. They went and checked back to see that Joe Blow performed the services he was paid for.

An hon. member: Was not his name Joseph?

Mr. Ben: All right, Joseph Richard Rowe, in order to keep you happy. Mr. Chairman, what offends me about the statements of the Minister is that he continues to try to have this House believe that the audits—of which they speak in their Act—are the audits of the type carried out by the auditor general. They are not. At least, if you are writing the Act, have the decency to say that the accounts will be verified by the provincial auditor and not audited. Otherwise do not object to the amendment being put forth by the member for Riverdale, or else say: "Look, we cannot afford to do it in detail annually, but we will promise this House we will have the provincial auditor make audits of the accounts. I will yield the floor to my friend.

Mr. Chairman: I suspect it is going to be brief.

Mr. Sopha: Would the Minister consider, over the dinner hour, getting at the very valid point made by the member for Riverdale in the (b) part of his amendment. Could you provide in this annual report—appended to it—the auditor's report with specific reference to his activities in respect of those non-government organizations which are so intimately connected with the plan. The member for Riverdale has two considerations in the forefront of his mind. One is the non-profit feature, and the other is the administrative costs and it is a matter of great concern to us that the provincial auditor report to us on those two features. Would you consider making special reference to them?

Mr. Chairman: The hon. member for Scarborough West.

Mr. Lewis: There is still a good deal of time left to the afternoon. I want to pursue just one point with the Minister. When he said, and I refer back to subsection 2 in the context of this amendment, that the accounts and financial transactions of the plan shall be audited annually, sir, by the provincial auditor, is he saying to the House that the provincial auditor and his staff in the province of Ontario will, themselves, physically audit

the books of every designated agent? Is that what he is saying? Is that what the Act means?

Hon. Mr. Dymond: The Act means that an audit must be carried out that is satisfactory to the public and to the provincial auditor. How he does it, or by whom it is done, is his responsibility. And he must take responsibility for that. There are many organizations whose accounts are subject to provincial auditing. I know that the provincial auditor—if I may name him, Mr. Spence—is physically unable to do all of the things that he does.

Mr. MacDonald: But he has the staff.

Hon. Mr. Dymond: Well, I do not know if his own staff do or not. I know that I get many auditor's reports from his office that are done by his own staff, so that I know that they do those, but I do not know what they do in other places. I only know that the federal government insists that the auditing must be satisfactory to the provincial auditors. Therefore he can append his name to it as being satisfied that this audit meets all the requirements demanded of it.

Mr. Lewis: Mr. Chairman, I think we have come to the real achilles heel of this bill. It being 6.00 of the clock, I suggest that we get after the government at 8.00.

Mr. Sopha: Point of order. May we commiserate with the member for Armourdale that he was not here to vote for chiropractors.

Mr. J. Renwick: Mr. Chairman, I have only a very minor point which I think would help the Minister. With the indulgence of the House, I would draw the Minister's attention to that last statement. The Audit Act says that nothing in this Act—and I assume it would apply to the other—shall be construed to require the auditor to examine or report upon the accounts of any agency of the Crown if the Lieutenant-Governor, in pursuance of statutory authority on that behalf, has designated another auditor to examine and report upon the accounts. The point I am making is that the words are not directly applicable, but if the provincial auditor is going to accept the audited report of other auditors, then I think a specific provision should be made to that effect.

Mr. Lewis: The government is about to fall.

It being 6.00 o'clock, p.m., the House took recess.

No. 160

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, June 24, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, June 24, 1969

Health services insurance, bill respecting, in committee, **continued** 6087

Motion to adjourn, Mr. Welch, agreed to 6134

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 24, 1969

The House resumed at 8.00 o'clock p.m.

Clerk of the House: House in committee of the whole House; Mr. A. E. Reuter in the chair.

HEALTH SERVICES INSURANCE
(Continued)

Mr. Chairman: We were dealing with section 3 of the Act. We have an amendment before us moved by Mr. J. Renwick. The hon. member for Scarborough West.

Mr. S. Lewis (Scarborough West): Mr. Chairman, I preface my observations by hoping that I might elicit from the Minister a public confession. After the two hours that have passed between 6.00 and 8.00 o'clock I presume that he has had an opportunity to atone for what was implicit in this section, and that he might offer penance to the Legislature.

I want to ask him more closely about what he means by the precise nature of the audit of the Provincial Auditor. I feel, Mr. Chairman, that we have fastened on something rather significant to the very core of this bill.

The Minister will have to agree, sir, that there are a number of designated agents within this legislation—conceivably in excess of 200 agents within this legislation—and I want to learn from him what he anticipates the nature of the audit to be. If I understand him, Mr. Chairman, and I am relating this to the content of our amendment—because on the basis of the audit the annual report will be received or not received—I want to know from him what he anticipates the audit to be. He has indicated that whatever procedure the Provincial Auditor follows will be adequate for the Minister.

I assume the Provincial Auditor has vouchsafed to the Minister the nature of those procedures. One does not bring in a bill of this kind where the audit and the audit alone will guarantee the non-profit nature of the operation without having made some investigation of the nature of that audit. I would ask the Minister through you, Mr. Chairman, precisely what the character of that audit is to consist of.

Mr. Chairman: The hon. Minister.

Hon. M. B. Dymond (Minister of Health): Mr. Chairman, the duties of the auditor are pretty well set out in the Act which governs his activity, Chapter 27, RSO 1960, The Audit Act. It lays down very clearly what his duties are and it is itemized: the authority or right to dictate how he shall conduct his duties. He is a servant of this Legislature; he is answerable to this Legislature and, as I read the Act again, not through the eyes of a legally trained person but through the eyes of a layman, possessing I hope a modicum of commonsense, I think that his duties are fairly clearly outlined and I do not believe it is necessary to repeat them. He makes his report to the Legislature.

As far as this Act is concerned he has to satisfy himself that we are living within the terms of the legislation, that we are not doing anything that we are not permitted to do, that we are not spending money that has not been voted to us or given to us by a Treasury Board order or warrant, and that we are spending within the framework permitted us by the legislation under which we operate.

In this particular case, of course, he has to certify that the designated agents have conducted their operations according to the terms and conditions set out, that they are issuing the plan as dictated by the provincial authority, that they are charging the premium as dictated by the provincial authority, that they are making the plan available to all those coming within the scope of their influence that want it, that they are operating on a non-profit basis, and he has to satisfy himself that the administrative expenses which they are claiming and which we are paying them are legitimate and are well substantiated operating expenses.

So long as he is satisfied that they have met those terms and conditions, I presume that he is then in a position to certify the audit.

Mr. Lewis: Mr. Chairman, this is really quite a remarkable contention on the part of the Minister. He is asking of the auditor positively herculean powers over the period of less than a year. When one talks about the assumption that the premiums will be of an appropriate amount and number, that the administrative expenses will not be exorbitant, that the operation will be non-profit, one is asking of the Provincial Auditor an auditing force and capacity on his part which outreaches most mortal men.

What I am asking, therefore, Mr. Chairman, concerns the resources at the command of the Provincial Auditor to see this particular sequence through. What I am necessarily implying, Mr. Chairman, is that the Provincial Auditor of this province and the resources at his command—physically at his command, within his own department or branch—cannot conceivably undertake a chore of such magnitude. I point out, Mr. Chairman, that the very crux of this bill, the crux on which the noble Liberal Party pinned its support to the bill, consists of demonstrating that the private carriers do not fundamentally violate the principle because they will indeed be non-profit, because indeed their administrative expenses will be contained within a six per cent range, because indeed they will operate appropriately in the context of their total insurance undertaking.

Therefore, Mr. Chairman, I suggest to you, sir—humbly, because you are a man expert in the ways of audits, the lone man in this House expert in the ways of audits—I submit to you, sir, that the Provincial Auditor will have to have some hirelings, some lackeys to do the job for him. Otherwise he will review the audits that are performed by others, so that this government will not in fact itself audit the accounts of the individual designated agents.

Let me ask, Mr. Chairman, how many private auditors will the Provincial Auditor require; how many? Indeed, let me direct the question to the Chair rather than to the Minister. If one has the number of agents which are presupposed by this Act, and let me put it to the Minister—let him correct me if I am wrong—there are 265 private—

Hon. Mr. Dymond: Mr. Chairman, I will accept the invitation. There will be seven or eight agents designated for this programme, seven or eight, sir. I do not know where the hon. members got this figure they are bandying about of over 200.

There are, it is true, over 200 insurance carriers in the province of Ontario, there are 29 in the health services insurance field. I am assured that at least ten of those are not interested in any way and that they are likely to go out of the field altogether.

Our dealings with the commercial carrier will be through one corporation presently being formed and we will probably have, at the most, two designated agents in the service field. The federation of co-operatives is forming one designated agency; there will be two labour groups and CUMBA. Seven or eight designated agents will be all we will deal with.

Mr. Lewis: Who are the others who make up the seven or eight?

Hon. Mr. Dymond: One for the commercial carriers, probably two doctor-sponsored plans, two labour organizations, one federation of co-operatives and CUMBA. Is that the information—

Mr. Lewis: Yes, that assists partially. It does lower the astronomical nature of the figure with which we were dealing. I point out to you, Mr. Chairman, that if there are 29 private carriers who are about to merge into one corporation, why the Minister did not discuss this on second reading I will never know, but now—

Hon. Mr. Dymond: Because I did not know it.

Mr. Lewis: The Minister did not know it yesterday?

Hon. Mr. Dymond: No.

Mr. Lewis: He knows it today. Ah! That is an overnight revelation if ever there were one. There must have been many corporate meetings in the 24-hour interval.

Hon. Mr. Dymond: There was only one meeting.

Mr. Lewis: Well, I may say, Mr. Chairman, that the amalgamation of 29 private carriers into the one so-called corporate designate is hardly persuasive to the Opposition. There is not a single provision in this bill which even implies such a possibility, let alone enshrines it in legislation. Indeed, the Prime Minister himself referred to the 200 possible carriers in this field.

I simply point out, Mr. Chairman, that there will be 29 carriers who have to be audited individually. I do not care if, for the

collection of premiums made out to the Provincial Treasurer of Ontario, there is one corporate entity by way of a post office. And I do not think it is of any consequence whatsoever that the payment of claims will in some way impinge on that corporate arrangement.

The fact of the matter is that there are 29 private carriers, and I simply will not take the assurance of the Minister that ten of them will go out of the field. That is an assurance which was received overnight and therefore, at the very best, it is a dubious proposition, hardly documented by experience.

Hon. Mr. Dymond: Mr. Chairman, I would like to correct the hon. member. I did not give it as an assurance. I said it was stated to me that there are ten very unlikely to continue in the field.

Mr. Lewis: Never, never was there an unlikely—oh, are we to have some characteristic interjections from the Minister of Public Works?

Hon. J. R. Simonett (Minister of Public Works): You are a real pinhead.

Mr. Lewis: Minister of Public Works *nee* Minister of Energy and Resources Management.

Hon. Mr. Simonett: We call you pinhead down east. We would call you a tackhead, but a tack has a head.

Interjections by hon. members.

Mr. Lewis: Mr. Chairman, I do not view "pinhead" as unparliamentary. It is the most charitable observation the Minister of Public Works has visited on me in the last six years.

Interjections by hon. members.

Mr. Lewis: Mr. Chairman, I want to point out, sir, that there are 29 private carriers who will have to be audited individually. There are two carriers in Sault Ste. Marie and St. Catharines which will have to be audited individually. There are a number of doctor-sponsored groups which will have to be audited individually. There is one federation of co-ops which will have to be audited individually. There is, indeed, the government plan which the Provincial Auditor may have some consciousness of, which will have to be audited individually.

In other words, Mr. Chairman, we are talking of something in excess of 30 designated agents, all of whom will have to be audited individually. Now, I say to you sir, that that is going to mean a considerable number of private auditing firms analyzing the books of these companies. Does the Minister take any exception to that observation? Does he disagree that that will in fact have to be the case?

Hon. Mr. Dymond: Mr. Chairman, I do not presume to know how the auditor operates his business. This is really not a matter to be debated under this bill. I think this is a matter to be debated at the appropriate time. I think there is an item in the estimates devoted to the Provincial Auditor's Department. I read his Act and I cannot get shaken very badly by the additional work we are putting on the Provincial Auditor. His job is to handle work that is put upon him by this assembly. His Act states, in section 5, "the auditor may make orders". Section 4: "The Lieutenant-Governor-in-Council, upon recommendation of the auditor, may appoint to the staff such officers, clerks and other persons that he deems necessary." In section 6 he may delegate to any member of his staff authority to perform the duties, and the auditor, in section 10, may station one or more of his staff in any department of the public service. And I presume that means Crown agencies or others as well; there is something farther down in the Act about agencies.

I think the auditor has the skill, the ability and the knowledge, and the power lying within his grasp to do the job that he is expected to do, and I did not hear any complaints from him when the bill was presented, nor did I hear any complaint when the bill went before Treasury Board that the auditor could not do the job. I do not believe, sir, that this is really a proper matter to be discussed—how he is going to do it. I really do not know and I do not care because he has to answer to this Legislature, and I am quite convinced that the job will be well done because I have had experience with the work that the Provincial Auditor has done over the last 12 years.

Mr. Lewis: Mr. Chairman, the amendment which has been moved, asked for the tabling of an annual report, and the content—

Hon. Mr. Dymond: I wonder, Mr. Chairman, if you would consider asking if the House would skip over to section 33 of the Act. I would like to propose that section 33 be replaced with this amendment. I would ask you to ask the House if they would consider this.

Mr. Lewis: On a point of order, Mr. Chairman, I would like to complete the discussion of section 3 without a jump to section 33.

Mr. Chairman: The hon. member has risen on a point of order.

Mr. Lewis: We are jumping 30 sections here.

Mr. Chairman: It happens that the Chairman is aware of the content of the proposed amendment which does relate to the audit and the tabling of a report. I can say this to the committee: That in my opinion, I think perhaps the hon. member should hear what the hon. Minister has to say. It may answer his question.

Mr. Lewis: You mean the persuasive charms of the Opposition have affected the Minister to introduce that amendment?

Mr. Chairman: I have no knowledge of that in any way, shape or form, but I think it may clarify some of the thoughts that are not presently clear in the member's mind.

Mr. J. Renwick (Riverdale): Mr. Chairman, if I may speak to the point of order, we are on clause 3 of the bill and I have placed an amendment before the committee. I do not intend to withdraw it until I have had at least an opportunity, even privately, to look at the proposed amendment to section 33. This is not in any way to inhibit the progress of the work of the committee and the House, but the Prime Minister said in his statement to the House that these accounts would be subject to audit, for the purpose of determining that they were non-profit, and that is the guts of the amendment which I have proposed.

It is of the essence that it not be submerged somewhere within a ministerial report, therefore, I would ask that either under this clause, the Minister read to us the amendment which he proposes under section 33, so that we can, in good judgment, decide whether or not to accede to his request to withdraw our amendment and to hold until we get to section 33, or to move now to section 33.

Mr. Chairman: May I say that is precisely what I wanted to do. I wanted the hon. members to hear what the Minister was going to propose. I had no intention of asking for a withdrawal of the motion before me, nor to put the motion to a vote. I feel that the hon. members should hear what the hon. Minister is going to say.

Mr. E. W. Sopha (Sudbury): Even though nobody suggested that you do that, they make this song and dance anyway.

Mr. Chairman: Would the hon. members listen to the Minister in what he wishes to propose as a new section 33.

You are not committed, nor are you considering this proposal at the moment. The hon. Minister.

Hon. Mr. Dymond: The amendment that I would propose here—and I am not moving it now because there is an amendment on the floor—

> The Minister shall make a report annually to the Lieutenant-Governor-in-Council upon the affairs of the plan and every such report shall contain the report of the Provincial Auditor under section 3 which shall include his certificate as to whether the accounts and financial transactions of the plan, including those of designated agents, meet the requirements of this Act, and the Minister shall lay the report before the assembly, if it is in session, or if not, at the next ensuing session.

Mr. Lewis: Mr. Chairman, if I may resume my observations on section 3 while my colleague examines the amendment. I do not think, sir, that the observations I am making intrude upon the Minister's ultimate intention.

I want to revert to what I was probing before, because I think it still strikes to the heart of the bill. There will be between 30 and 40 designated agents, all of whom will be subject to individual audit.

Mr. Chairman, I do not care what resources the Provincial Auditor has at his disposal, the Minister knows and the members of the Opposition know that the individual designated agents will be audited by private accounting firms. That is really what we are engaged in in this bill, and the number of private accounting firms may be six or eight or ten in order to encompass the audit that is required by this Act.

I point out to you, Mr. Chairman, that if one is to establish the non-profit nature of the health insurance aspect of insurance, it is necessary to examine all the books of the insurance company, whether it be Confederation Life or London Life or any other insurance company. It is necessary to examine the whole spectrum of accounts of any insurance company in order to isolate the non-profit features of that company subject to audit under this bill.

Mr. R. F. Nixon (Leader of the Opposition): Specifically excluded from the amendment!

Mr. Lewis: Mr. Chairman, I may say, sir, that that means that we will have private accounting firms auditing the books of private carriers. We will then have the Provincial Auditor auditing the results of the audit of the private carriers. We will then have the federal government auditing the results of the Provincial Auditor's audit of the private carriers. In other words, Mr. Chairman, we are having an audit of the audit of the original audit.

That is what the Minister has established in this bill; and a more wildly bureaucratic formula could not be contrived by any other member of the Cabinet; or a more expensive one.

The proposition that you can somehow keep administrative expenses within six per cent is a preposterous proposition. You have between 30 or 40 carriers; they are to be audited by Clarkson, or by Ross, Touche, Bailey and Smart, or by—what is another firm?

Interjections by an hon. member.

Mr. Lewis: I am not familiar, Mr. Chairman, with the auditing companies in the province, but the carriers will all be audited by individual firms. The provincial auditor will then review their finding and he will then in turn be reviewed by the federal government.

Mr. Chairman, what could be more anomalous, what could be more destructive of the principles of this bill than that particular mechanism. I submit to you, Mr. Chairman, that the procedures for audit in the Act respecting health services insurance, will be almost impossible to determine a non-profit operation.

What is more, they will be of atrocious costs. What is more, they will not fulfil the ministerial responsibility given to the Minister of Health under the federal Act to be accountable to this Legislature for the non-profit nature of the legislation which he is introducing. I suggest to you, Mr. Chairman, that he has created a vast administrative monstrosity, for no reason whatsoever, other than unlovely, humiliating obeisance to the insurance companies and their right to control health insurances:

They already control every other kind of insurance in this province.

We object strongly to that, Mr. Chairman. We objected to it in principle, and as it is now revealed in the section of this bill, we object to it here.

I think I must pay him tribute because that is precisely what the member for Humber was getting at; the façade of the Provincial Auditor must not be allowed to prevail. We must view with some discernment what, in fact, will occur behind the scenes. And we have already witnessed it—private companies auditing other private companies, and then the Provincial Auditor and the federal auditor running in behind the train of those who do the actual work.

Whether or not, Mr. Chairman, this is sufficient to illuminate an annual report, as the Minister indicates, he will bring in in section 33, is very, very questionable indeed. I suggest to you, sir, that no one in this House will ever know with assurance whether or not we have adhered to the non-profit mechanism of this plan.

We have set up such obstacles, we have set up such impenetrable barriers, such typically Tory impasses through the nature of the audit of this Act on which the entire Act rests, that the principle of the bill is, indeed, in peril.

I say to you, sir, that the only thing the Minister can do in conscience, in future sections of the bill, is to eliminate the whole concept of the private carrier because it will undermine medical care legislation in this province. It cannot possibly be supportive of it.

Mr. Sopha: The member from Scarborough West persuaded himself as he went along, as he created one monster after another. We say it is no such thing. The bill in its present form provides that the Provincial Auditor shall audit the accounts that are required to be kept in the operation of the Act.

It does not say anything at all about his employment of any private agencies. Remarkably, the amendment proffered by the member for Riverdale, which is on the table before you, Mr. Chairman, makes no reference to the employment of any private auditing firms whatsoever by the Provincial Auditor. This must have been dreamed up by our friend to the left over the supper hour.

Mr. Lewis: I do not think so.

Mr. Sopha: The amendment is entirely bereft of any of the concern about the employment of what we must infer from the language used by the member from Scarborough West, these disreputable people—

Mr. Lewis: Oh, no!

Mr. Sopha: —that the Provincial Auditor—or at least negligent people—

Mr. Lewis: Point of order!

I implied no disrepute whatsoever, sir, I simply—

Hon. Mr. Simonett: Oh, yes you did.

Mr. Lewis: No. I implied no disrepute whatsoever. I specifically pointed out that you would have private companies auditing other private companies, when in fact this is supposedly a public audit to ensure non-profit. That is what concerned us.

Hon. Mr. Simonett: What is a public audit?

Mr. Sopha: I am accustomed to listening to what people said, and he made these two points. He said the Provincial Auditor would require a veritable army of employees in order to carry out his functions under the Act. And then, having posited that man of straw, he said the Provincial Auditor would have to employ private agencies to do his work for him. He then went on to leave the clear inference with it that these agencies the Provincial Auditor would employ to do the work were unreliable, that we could not rely upon them.

Mr. J. E. Stokes (Thunder Bay): Why do you not make your own speech?

Mr. Lewis: That is your judgment. You make them unreliable.

Mr. Sopha: We can have no part of that contention here, and it is interesting to note that the member for Scarborough West—did you notice—did not know the names of any auditing firms, so we must assume that Brown's Camps does not have one. We might look into that.

Mr. J. L. Brown (Beaches-Woodbine): On a point of order, Mr. Chairman.

Interjections by hon. members.

Mr. Brown: There is no need for the member for Sudbury to bring in Brown's Camps, and the auditing of Brown's Camps. We have reputable auditors, and the government knows that too.

Mr. Sopha: All right, I will retract any reference to Brown's Camps.

Mr. Brown: Anything to throw a red herring.

Mr. Sopha: Let me know when he subsides. Is he blowing a gasket just behind me? Is the top of his head coming off? I do not dare look.

The point is that section 3 is perfectly clear. It says: "The accounts and financial transaction of the plan shall be audited". "Shall be", note that, "annually by the Provincial Auditor". So we are entitled to assume, since we employ him, that he will audit the operations of this plan in the same way that he audits any other government operation.

Mr. Lewis: No, it is entirely different.

Mr. Sopha: And if he does not, if someone sees him, then presumably we will get a new Provincial Auditor. So we must assume, in respect of any part of the civil service, that they are going to carry out their duties which are imposed upon them by the law of the land. That is what this is.

Now, the second point to be made is that, in my view, the Minister of Health has largely met the objection that was imposed before supper. Let me reiterate it briefly. Our concern was that since this was a novel scheme wherein we employed a multitude of non-government organizations, there would be a report to the assembly over the certificate of the auditor that he had taken the appropriate steps to examine the operation of those non-government entities, the designated agents under the Act. As far as I can see, the Minister of Health in the amendment intends to propose to section 33 that he has met that objection.

Finally, to sum up, once the Provincial Auditor carries out his duties imposed upon him by the Act and he proffers that added fillip, that bonus, that he puts in the report—his report—his certificate that (a) the administrative costs are within reasonable limits imposed by the statute, and (b) the operations of the designated agents are truly non-profit —then he has met all the essential requirements that we as a Legislature could reasonably ask.

Mr. Chairman, I plead with my friends to my left and my friend from Scarborough West: Let us get on with the more fundamental—

Mr. M. Makarchuk (Brantford): What you are doing is defending the campaign funds for the 1971 election.

Mr. Sopha: I had nothing to do with that. I have no campaign funds.

Mr. Chairman: Order!

Mr. Sopha: Let us get on with dealing with the more material and important sections of the Act. I plead with the member for Scarborough West, let us stop sounding like an operatic tenor who listens only to his own recordings.

Mr. Lewis: On a point of order, Mr. Chairman, I do not know whether I sound like a tenor or a soprano or contralto, it depends on my activities over the supper hour as a rule. But I do say to you, sir, that I want to distinguish between the argument that I made and the amendment which was put. I was putting the argument primarily—

Mr. Chairman: Well, I hardly think I have heard a point of order, but there is nothing to prevent the hon. member from entering the debate if he wishes. There was no point of order.

Mr. Lewis: Then I will use this device to re-enter the debate, sir. I simply make the—

Mr. J. E. Bullbrook (Sarnia): This is typical, Mr. Chairman, typical of what constitutes a point of order. This has to be—

Mr. Sopha: They are going to filibuster apparently.

Mr. Lewis: No, Mr. Chairman, we are not going to filibuster. We are just rather more concerned than the Liberal Party appears to be about the nature of establishing the non-profit aspect of this plan with respect to the private carriers.

We have no assurance that the audit which is guaranteed, supposedly, in section 3 will provide that. That was the reason for my remarks, Mr. Chairman, not particularly to detract from or unduly support the amendment moved by my colleague from Riverdale.

I was attempting to point out in section 3 that independent of the amendment that the entire auditing procedure is faulty; it will undermine the bill. We in this party take serious objection to that. That is one of the very real reasons for endeavouring to bring an annual report to this Legislature which means something fundamental rather than the form to which the Minister has apparently agreed.

Mr. Chairman: The hon. member for York South.

Mr. D. C. MacDonald (York South): Mr. Speaker, as I tuned in on this debate having come into the House late, I was rather taken with some of the comments of the hon. member for Sudbury, and I bid him listen for a moment as I recall some experiences that we had in a select committee of this Legislature headed by Kelso Roberts to investigate government organization back in the years 1960 and 1961.

One of the things that that committee looked into was the whole proposition of auditing the accounts of the province of Ontario. On one occasion we invited, as a witness, Watson Sellar, who had just retired, or was in his last year or so as Auditor General of Canada.

In the course of the discussions of the committee, and the testimony of Mr. Sellar, the point was accepted that all of the auditing of the province of Ontario and its agencies should be done by the Provincial Auditor.

Mr. Sellar was most emphatic that if the public interest is going to be protected it must be done by the Provincial Auditor. In the course of his remarks he implied that if it was a regular auditing firm you might not get the public interest completely protected.

I shall never forget Kelso Roberts rather indignantly—with an outburst of indignation of which we have just had a duplicate from the hon. member for Sudbury a moment ago —saying: "Are you suggesting that such and such a firm licensed in the province of Ontario, of great reputation, will not do the job on behalf of the public?"

Watson Sellar turned around and looked Kelso Roberts square in the eye, and said, "That is precisely what I am suggesting."

Any hired firm of auditors is servicing clients, and, therefore, the firm of auditors is going to take the interest of his clients into account even though they will operate with professional integrity. What Mr. Watson Sellar was saying is that if the public interest is going to be protected you must have the Provincial Auditor look after the accounts, not only of all government departments, but of every agency of this government.

Now, Mr. Speaker, there was only one exception made and that was Hydro. It is so big and it would require such a big enlargement of staff, that it was inconceivable for the foreseeable future that the Provincial Auditor could augment his staff to be able to do that job.

Against that background, let us come to the situation we face here. I suggest that there has never been a circumstance in which more detailed and more critical auditing should

be done than in this instance. If it is the case that the Minister cannot assure us that the Provincial Auditor is going to do the auditing himself with his own staff and not let it out on tender to somebody else doing it on his behalf, I call in witness from the side—because he has now passed on—Watson Sellar, that the public interest is not going to be fully protected.

Mr. Sopha: Last night you were talking of Mackenzie King, do you remember?

What do they do during the supper hour, take LSD?

Mr. MacDonald: Mr. Chairman, I do not mind these lighthearted escapades, but as far as the Liberals are concerned this is to distract attention from their lack of concern on the most critically important aspect of this bill. The most critically important aspect of this bill is that if this government is going to accept private carriers—which presumably the Liberals deplore—then there has got to be the most excruciating and exacting kind of auditing to make sure that the public interest is being protected.

In light of my experience from listening to experts—and perhaps the most outstanding expert in Canada at that particular time 10 years ago—the Provincial Auditor is going to augment his staff. It will certainly mean a considerable augmentation of his staff to be able to fulfill this section of the Act in terms of the detail auditing. He cannot let it be done by somebody else. He comes in and rather cursorily looks over the report that is produced—then he is not doing his job in terms of what the experts say is necessary.

This is a matter of very great concern. If we are going to leave it until a later amendment that the Minister has indicated he is going to bring in, fine. But, we are not wasting the time of the House, we are not engaging—as the hon. member is suggesting—in a filibuster. We are focusing public attention on this aspect because here is the leakage, here is the sinkhole through which public funds can be siphoned off by the private operators. The Minister can talk for as long as he wants, and if he thinks he is going to persuade me—or quite frankly, if he thinks he is going to persuade most of the public in the province of Ontario—that the insurance companies will operate on a non-profit basis, then he is too naive to be walking around as a grown man in the political arena of this province of Ontario.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. MacDonald: They are not going to operate on a non-profit basis.

Interjections by hon. members.

Mr. Chairman: Order:

Mr. MacDonald: I am quoting Watson Sellar, who knew most things about auditing. If the hon. member wants, we can go back to the record and check it out of the transcript.

Interjections by hon. members.

Mr. Chairman: Order! The hon. member for York South has the floor.

Mr. MacDonald: One of the things, Mr. Chairman, that I liked about the former Minister of Public Works (Mr. Connell) was that he was a man of great modesty. He once described his job as being the "janitor of the government." The most recent appointment is the most appropriate appointment for that job that I know of, in view of that description.

Interjections by hon. members.

Mr. Lewis: That is an insult to the janitorial services of this land.

Mr. MacDonald: Then I apologize for having insulted the janitorial services.

Mr. Chairman: Order!

Mr. MacDonald: Mr. Chairman, I have made my point and I leave it until we have a chance to look at the amendment that the Minister is going to put in later. But do not for moment—Liberals or anybody else—minimize this as an unimportant aspect of the bill. This is the most important aspect, because whether the Liberals realize it or not, if you consolidate the private carriers in this bill—as they were willing to do—then you are not going to phase them out in the next year. We oppose this amendment. We could phase them out right now.

Mr. Nixon: You are a slippery fish.

Mr. Chairman: Order. The hon. member for Riverdale.

Mr. J. Renwick: Mr. Chairman, I would like to now decide just exactly what we are talking about.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. Sopha: Is it any wonder he said Don cannot win?

Mr. J. Renwick: You are completely off the mark.

What we have got to clarify, Mr. Chairman, is what section 3 of the bill is about and what the purpose of the amendment is that we have introduced by adding an additional subsection to section 3.

Now, first of all, let us be clear on this point. The reason why subsection 2 of the bill is inserted in the bill is that it is a condition precedent for the plan qualifying under the federal medical care act. And that section is "The accounts and financial transactions of the plan shall be audited annually by the Provincial Auditor."

The second point, and this is a point that the Minister tried to confuse, the Provincial Auditor's job is not to set up the accounting system for the operation of the plan.

Hon. Mr. Dymond. Mr. Chairman, I ask the hon. member to withdraw that. I said no such thing. I said I did not interfere or lay down what the Provincial Auditor's job was. It is laid down in his Act.

Mr. J. Renwick: Again, Mr. Chairman, I do not think the Minister understood what I was talking about.

Hon. Mr. Dymond: It is difficult to understand you at times.

Mr. J. Renwick: I did not hear the hon. Minister mention anything about an accounting system.

Mr. Makarchuk: He is the only one following this debate.

Mr. J. Renwick: All right, let me go at it another way.

Mr. Lewis: Are we wrong?

Mr. J. Renwick: The responsibility for the accounting system under which the accounting will be done, to ensure that this is a non-profit plan, let alone the efficient operation of it in all its other aspects, is the responsibility of this Minister. He has got to tell us how he is going to provide the accounting framework under which the accounts and financial transactions of the plan will be prepared, because the job of the Provincial Auditor is simply to come in and examine those accounts.

That is all that we have said in our amendment. We have asked for a report of the examination of the Provincial Auditor of the financial transactions and accounts of the plan, and then, because we assume that the Prime Minister (Mr. Robarts) was well aware and carefully had stated the position which he took on this, we noted that in his remarks on June 17 he said:

> Members will note that in this Act the private carriers as agents, of course, will be subject to audit by this government. They will be audited to ensure that their operation is non-profit.

That is totally consistent with the first part of section 3 and therefore, what we inserted in part of our amendment, was not only that the Provincial Auditor would report on his examination of the financial accounts and transactions of the plan but that he would report upon his examination of the accounts and financial transactions of each designated agent in respect of its participation in the plan, the charges made by it for administration, and verifying that its participation is on a non-profit basis. That is what motivated us in presenting this amendment to section 3.

We wanted to be certain that we understood the intent of the government as expressed by the Prime Minister. We wanted to make certain that that report of the auditor was of public knowledge. Then we have the additional problem or the simplification of the problem which the Minister has referred to tonight, which as I now understand it, is that there will be seven or eight designated agents of the plan, in other words a reasonably small number.

That, of course, relates also to what the Prime Minister said on June 17 when he stated that there are well over 200 insurance carriers and commercial companies in Ontario providing medical care coverage for about 3.2 million people.

Mr. Lewis: The Minister said 29.

Mr. J. Renwick: He then went on, later on in his remarks to say that, in addition, a multiple carrier system would be adopted. I assume that that is the method by which the 200-odd are going to be shrunk into a smaller number. He said a number of discussions had been held with the various carriers to determine the feasibility of setting up such an arrangement. The commercial carriers have agreed to set up a non-profit corporation to meet the terms and conditions as specified in the federal Act, similarly certain of the non-profit or service plans are considering entering into an agreement with the province to function as agents. Those who do not wish to do so will be taken over by OMSIP.

Now my understanding of the reply of the Minister to my colleague, the member for

Scarborough West, is that the total number of designated agents will be seven or eight. And my understanding of what the Minister said is that one of them will be an agent incorporated as a multiple carrier, presumably as a non-profit corporation to represent all of the private commercial carriers.

He referred to the trade unions. I assumed by that he means the medical centre at Sault Ste. Marie and the one at St. Catharines, though I am not certain of that. He then referred to two medical centres and one co-operative. I did not get the rest of them, but perhaps he could clarify for us exactly the sponsors of each of these multiple carriers.

If that has been done, I would like, then, to know what are the accounting procedures which will be adopted by the government under this Minister's authority, with each of those multiple carriers which will provide the accounting framework for public funds under which at the appropriate, or over which, at the appropriate time, the Provincial Auditor may carry out his audit.

I agree that to the extent that it is public moneys, the auditor has the authority and can carry it out, and that is all that we have said in providing for his report to the assembly. But the additional element which does not appear anywhere, unless it is specified in the Act, is the element which requires the Provincial Auditor to carry out his examinations in such a way and to report as to the administrative overhead charges and also about the question of the non-profit operation of the fund.

So my first question in summary simply is to the Minister, what are the names, who are the sponsors of the multiple carriers? Would he repeat those again?

Secondly, what is the accounting framework which he intends to establish so that, as required by the federal Act and as provided in subsection of this bill, the Provincial Auditor can carry out his examination to fulfil the essential ingredient of the plan, namely, that it is a non-profit operation so far as these designated agents are concerned?

Mr. Chairman: Does the hon. Minister have any further comments?

Hon. Mr. Dymond: I repeat now for the third time, Mr. Chairman, those who are likely to be designated agents.

One corporation in the process of being established now to represent the commercial carriers, a non-profit corporation; two doctor-sponsored plans which I am not at liberty to name yet because the negotiations have not been finalized; one federation of co-operative will be designated service agents; the Sault Ste. Marie Clinic or the group health association I think it is called; the St. Catharines community health association I believe it is called.

Those might be twisted around, but you know the two I mean. I cannot remember the proper names.

And CUMBA, which is centered here largely in Toronto.

Now, about this audit, and really, Mr. Chairman, as I look again at the section of the Act, and as I look at the section of the Canada Act from which this was taken and which was essential and had of necessity to be built into our Act and with which we were in complete agreement, it seems to me that it is clearly and undeniably spelled out in both the Canada Act and our own that audit has to be by the Provincial Auditor.

The Canada Act says that it is subject in respect to its accounts and financial transactions to audit by such person as is charged by law with the audit of the accounts of the province.

We put it in our Act, subsection 2 of section 3: "The accounts and financial transactions of the plan shall be audited annually by the Provincial Auditor.

Now, so far as I know, sir, there is only one person designated as the Provincial Auditor, and all of us are aware of him. Again, I repeat, he is a servant of this Legislature.

The hon. member for Riverdale has spelled out certain things in his amendment. I go over The Audit Act, chapter 27, RSO 1960, paragraph 20, part of which the hon. member read this afternoon, and I am sure he is familiar with it.

Subsection (b) of that:

> The auditor shall make an annual report to the assembly with respect to the fiscal year then closed as to his examination of accounts of receipts and payments of public moneys and (d) as to his examination of the balance sheets and related schedules shown in the public accounts—

And all of these things are in the public accounts:

> —which he shall state whether they were compared with the books of account and financial record, and whether he has obtained all the information and explanations he has required, and whether, in his opinion, they are properly drawn so as to present fairly the financial position of the province.

Now, you may argue that this refers to the public accounts, but it would seem to me that we do not have to spell out that if he is examining the books, say, of the Hospital Services Commission we need to put in this Act, "For public accounts, the Hospital Services Commission."

Mr. J. Renwick: Mr. Chairman, perhaps the Minister would let me ask him a further question to elucidate this problem.

As I now understand it, there will be seven or eight non-profit bodies, and these are the only ones that will be designated as agents. They will have certain sponsors. What I am asking is, who will set up their accounting procedures for this operation and, secondly, who will be their auditor, the auditor of each one?

I would assume that the sponsors will want to appoint, for example, for the non-profit corporation representing the private or commercial carriers, an auditing firm to carry out the audit of those accounts.

Mr. MacDonald: Or firms.

Mr. J. Renwick: Or firms; one for each of the eight. I do not think that is unreasonable if that is the way in which they would probably operate.

What is the function of the Provincial Auditor in relation to those seven or eight bodies, because he has a basic problem? Does he accept the audited reports of the auditors appointed for each of the seven or eight, or does he, as this Act says, audit the financial transactions and accounts of each one of them and make his own report about them?

That seems to me to be of the essence of the problem. The problem at the lower level, of course, is how is the accounting system set up in the first place to ensure that it is non-profit?

This is the problem of which I would like to have a little further clarification from the Minister.

Hon. Mr. Dymond: Your last question first. The accounting will be set up under the supervision of the provincial authorities, which is the medical services insurance division of The Department of Health.

In the first instance, we are going to have to have the designated agents use their own systems and procedures, but we will work towards a uniform system in every sense so that the same system will apply to every phase of our operation.

To answer your first question lastly, how will they be audited as part of the plan? As I read the Act, the Provincial Auditor must take responsibility for auditing them.

Mr. Lewis: That is what it says.

Hon. Mr. Dymond: I did not ask him, because it is in the law.

Mr. Lewis: Well, there he is, ask him.

Hon. Mr. Dymond: Well, he is an honourable man.

Mr. Lewis: Well, let him give you a note.

Hon. Mr. Dymond: And he has a job to do. He is our servant, I repeat, *ad nauseam*, and since he is our servant, he is subject to our will and he must obey the law; or, as someone said a little while ago, we will get a new Provincial Auditor. Well, we know this—

Mr. J. Renwick: Only on the address of this assembly.

Hon. Mr. Dymond: Only on the address of this assembly.

We know that this public servant has done his job well and does his job well. And I repeat, Mr. Chairman, I cannot get all hung-up about giving him too much work. He is a husky fellow and he seems to take it all in stride and it never bothers him.

He has not complained to me and I do not know if he has complained to anybody that this job is too big for him. We have no indication. The law states clearly and definitively it must be audited by the Provincial Auditor. I cannot see what further argument there need be, sir.

Mr. MacDonald: Well that is impossible.

Hon. Mr. Dymond: It is not impossible. Let him say that.

Mr. Lewis: Let him pass you a note.

Mr. Chairman: The hon. member for High Park wishes to enter the debate.

Mr. M. Shulman (High Park): Mr. Chairman—

Mr. E. Sargent (Grey-Bruce): He is not even doing the audit now.

Mr. Lewis: He is not doing it now according to the member for Humber. The Liberal Party corroborates that.

Mr. Shulman: There are certain deficiencies that have appeared in the plan that become

very obvious from the discussions that have occurred here tonight, sir. I would like to draw the attention of the Minister to it because better he should learn it now than a year or two hence to his and our sorrow.

It is relatively easy to have either the Provincial Auditor or a private auditor go in and audit the books of the non-profit corporation that is going to be set up by the 29 private insurance companies. In effect, if we think about it, what this individual non-profit corporation is going to be is a funnel.

The funnel is going to receive from the government exactly the amount of money that it spends and it will be truly non-profit. To audit its books is going to be no problem at all. All that the auditor is going to have to do is come in and examine the books—the same way as they would examine the books of any other corporation—and make sure no one is stealing the money. This is very simple.

Where the Minister has missed the point, however, and where we reach a monumental and impossible task, is in looking at the other end of the funnel.

At the other end of the funnel, where the money is going out from this non-profit corporation to the 29 private insurance companies—there may be more, but we will accept the figure of 29 to start—then the amount of money that is going out to each of these 29 companies can only be decided by the bill that is rendered by each of the companies to this non-profit corporation.

If we go back a little further and send auditors, regardless of where they come from —let us presume the Provincial Auditor finds them or hires them and sends them to each of the 29 companies in turn—it is not now a matter of examining their books, because we are not looking for discrepancies in the books. The books will be fine; the problem now will be to do something entirely different. This is a field audit, and it will have to be a continuing field audit because it will be necessary to determine how much of their expenses is going toward the cost of health insurance, and how much is going toward the cost of the various other services which they are selling at a profit.

This is a monumental and impossible task. You are going to have to have auditors continually—whether they are publicly hired or privately hired—not only going over the books of each of these companies but they will be in the field with each of these companies to determine how much of the pencils they are using are going into health insurance; how much is going toward life insurance; how much of the cost of hiring agents is going toward health insurance; and how much is going toward life insurance; how much of the cost of the rental of their buildings is going toward health insurance; and how much is going to life insurance and other services.

Let us suppose that this is possible. What a monumental job. How many auditors are we going to have to find in this province to do this job and at what cost? Let us take a company like Confederation Life, which has a large proportion of this work, or London Life. You are going to have to have one man, one chartered accountant, continuously working on the books. And to be conservative—and I hate being conservative—you are going to have to have four field auditors working constantly. You are going to have to have secretarial staff for each of those chartered accountants.

Mr. D. M. Deacon (York Centre): You have no concept how to run a company at all.

Mr. Shulman: I have some concept of how to run a government, and I have run a few companies more successfully than the firm that you were attached to or are attached to, Deacon and Company; we have learned that today.

Mr. Deacon: Time will bear out the truth of that.

Mr. Sargent: That is pretty dirty pool.

Hon. Mr. Dymond: You couldn't run even a johnny-on-the-spot.

Mr. Shulman: Now to go on. The cost—

Mr. Sargent: Par for the course today, Shulman.

Mr. Shulman: Quite correct, quite correct!

Mr. R. Gisborn (Hamilton East): The member asked for it by opening his mouth while he was speaking.

Mr. Sargent: That is pretty dirty pool.

Mr. Shulman: The truth hurts; it always hurts the Liberals. They drag it up and then they hate to hear it. They drag it up and they cannot stand the smell of it. Well if you do not want the smell of it keep it buried.

All right, to go back—

Mr. D. M. De Monte (Dovercourt): We have got to put up with your smell in that party for some time to come.

Mr. Shulman: You are going to have to put up with it from the government benches after the next election.

Mr. Sargent: Mr. Chairman, there has been a lot of talk tonight—

Mr. Shulman: Mr. Chairman, to come back to the bill, let us suppose you are able to find that many chartered accountants in Ontario. You are not going to be able to find them but perhaps we can import them from Europe, if we offer enough money, or from England. Maybe they will send us their surplus chartered accountants. Let us suppose we find enough chartered accountants. What is the cost going to be? Chartered accountants are getting $20,000 minimum now, so on a straight minimum of $20,000, plus the secretarial help for the people involved, it is going to cost in salaries alone approximately $150,000 a year for each of these 29 companies.

This is just in the one carrier set up by the insurance companies, and there are 29 of those.

This is all money that is going to come out of the public treasury, purely and simply because the Minister has not done the obvious thing, that is, set up one non-profit carrier—OMSIP, or call it Medicare if you will. Instead he has set up this bastard scheme—and that is the only way to describe it—which cannot be properly audited. There is no way to do it. If you do hire the men to do it and find them somewhere, it is going to cost you a fortune. All of this is going to go toward added cost of OMSIP, and why?

The scheme has not been properly thought out, and you are so anxious to protect the insurance companies and allow them to remain in this business that you have created an impossibility. Well, Mr. Minister, this is going to come.

I have no doubt that you are going to force this through; I have no doubt you will not listen to reason, but I warn you today that a year from now, two years from now, when the auditing becomes obviously impossible to the public, this is going to come home to haunt your successor.

Mr. Sargent: There has been a lot of talk tonight about the method of audit. The time has been taken. As one member of this House, and as a taxpayer of the province of Ontario, I think our audit in this province is a joke. I think it is time—

Mr. Lewis: Hear, hear!

Tell it to the member for Sudbury.

Mr. Sargent: On this talk about having the auditor report and the method of operation, may I ask the Minister if there is any hanky-panky in audit? Would he come to the leader of our party or to the leader of the New Democratic Party and tell him what was going on? Absolutely not. He would go back to you and he would be covered up every time. I suggest to you that talking about method of audit or the audit in this province is a real joke.

I think it is time to get on with the vote, Mr. Chairman.

Mr. Lewis: During the course of the debate, the Minister has at his left hand—as it were—a number of senior civil servants sitting under the balcony carrying notes in and out to the Minister. The Provincial Auditor is under the balcony, Mr. Chairman, and I would ask in the presence of the House, that the Provincial Auditor send a note to the Minister indicating to this Legislature that under clause 3 of the bill he, the Provincial Auditor, will personally supervise the audit of every single carrier engaged in the provision of health insurance in this province. Not the designated groups—because they can be non-profit, but the 200 private carriers engaged in health insurance.

With respect, Mr. Chairman, the Minister says 29. I quote from the Prime Minister's statement on June 17, page 6:

> **There are well over 200 insurance carriers and commercial companies in Ontario providing medicare coverage for about 3.2 million people.**

That is a discrepancy of 171 carriers between what the Minister asserts and the Prime Minister asserts. One hardly knows who to believe in this government.

I do not really care whether it is 200 or 29. We have asserted, in this party, that it is physically impossible for the Provincial Auditor to do the job. Private auditing firms will be doing the job; indeed the same firms that are now doing the jobs for the insurance companies will be doing the job supposedly to establish non-profit credibility. I bear no opposition to the private auditing firms. I simply say that the task is impossible; this bill is fraudulent in this clause; you cannot possibly countenance the passage of this clause and pretend that the non-profit feature will be assured. Now, there we have it. We have the senior counsel of The Department of Health. We have the Deputy Minister of The Department of Health. We have the Provincial Auditor of the province of Ontario sitting under the gallery. Let the Minister stand and read a note saying that the Provincial Auditor will personally supervise the audit of every single private insurance company in this field for the purpose of differentiating the non-profit nature.

Mr. Sargent: What good will that do?

Mr. Lewis: I do not know. The member for Grey-Bruce says that the auditing is fraudulent, a joke, he said. The member for Humber, of the Liberal Party, said that all the Provincial Auditor does is verify the audits of others. I accept what the Liberal Party says, on this, as on many occasions—I accept the wisdom they have invested in this debate. I ask the Minister, Mr. Chairman, to guarantee to the House that the Provincial Auditor as a public inspector of accounts will personally scrutinize all of the private carriers.

I would like to ask him whether he can make that guarantee. I assume that he can have it; the Provincial Auditor is with us. Does he have it? Well, Mr. Chairman, I do not wish to relinquish the floor until I gain a reply from the Minister. Does he have the guarantee?

Hon. Mr. Dymond: Mr. Chairman, I would not insult the Provincial Auditor by imputing to him that he fails to obey the law of the land.

Mr. J. Renwick: Oh, do not be ridiculous.

Hon. Mr. Dymond: The Act states that this is subject to provincial audit and I submit to you, sir, that that is good enough for any member of this House.

Mr. Sargent: Who audits the auditor? Who audits him?

Mr. Chairman: Order, order!

Hon. W. A. Stewart (Minister of Agriculture and Food): That is a pretty serious charge you have made; a pretty serious charge.

Hon. Mr. Dymond: The people of the province of Ontario have confidence in him, and I am defending this bill here tonight, not the Provincial Auditor. And I will speak for the bill, sir, not on behalf of the Provincial Auditor but on behalf of the government. I want to point out to you, sir, that this is not the right place nor is it within the terms of this Act, to debate the office of the Provincial Auditor tonight.

Mr. Sargent: Well somebody has to.

Mr. Lewis: Mr. Chairman, I will not take a moment. The member for Sudbury can disagree with his colleague from Grey-Bruce at will. The fact of the matter is, Mr. Chairman, that no one is attacking the office of the Provincial Auditor in this debate.

Interjections by hon. members.

Mr. Lewis: You need not misconstrue remarks that way.

Hon. Mr. Dymond: It is not.

Mr. Lewis: Under the federal legislation, Mr. Chairman, it is the Minister who is ultimately accountable for the financial non-profit nature of this scheme. In his own legislation, he asks the Provincial Auditor to submit a report to him which he then tenders to the House.

Mr. Chairman, I have no doubt that the Provincial Auditor, had he the time or had he the staff, could make the most scrupulous accounting of the 200 private carriers. But I say that it is no insult to him to assert that he cannot do it, that he will have to tender that task to a number of private accounting firms, a great number of such firms.

Now what that means, Mr. Chairman, to come back to the original criticism, is that the—

Mr. MacDonald: That means you will not get a provincial audit.

Mr. Lewis: —administrative costs cannot possibly be held at the level which the Liberal Party suggested, of six per cent. It means that we will have so much inefficiency and bureaucracy in the administration of this scheme that we will undermine the scheme. It means, above all, that the public scrutiny will be one step removed. Such is not to impugn the integrity of the Provincial Auditor; it is simply to say that the mechanism which the Minister of Health and his Cabinet colleagues have established is fundamentally deficient. That is the proposition we are putting to you.

Mr. MacDonald: It cannot and will not be a genuine provincial audit.

Mr. Chairman: The hon. member for Sudbury.

Mr. Sopha: Mr. Chairman, I say to the Minister through you that we owe it to ourselves not to submit to this torrent of calumny and persiflage that comes from our friends to the left. For an hour and a half they have impugned the operations of the Provincial Auditor—

Mr. Lewis: So have your colleagues.

Mr. MacDonald: Why do you not have a caucus?

Mr. Sopha: For an hour and a half they have done that.

Mr. MacDonald: Why do you not malign your own colleagues, if that is so?

Mr. Sopha: Tell me when they subside. I was engaged in a debate with the member for Scarborough West and the member for Riverdale.

Mr. Lewis: The Minister irritated me.

Mr. Sopha: Now I make two points. The Provincial Auditor, as a servant of this assembly, audits a multiplicity of government operations. I had the honour to serve on the public accounts committee and I have some idea of the operations of the Provincial Auditor. At no time, until tonight—the next point I want to make—did I ever hear any form of attack on the method of operation of the Provincial Auditor.

Interjections by hon. members.

Mr. Sopha: Never, never have I heard it. It was an attack, and an attack, mark you, from my friends to the left, on his integrity.

Mr. J. Renwick: On a point of order, I want to say that never in this House in all the time I have been here have there been any reflections of any kind on the person of the Provincial Auditor. We have been critical of the default of this government in setting up adequate legislative machinery to properly audit the accounts of this province. I ask in those circumstances for the member for Sudbury to withdraw those last remarks.

Mr. Sopha: I am going to go on and document them. They have said time and time again—

Mr. J. Renwick: Mr. Chairman, on a point of order, I do not give a damm whether the member for Sudbury documents all night, we are dealing with an amendment to clause 3 of the bill, standing in my name. If the member for Sudbury wants to stay here next Monday and use up an hour of Budget time, he can do so. I am asking him, Mr. Chairman, to withdraw his remark—

Mr. Sopha: I am not going to.

Mr. J. Renwick: —about any reflection by anyone in this party on the integrity, or any other personal reflection on the person, of the Provincial Auditor. I say I will stand here until the member for Sudbury withdraws, if it draws this House to a standstill tonight.

Mr. Sopha: I am going to document the charge you made.

Mr. Lewis: Oh, you cannot document them, you are trying to retrieve—

Mr. MacDonald: Surely, Mr. Chairman, on a point of order, we do not have to be faced with this incredible situation of the member for Sudbury spending his time attacking us when two members of his own party, have made even stronger attacks on either the person or the institution of the Provincial Auditor. How ludicrous can you become?

Mr. Sopha: Do not get excited.

Mr. J. Renwick: Mr. Chairman, on the point of order. I am asking you, Mr. Chairman, to direct the member for Sudbury to withdraw his remarks. I would point out to you that last night, Mr. Chairman, the House got into the same state of disorder because another colleague of the member for Sudbury, the member for Niagara Falls (Mr. Bukator), cast a slur upon this group. The member for Sudbury has done that again, and I am saying to you, Mr. Chairman, either you tell him to withdraw those remarks, or that you consider them to be parliamentary and that they do not need to be withdrawn.

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Chairman, on the point of order. Surely since we have the leaders of both parties here with us tonight, opposite, they might lean over to the member for Sudbury and the member for Riverdale and have a little quiet word with them—

Interjections by hon. members.

Hon. Mr. McKeough: —and then we could get on with the discussion of this clause of the bill which we are all interested in doing. I am sure the Provincial Auditor will not be offended one way or another if we just pass over this and get on with the discussion.

Mr. Chairman: There had been certain—

Interjections by hon. members.

Mr. N. Whitney (Prince Edward-Lennox): I might add to the Minister's remarks in this way. In earlier years I worked as an apprentice with a firm of chartered accountants, and I can tell you that to my mind they were most dedicated people. They were the most hard-working people I had ever seen, and I would say that anyone who would suggest that our good accountants are wrong, are themselves wrong in this suggestion. I would

suggest, also, that auditors are a very conscientious people.

They have trouble. We read about the audits at the federal level, and sometimes there are things there that we do not like, but we are not going to bring that into it. I just want to say that to my own mind, with my experience in the auditing line, having been an employee of a firm of chartered accountants, anything that would cast aspersions against them, I resent very much, because I found that they were the most conscientious people you could find any place. I would not want to subscribe to anything otherwise.

Mr. Lewis: On a point of order, Mr. Chairman.

Mr. Chairman: There is a point of order before the committee, if the hon. member is speaking to the point of order, he may.

Mr. Lewis: I am speaking to the point of order, Mr. Chairman. I agree with the sentiment which says that we continue this debate. Whatever the feelings may be of some members in the House, we in this party take this section very seriously. I want to say to the member for Sudbury, that at no time in the course of this debate, did the members of this party cast, or intend to cast, a reflection on the person of the Provincial Auditor. Our criticisms, notwithstanding, that was not our intention. I give that to him in good faith, and hope he will accept it.

Mr. Sopha: I will accept that, that is very reasonable.

Mr. Chairman: Just a moment. The hon. member for Riverdale had risen on a point of order. It is up to the Chairman to deal with it. Does anyone else wish to speak to that point of order?

Mr. Sargent: Yes, Mr. Chairman.

Mr. Chairman: To this particular point of order.

An hon. member: He was talking about the member for Sudbury.

Mr. Chairman: It was the hon. member for Riverdale who raised the point of order.

Mr. Sargent: This is on the point of order, Mr. Chairman. My name has been mentioned by the member for Sudbury, and believe me, he never speaks for me.

Mr. Sopha: Not at all, not at all.

Mr. Sargent: My point in bringing this up, regarding the auditor was this—

Mr. Sopha: I never mentioned him.

Mr. Sargent: I feel it is high time that we had an independent audit, in this province of Ontario. An outside audit for and on behalf of the people of Ontario. I have been critical of the auditor of this—

Mr. Chairman: The hon. member is not speaking to the point raised by the member for Riverdale.

Mr. Sargent: We are talking about the discussion on the auditor.

Mr. Chairman: No we are not, we are arguing about the point of order raised by the hon. member for Riverdale. I will give you the floor after, but it is not on this point of order.

Mr. Sopha: May I say that I accept the assertion of my friend from Scarborough West and in those circumstances, I will gladly withdraw.

Mr. Chairman: Is the hon. member for Riverdale satisfied?

Mr. J. Renwick: Yes, Mr. Chairman, I am satisfied. Thank you very much.

Mr. Chairman: My sole intention is to keep peace in the House. Does the hon. member for Sudbury wish to yield to the point of order raised by the hon. member for Grey-Bruce?

Mr. Sopha: No, I want to complete my remarks very briefly. I contend that under the legislation and the section, the subsection is very brief, the Legislature is issuing a mandatory order to the Provincial Auditor to audit the financial transactions of the plan. I can recite it from memory, I have looked at it so many times. That is an order that goes forth—

Mr. Lewis: But it cannot be fulfilled.

Mr. Sopha: —as part of the legislation passed by this Legislature. Then, I am willing to assume that once we give the order that he will carry it out. The proper place, I submit to you, Mr. Chairman, to determine from the Provincial Auditor the mechanisms of his operation, how he is going to do it, is during the debate of his estimates.

That is one place. There is another. The public accounts committee affords a vehicle

to ask him, in great detail, as long as questions are proper to him, "How do you do this?" "What steps do you take to audit the operations of the designated agents?" Always bearing in mind, and I stand open to correction—I hope I shall always be a person willing to change his mind on argument—but, it strikes me that when the legislation speaks of the "financial transactions"—those are the words in use, the "financial transactions"—that what it has in mind are two aspects. One, the administrative costs, and two, the non-profitability, and the Provincial Auditor, through whatever devices or agencies he employs, that he approaches the designated agents, and whether they are insurance companies or whether they are the Sault Ste. Marie group, or the doctor-operated plan—he approached them from the aspect of those two major features.

Mr. Lewis: Agreed.

Mr. Sopha: Administrative costs and non-profitability. Is it not, then, the better part of reason as this plan begins its operation, to assume that the Provincial Auditor, who has served this province for many years—I do not know how many, but for many years—acting in response to the mandatory order of the Legislature, is going to avail himself of such personnel, such mechanisms—

Mr. Lewis: Not according to your colleagues.

Mr. Sopha: —such procedures of examination—

Mr. Lewis: He cannot.

Mr. Sopha: —as he requires, to make those investigations?

Mr. Lewis: It is not possible.

Mr. Sopha: And then, having done that, the Minister of Health offers that after the first year's operation of the plan, he is going to come in here with an annual report on its operation. And, appended to that report, he is going to have the certificate of the Provincial Auditor which will declare, on his responsibility, and a terrible responsibility it is—a very awesome responsibility—he is going to declare to the Legislature that he has examined the operations of the designated agents to see that they conform with the law, and the law being as laid down here in respect of the financial transactions.

All right, then having done that, is that not the appropriate time with the use of hindsight, not before the plan has even gone into operation, if we are in any doubt about that certificate that the Provincial Auditor has offered to us, to examine in great detail into his method of operation? Is that not the better part of reason?

Mr. Lewis: It is not possible, there is no provincial audit?

Mr. Sopha: Then, if you are not willing to accept that, then you are pre-judging—

Mr. Lewis: Yes, exactly.

Mr. Sopha: —the operations of the Provincial Auditor.

Mr. Lewis: You are right. Exactly. That is our responsibility.

Mr. Sopha: I am not prepared to do that.

Mr. Lewis: We do not accept the private carriers.

Mr. Sopha: I am not prepared to do that. I say it is far safer than having the opportunity to examine his work after he has done it, rather than pre-judge it for negligence.

An hon. member: Your colleagues are pre-judging.

Mr. Sopha: Having had that opportunity, if we are not satisfied, then may I avail myself of being the author of the remark adopted by the Minister of Health, when he said, "If we are not satisfied, we get a new Provincial Auditor forthwith, because ultimately he is our servant."

Mr. J. Renwick: You do not believe that do you?

Mr. Sopha: Yes, indeed, I do believe it. But I want to state that I rise out of a sense of my own responsibility to try to put the thing back on the rails and to plead with my friends to the left that there are more fundamental things wrong with this statute than bothering about this, about worrying who the Provincial Auditor is going to employ.

I want to see this question called and after having attempted to put it in that light, we can get on with more important aspects. But let me say that my friends, the member for Scarborough West, and the member for Riverdale, have repeated these arguments four or five times now. We all appreciated them the first time they put them, they both speak with clarity, but really, we do not need to worry it. And for myself in this group, speaking for myself—I had better be

careful about that, I say I am speaking for myself—I just want you to call this question so that we can determine it once and for all, that financial transactions will be looked into. As we say in the law, we presume all things to be right until the contrary be proven—a good maxim.

I prefer to pitch my tent on that point than to stand in my place, which I would not do, and say that the Provincial Auditor will not be able to employ competent people. If the job is too big, that he will not be able to make an examination of it, his inquiry will not be efficient. How could I, responsibly, before the man has started to work, begin to pre-judge him in that way? I will not do it. I simply refuse to do that.

Mr. Lewis: The member does it on every other piece of legislation.

Mr. Sopha: No, no; I do not. We are talking about the operation of a department here, the department of the Provincial Auditor. And by George, I say to you, Mr. Chairman, let us resolve this matter, let us resolve it speedily and get on with something else in this bill.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, I think I should qualify some of the things I said in the heat of the debate. But I want to say that most jurisdictions in this North American continent have an outside, independent audit of their affairs. Our federal government makes the most detailed examination of everything and makes public their findings. But this does not happen in the province of Ontario because the lid is on tight.

Hon. A. Grossman (Minister of Correctional Services): The member is out of order.

Mr. Sargent: I am not out of order. To be completely fair to the auditor, I am not so much opposed to the auditor as to the system. I am very critical of the fact that this government will not submit to an independent, outside audit to let the public know what is going on. So for us to talk for hours about the auditing procedures in this bill is simply a waste of time because we will never find out, regardless of what guidelines you set up.

Mr. Lewis: That is the point, surely.

Mr. Sargent: So I am saying it is time that we took the lid off this whole business of the financial affairs of the people of the province of Ontario and find out what this auditor's job entails.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): That should be debated under some other order of business.

Mr. Sargent: I know it should but it had to come up now.

Hon. Mr. McKeough: It is the only day he has been here.

Mr. Sargent: I cannot afford to be here another time.

Mr. Shulman: Mr. Chairman, is it the intention of the Provincial Auditor, is it the responsibility of the Provincial Auditor, just to audit the books of the eight or nine carriers? I would like to get that quite straight. Would the Minister answer that question?

Hon. Mr. Dymond: Mr. Chairman, it is there for everybody to read, that the Provincial Auditor must audit all the affairs of the plan, all the affairs of the plan.

Mr. Sopha: Can the hon. member not read? That is what it says.

Mr. Shulman: Mr. Chairman, just to get this quite clear—because obviously one of us is confused and I think we should establish which one—

Mr. Sopha: Read section 32.

Mr. Shulman: Section 32 reads as follows:

> The accounts and financial transactions of the plan shall be audited annually by the Provincial Auditor.

Mr. Sopha: Stop there; go back and read the definition of "plan" now.

Mr. Shulman: The definition of "plan" is in section 1—

Mr. Sopha: It is in 1 (j).

Mr. Shulman: "Plan" means the health services insurance plan established under section 3.

Mr. Sopha: Now read section 3.

Mr. Shulman: I am following directions beautifully here, Mr. Chairman. Section 3 reads as follows:

> The health service insurance plan is established for the purpose of providing for insurance of the cost of insured health services and such other services on a non-profit

basis on uniform terms and conditions available to all residents of Ontario in accordance with this Act and providing other health benefits related thereto.

And there is the whole point.

Mr. Sopha: Eureka. There is the whole point.

Mr. Shulman: If we read the speech of the Prime Minister and we look at the Act, we find that what has happened, if we listen to the Minister, is that eight or nine designated agents have been set up by numerous firms. And these are the groups that come under section 32, 1(j) and section 31. They are the ones that are going to be audited and this is the whole point of the argument.

And now we come down to the whole real problem. Apparently the Minister has not grasped it. Of course, there is no problem auditing; we could even have one of the Liberal members audit; a child could do the auditing of the books, "Eddie" could do it; there would be no problem there, because there is not going to be any discrepancy there. Where the problem arises is in an area where you are not even going to audit, in the carriers that are setting up these designated agents, in the private insurance companies that presumably are not going to make a profit.

Mr. Sopha: In other words, the auditor is going to be irresponsible.

Mr. Shulman: In other words, the auditor has nothing to do with it at all. You know, it is so difficult, Mr. Chairman, I think even the Minister of Health understands the problem, but I will go through it slowly again so the member for Sudbury will understand it. No one is suggesting the Provincial Auditor is not doing his job, unless it is the member for Grey-Bruce. I certainly am not suggesting it; nobody in this party is suggesting it. What we are suggesting is, his job has nothing whatsoever to do with the intention of the federal government and the intention of this party and I believe, the intention of the Liberal Party in setting up a non-profit scheme.

The Provincial Auditor's job will be purely and simply to audit the books of the designated agents, and there is no problem there, we all agree on that. He is not being assigned the job of investigating the books of the 29 or 200 carriers, whether we believe the Minister of Health or the Prime Minister. And that is where all the profits are going to be. That is where there is going to be no audit whatsoever. It has nothing to do with the Provincial Auditor. The member for Sudbury just cannot get it through his head. The Provincial Auditor is not going to go near those books.

Mr. Sopha: How does the member know that?

Mr. Shulman: It is obvious.

Interjections by hon. members.

Mr. Shulman: Now, even if somewhere along the line, the Minister or the government were to change their minds and realize the flaw here and realize the embarrassment they are going to have in next year's estimates, saying, "We had better audit those books", it is a physical impossibility.

Hon. Mr. Grossman: So the member is trying to save us embarrassment?

Mr. Shulman: Yes, I would like to save you embarrassment and the people of Ontario some millions of dollars.

Mr. Lewis: We spend all our time bailing you out.

Mr. Shulman: Mr. Chairman, if they were to repent at this moment and realize the blunder they have made and say to the Provincial Auditor, "We have made an error here; we are going to bring in an amendment; you have to go through the books of all the carriers", he could not do it. And this has nothing to do with integrity or ability or anything else. The manpower needed is not available; it is a monstrous, impossible job to do a field audit on this vast number of agents. It is impossible.

Mr. Makarchuk: By law he cannot do it.

Mr. Shulman: By law he cannot do it, by manpower he cannot do it. The way it is set up, it is impossible. You on the other side of this House are going to come to look upon this bill as an albatross hanging around your necks.

Hon. Mr. Grossman: Would the member not like that?

Mr. Shulman: Yes, I would like it. I am trying to save you only because this Minister is so incompetent it seems unfair to pick upon him.

Mr. Lewis: A sword of Damocles over the head of the Minister of Correctional Services. Pray that it should fall.

Mr. H. Peacock (Windsor West): Mr. Chairman, I just want to deal briefly—and I hope without provoking the hon. member for Sudbury into rising again—with one of his contentions as to the accountability under this particular subsection, to the Legislature and one of its standing committees, the standing committee on public accounts. I do not want to raise any questions again about the reputation or integrity or competence of the Provincial Auditor. I simply want to ask the members of the group to which the hon. member for Sudbury belongs—the member for Parkdale (Mr. Trotter) who last year chaired that standing committee on public accounts, the member for Kitchener (Mr. Breithaupt) who this year chairs that standing committee on public accounts, the member for Huron-Bruce (Mr. Gaunt) who is a member of that standing committe on public accounts, and those other members who, in past years, have served on that committee—whether that committee at this point or in their experience on it, has the resources to examine the books of account of this province as contained in the public accounts in a manner which can guarantee to this assembly that the payments under this particular Act or any other Act or vote of this Legislature have been made in accordance with the intentions of the Legislature and without waste or extravagance.

Mr. Chairman, this has been raised by the hon. member for Sudbury in support of his contention that the present means within this Act in section 3 are absolutely sufficient to guarantee the non-profitability of the plan.

Mr. Sopha: Are you saying the Provincial Auditor—

Mr. Peacock: I ask the hon. member for Sudbury if, as a member of the public accounts committee, he or any other of his colleagues can possibly examine with a view to determining whether or not the non-profit element of this plan has been preserved by those private commercial carriers acting in concert under the organization of one of these designated agents that he has in fact made payments either to doctors or patients who are subscribers under that particular designated agent's carrier system in accordance with this Act and the federal Medicare Act. I ask the hon. member if the public accounts committee can fulfill that function because I point out—

Mr. Sopha: On a point of order, on a point of order!

Mr. Chairman: Point of order?

Mr. Sopha: This is a complete distortion of what I said. I never, at any time, said that the public accounts committee had to audit the accounts of the designated agent. I said that—and apparently I am the only one in contrast to these people that has read section 3—the Provincial Auditor has that legal responsibility and the public accounts committee, of course, can examine the Provincial Auditor to determine how he does it.

An hon. member: Right.

Mr. Sopha: Goodness gracious that is a simple proposition; even the most obtuse could understand it. But I suspect really that the truth is they do not want to understand. This is posed.

Mr. Peacock: Mr. Chairman, on a point of order.

Mr. Sopha: This is posed.

Mr. Chairman: The member for Windsor West.

Mr. Peacock: Point of order. I yielded to the hon. member to allow him to make a point of order, perhaps by misrepresenting him. All right, he made that point. I, at no time, suggested to him or to the House that the function of the public accounts committee was to audit the books of the private commercial carriers who will be acting together as designated agents under this plan. At no time did I make that suggestion.

I take up his suggestion that it is the function of the public accounts committee to question the manner in which the accounts are reported. This is with respect to the operation of this plan and the examination by this Legislature by one of its standing committees as to the manner of presentation of those accounts. May I use, for example, a very close parallel in the public accounts of 1967-68 on page H34 under the heading "Payments authorized under The Medical Services Insurance Act, 1965—payments for medical service $60.7 million." That is exactly the same kind of figure, Mr. Chairman, we will be looking at in the public accounts of this province for some future fiscal year when the reports have been made by the Provincial Auditor as required under section 3 of this Act. Is that figure not loaded with information as to how the private commercial carriers as designated agents, grouped together, have fulfilled the obligation to operate in a non-profit manner under this Act?

There is simply no way, in respect to that particular form of examination of the accounts of this province and the accounts of the medical transactions or financial transactions under this section, that the public accounts committee of this House can, in any way, determine whether that test has been fulfilled. In the public accounts of this province we have the presentation to us of such a figure as I have mentioned in respect to similar kinds of payments that are now being made and have been made under The Medical Services Insurance Act.

The committee does not have that competence in terms of research support or in terms of time for preparation of detailed questions of examination of those officials of the Minister's department. This does not involve the Provincial Auditor but those officials of the Minister's department who appear before the public accounts committee ostensibly to answer questions in regard to the administration of the finances. Most of the time is spent, because of this government's disdain for the work of that committee, on quizzing those officials about policy matters rather than about accountability over financial expenditures.

We will continue to have presentation of data about the financial transactions under this section 3 of the Act in exactly the same manner as they appear in these public accounts for 1967-68. We cannot be satisfied with that, Mr. Chairman. It takes us exactly back to the position where once the private commercial carriers were allowed to organize themselves as designated agents; public control of the costs of medical care services in this province and the exclusion of profit from those financial transactions are lost.

Mr. Chairman: Does the Minister have anything?

An hon. member: No, the Minister has nothing.

Mr. Chairman: Mr. Renwick moves that section 3 of Bill 195 be amended by adding thereto subsection 3 as follows:

> The Provincial Auditor shall make an annual report to the assembly respecting the preceding year as to his examination of the accounts and financial transactions of the plan.
>
> (b) As to his examination of the accounts and the financial transactions of each designated agent in respect to its participation in the plan, the charges made by it for administration and verifying that its participation is on a non-profit basis.
>
> (c) Stating that whether he has obtained all the information and explanations is required and whether, in his opinion, the accounts and financial transactions are properly drawn up so as to present fairly, the financial position of the plan, its operation on a non-profit basis.

Those supporting the amendment will say "aye". Those opposed will say "nay".

In my opinion the "nays" have it.

Call in the members.

Mr. Chairman: All those in favour of Mr. Renwick's motion will please rise.

All those oposed to the motion will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 27 the "nays" 49.

Mr. Chairman: I declare the motion lost.

Section 3 agreed to.

An hon. member: You should put your vote where your mouth is.

Mr. Sopha: Point of order.

I resent that interjection. There is nothing in that amendment I quarrel with. The debate for the lost two hours in this House has not been about that amendment.

Interjections by hon. members.

Mr. Sopha: The debate has been about the efficiency of the Provincial Auditor and I defended that.

Mr. Chairman: Order!

There is nothing before the House at the moment.

Section 4 agreed to.

On section 5:

Mr. Nixon: Mr. Chairman, this is the section by which the Minister of Health intends to designate agents for the provision of the insurance services envisaged in this statute.

There has been a great deal said about whether or not it can be fairly audited. There has been a great deal said, particularly from the NDP, that this is a situation which cannot fairly be operated in the best interest of the province.

If you will permit me to take a moment, I recall a situation in which the leader of the NDP and I were on a radio programme late at night at the time when the suggestion that private carriers might very well form a part

of medical insurance that would in fact bring Ontario into a federal plan. Without talking to the principle of the bill, I think it would be useful, Mr. Chairman, if I read you a statement made by the leader of the NDP under those circumstances. As a matter of fact we were both paid $25 for the appearance and—

Interjections by hon. members.

Mr. Nixon: There is nothing illegal about that, and we paid our tax on it too.

This I think, Mr. Chairman, would be useful under these circumstances. It is simply two paragraphs excerpted from the transcript of the Don Sims show of April 25 this year. I do not know what has changed the mind of the leader of the NDP since he is so vehement that the inclusion of any private organizaiton, even for a limited period of time, would be so disastrous to the affairs of this province. But I want, with your permission, sir, to read one paragraph: This is quoting from the member for York South:

> You see one point here, Don [referring to Don Sims] that led us in the New Democratic Party to change our position in the last while to get the $175 million because it seemed to be utterly ludicrous that we should be complaining about a tight budget and then refusing to accept the $175 million.
>
> It was to do essentially the same thing as has been done in B.C. It is often said that the federal plan was very inflexible. The fact of the matter is that the federal plan became very flexible in some respects because it was not originally anticipated that you could get private carriers in on a so-called non-profit basis.

There was a question from one of the reporters. As I recall it was Mr. Newman of the *Globe and Mail*:

> Mr. MacDonald, I do not quite understand your argument. Are you suggesting that the New Democratic Party no longer is in favour of a state-run medical care insurance plan?

And this will conclude my reading from the transcript.

Interjection by an hon. member.

Mr. Nixon: And the leader of the NDP says:

> Oh yes, I say the ideal. But living with the Tory government we sometimes have to accept a little less than the ideal. And to get the $175 million, if it is possible to achieve the impossible and put private insurance companies on a non-profit basis, to get the $175 million our argument was to move in and do so as they have done out in B.C.

I would say to you, Mr. Chairman, that this indicates that the leader of the NDP has been convinced by those less reasonable members of his caucus to change his stated position, and he stated this publicly in the CBC.

Interjections by hon. members.

Mr. Nixon: Now, to get to this particular section. Mr. Chairman, I would say to the Premier that if he had been here for the debate yesterday evening, he would know that, in fact, we do agree that for a limited period of time private carriers can not only be allowed in the plan, but I would say that we cannot do without them. Without reproducing the arguments that were put forward in the debate on principle, it is obvious that if the Premier of the province had not been so intransigent and inflexible in his attitude we could have expanded OMSIP to cover the people of this province.

The experience that the Premier has given us in the last few years, in the chaos and turmoil of OMSIP moving from no coverage to two million would be more than repeated if in three months he tried to move from two to seven million enrolled. For this reason we, in the Liberal Party, are prepared to accept the assistance of private carriers on a non-profit basis for a limited period of time, and on this basis we support the principle of this bill. I would say to you, Mr. Chairman, that the whole argument that has been carried on so fruitlessly for two hours since the resumption of the debate after supper, has been around the contention of the NDP that proper audit could, in fact, not be accomplished.

We believe that a proper audit for a limited period of time can be accomplished, and that is what I said yesterday.

Mr. MacDonald: You are going to be stuck forever with the private carriers.

Mr. Nixon: I said yesterday that certainly we could accommodate and would need the continuation of some of the private carriers, particularly the service carriers, for at least one year. But in my view, the Premier certainly, and if not that gentleman then the Minister of Health, should indicate to the House and to the province that it is the goal of the administration, as I believe it is the expectation of the people of this province,

that in fact we should have and must have a completely government-operated organization for the provision of medical insurance in the shortest possible time.

The contention that we put forward as Liberals is that this could, and should, have been accomplished if the government had planned properly for the provision of the federal Medicare provisions.

Hon. C. S. MacNaughton (Treasurer): May I say too soon old and too late smart.

Mr. Nixon: No, sir!

So, Mr. Chairman, it is our contention that as far as section 5 is concerned, there is only one possibility, and that is that some of the service organizations, particularly the county co-operatives, might very well continue as they have under the Ontario Hospital Services Commission to collect the premiums on behalf of the subscribers across the province, which they have served so well and for a good long time.

They were providing this service when the government over there was still evading any possibility of providing it on a public basis. And I well remember the manoeuvres of the hilarious gentleman sitting opposite in response to the federal programme when he tried to fool the people of Ontario with his great television commercial back in 1963, "Medicare–done".

He had done nothing, but mislead the people in this province; and he well knows it.

We are of the opinion that there is a reasonable accommodation that we are prepared to bring forward, and that is that the private insurance companies will be necessary in order to tide the government over their period of miscalculation as far as the provision of these medical services is concerned. For these reasons, Mr. Chairman, I move for the consideration of the House, the following amendment to section 5, and I would say that it be amended by adding thereto subsection 2 as follows:

> Subsection 2(a): Any person or corporation designated as an agent under this Act, and licensed under The Insurance Act, shall cease to be so designated on October 1, 1970.

Hon. Mr. MacNaughton: How about co-operatives?

Mr. Nixon: "Subsection 2(b): On and after October 1, 1970, only those associations registered under"–

Mr. C. G. Pilkey (Oshawa): Hung up on one year!

Mr. Nixon: –"The Prepaid Hospital and Medical Services Insurance Act on June 17, 1967, may be designated by the Minister to act as agents under this Act."

Finally: "No designated agents shall receive more than six per cent of the total premiums collected by it for administrative costs."

The present section 5 becomes subsection 1 of that section.

Mr. Chairman, the provision of these three sections will require that commercial carriers will have only one year in which they can continue as agents of the administration of the province of Ontario for the provision of medical insurance. The provisions of the second section will permit service organizations like PSI, and the county co-operatives to continue if they so chose.

This has worked out well as far as the collection of premiums for the hospital services commission is concerned. They have done so without profit and have been subject to reasonable audit. This audit has been acceptable to the Provincial Auditor and to the members of this House without any problem whatsoever. Whether or not they wish to continue remains to be seen. The Premier has indicated on at least two occasions that he was expecting that PSI would withdraw. Surely we can expect the total membership of that organization to be transferred to OMSIP. This will be a step forward towards total inclusion under government organization in the insurance programme.

Hon. Mr. MacNaughton: Mr. Chairman, I wonder if the hon. member would permit a question. Did you say audits that would be acceptable to the Provincial Auditor? Is that what I heard you say?

Mr. Nixon: Yes.

Hon. Mr. MacNaughton: Yes, thank you very much.

Mr. Nixon: Did you want to make any further comment on that?

Hon. Mr. MacNaughton: No.

Mr. Sopha: Where have you been all this time?

Mr. Nixon: The audit of these firms is essential. That is why we voted for the audit amendment that was put forward by the NDP a few moments ago. The Minister of Health has indicated that he is going to bring in a

further audit section, at least providing for the report of the Provincial Auditor later in the section. We intend to support that amendment as well because we feel that such an audit and such a report is required in such an important programme. It is one that involves $400 million of the people's money, and that is enough to make even the Treasurer lick his lips.

Mr. Chairman, the further part of this amendment has to do with the control of the administrative costs that would be payable during the year in which these private organizations can be considered to be a part of the plan. There is every indication that the government is prepared to pay these administrative costs—under audit, certainly—but only as they are indicated by the continuing private companies, as to what their costs really are.

There has been an indication that even in the service organizations these costs rise to as high as 17 per cent. In government operation across Canada, they have been retained at a level of something like six per cent. We believe that we should require the inclusion of private companies, service and commercial, until arrangements can be made for the inclusion of the people of this province under OMSIP. We should restrict the payment of administrative costs to six per cent. Surely this is a good way in which we can control the costs and by which we can make it abundantly clear under audit that there is no profit involved. In fact we can show that we intend, as members of this Legislature, to go to a totally operated programme as soon as possible.

The members of the NDP have gone through a number of convolutions to justify the change in opinion of their leader and so that they can, in fact, vote against Medicare and the acceptance of federal funds for this purpose in the province of Ontario. They are going to have to do a lot of squirming before they can convince the people of Ontario that their actions are in the best interests of this province and not just in political manoeuvring. It is our view that a reasonable approach put forward by this party says that we do not believe that we can continue for a limited time with the operation of commercial insurance companies as government agents.

We are prepared to accept them for one year under proper audit and proper report, but this amendment would phase them out so that within one year OMSIP is the carrier—with the possible exception only of those service organizations which would wish to continue in the service of the people that they have been working for for so many years.

We must realize that they were pioneers in this field and that their justification to continue is obvious.

Hon. Mr. MacNaughton: You want it both ways.

Mr. Nixon: It is not both ways at all, it is a reasonable accommodation. This is a reasonable accommodation and one which should be implemented by a reasonable government, a government that is prepared to see the problems with the continuation of commercial companies as this one surely must be. They know what severe task masters the commercial companies certainly are.

So. Mr. Chairman, I put this amendment before you for the consideration of the House. I believe that it should be supported on all sides. It would mean that we would move in a planned way to accommodate the full participation of the people of this province and to implement the principle of this bill which is found in section 2 and 3 of the bill which is before us.

I recommend that this amendment be supported and it would, in fact, accommodate the problems that are being experienced by the NDP and which certainly will be experienced by the government if they are to continue in their present stated policy.

Mr. Peacock: Mr. Chairman, having heard the leader of the Opposition describe the change in position of the Ontario New Democratic Party and its leader on the Don Sims show, I want to assure the leader of the Opposition of the manner in which the member for York South, in his presence, reached that position. There is an amendment before the House, Mr. Chairman, and I want to—by way of explanation to the leader of the Opposition and further elaboration of the quotation which he read from the Don Sims show—read an amendment which we would have placed before you had we caught your eye first instead of the leader of the Opposition. It falls right within 2(b) of the amendment moved by the leader of the Opposition. It is this. Without actually placing it before you, Mr. Chairman, let me read it to you as the position of this group on the leader of the Opposition's amendment.

That section 5 of Bill 195 be amended by deleting all the words in the second line and inserting in lieu thereof:

Association registered under The Prepaid Hospital and Medical Services Insurance Act to designate such association as an agent.

So, that the clause shall read:

"The Minister may enter into an agreement with any association registered under The Prepaid Hospital and Medical Services Insurance Act to designate such association as an agent to fulfill (a), (b), (c) and (d) of section 5.

Now had the leader of the Opposition made it quite clear that these were to be the designated agents under section 3, to the exclusion of the designated agent made up of a consortium of the private commercial carriers, his amendment would have our full support. But it does not have our support since subsection 2(a) as proposed in his amendment provides for the inclusion and perpetuation of the role of the private commercial carrier under this plan.

We have absolutely no assurance from the leader of the Opposition that he has obtained the assurance from his partners across the floor, in the implementation of this bill, that the life insurance and other insurance carriers who are now in a position to provide the basic insured medical services and the extended health benefit services that they will continue to carry, will clear out of this field come October 1, 1970. There has been no assurance whatsoever.

Mr. Lewis: And they will not.

Mr. Peacock: The Prime Minister across the floor has not given his word to that effect to the leader of the Opposition; the leader of the Opposition is now asking him to do that. We have already heard from the Prime Minister as to his attitude towards the private commercial carriers, and the leader of the Opposition well knows that attitude on the part of the Prime Minister.

There is not a hope of removing the private commercial carriers come October 1, 1970 and both the Prime Minister and the leader of the Opposition know that.

An hon. member: It is a "Nixon" pipe dream.

Mr. Nixon: It is a practical solution.

Mr. Peacock: That, Mr. Chairman, is why we will oppose the leader of the Opposition's amendment.

Presently, under The Prepaid Hospital and Medical Services Insurance Act—

An hon. member: Force them out!

Mr. Bullbrook: I want to take a vote to find out who understands what he just said.

Mr. Lewis: Everybody.

An hon. member: Just listen.

Mr. Peacock: Five of the six designated agents that the Minister of Health revealed to us a little earlier in this debate would group together to provide insurance services in the private field, five now qualify; the two whose names he did not give us that will be sponsored by doctors; the two which will—I am sorry, one which will be made up of the federated co-operatives, CUMBA, and the two individual community group practice clinics at Sault Ste. Marie and St. Catharines acting separately.

Those present consortiums or individual providers of insured services can qualify now under The Prepaid Hospital and Medical Services Insurance Act, a plan which provides for registration of non-profit carriers in these fields.

Mr. Chairman, in the case of the first group, the non-profit central consortium which the Prime Minister and the Minister of Health has said will be set up, there is no way at all in which it can possibly qualify under The Prepaid Hospital and Medical Services Insurance Act.

In that Act, Mr. Chairman, it states that an association means any company or corporation incorporated for the purpose of establishing, maintaining and operating a hospital or medical service. And in the amended Act which is before the House this session, extended to cover those associations providing prescription drugs, on a non-profit prepayment basis—and these are the only private carriers that we, in this group, will accept as designated agents under this plan: those that can qualify under The Prepaid Hospital and Medical Services Insurance Act. We are going to be voting, Mr. Chairman, in opposition to this amendment. Let us make it quite clear that we are not voting because of any sympathy or regard for the position of the Prime Minister in including the private insurance carriers in this. We do not need to make that point to the Prime Minister, but we make it for the benefit of the leader of the Opposition.

Mr. Sopha: To our confusion, you are going to vote to keep them in.

Mr. Peacock: We are going to vote, Mr. Chairman, as we did yesterday, to indicate a

fundamental objection to the way in which the Prime Minister and the Minister of Health have drafted this bill.

Mr. Nixon: Yes, you are voting with them to do that, are you?

An hon. member: Yes.

Mr. Peacock: Under the rules of this House, had we caught your eye first, Mr. Chairman, we would have been able to vote for our own amendment clearly setting out those groups of private insured persons who could organize themselves as designated agents under the Act: the doctor-sponsored fee for service plans on a non-profit basis; the consumer-organized group practice clinics at the Soo and at St. Catharines; the co-operative insurance services and CUMBA, quite acceptable under the definition that the leader of the Opposition referred to in speaking of the leader of this group's remarks on the Don Sims show.

These organizations were established many, many years ago and they established themselves first of all on the basis of ability to pay, on the principle that consumers—in the case of the co-operatives and group practice clinics—should have a major say in how medical services were going to be provided to them and paid for.

In the case of the private insurance carriers who are going to be legitimized by this bill, the consumer has absolutely nothing to say about the kind of service, about the insured services that are to be provided to him and, particularly, the manner of payment. That is the key point about the inclusion of the private commercial carriers. That is the key point. In the case of these other organizations that are designated or could be designated under The Prepaid Hospital and Medical Services Insurance Act, there is an element of consumer participation and control that is going to be absolutely lacking from the first group that the Minister of Health spoke about, which will organize itself under the central non-profit carrier acting on behalf of the private commercial insurance companies.

That was our position, Mr. Chairman. I state it to you that that is the position we would have been voting for had our amendment reached the floor first. Since the leader of the Opposition has placed his amendment first, as is the courtesy of this House, we therefore find ourselves in the position of expressing again in clause-by-clause consideration, as we did last night in debate on principle of this bill, our unalterable opposition to the inclusion and perpetuation of the private insurance carriers in a medical care scheme.

Once they are brought in by this bill it is going to be extremely difficult to remove them. The present mechanisms are there for a move by October 1, 1970, to an extension of OMSIP, to all those persons now subscribers or insured by the private commercial carriers for the insured medical services under this plan.

I would suggest, Mr. Chairman, that those doctor-sponsored plans that may be considering withdrawing from this field of insurance would well reconsider if they knew that this were to be a genuine public plan excluding any participation by the private commercial carriers. And we would have an expansion of their role in providing service until we can extend the publicly operated system to every insured person in the province with the exception that the bill, as it does in section 20, and should in section 5, recognize that consumers of medical service have a fundamental right to organize in the manner in which that service is to be provided and the manner in which it is to be paid for by them. And that will not be possible in the way in which section 5 is presently drawn. That is why, Mr. Chairman, we are going to oppose the motion of the leader of the Opposition on account of the inclusion in his motion of the wording of a new subsection 2 (a) to continue this government's intent to include the private commercial carriers in the plan.

Mr. Sargent: Mr. Chairman—

Mr. G. Ben (Humber): I cut that out, which the leader of the NDP—

Mr. MacDonald: Mr. Chairman, I would like, in speaking to this amendment, to clarify the position of various leaders of parties. Perhaps I might begin, since it is appropriate at this point, by quoting from the Prime Minister of Ontario. I am sure all members of the House will be interested in this quote. I will give you the date for it afterwards.

The Hon. Mr. Robarts, found in *Hansard* on page 1638:

> We have been told that because 97 per cent of the population of Ontario now enjoys some form of medical insurance coverage, Ontario cannot qualify for the federal government contribution.

Well that is not so. Section 4, subsection 1, subsection a, of The Medical Care Act, which is a national Act states:

> The plan is administered and operated on a non-profit basis by a public authority appointed or designated by the government of the province.

That is the quote and now the Prime Minister resumed:

> The term non-profit used in this section applies to the exclusion of the insurance companies which currently cover one third of our population in this province.

Hon. J. P. Robarts (Prime Minister): That is what Miss LaMarsh told us and that is what Mr. MacEachen told us precisely.

Mr. MacDonald: Mr. Chairman, what I want to draw to your attention is that that comment was made by the Prime Minister on February 27, 1969. A little over three months ago. Not more than three months ago, the leader of this government, in close touch with Ottawa, in continuous negotiation with Ottawa was still being faced by an adamant stand. The insurance companies cannot be in. Since then, since the last three months, the Liberals in Ottawa have sold out.

Mr. Nixon: You have changed your position three times.

Mr. MacDonald: The Liberals in Ottawa have sold out to permit this government—

Hon. Mr. Robarts: It is mean to attack them.

Mr. MacDonald: —to permit this government to achieve its position of getting the private insurance companies into the picture. Now, I will get to the Don Sims show.

Mr. Gisborn: At least they were consistent.

Mr. MacDonald: Quite frankly, Mr. Chairman, the Don Sims show that we are referring to, as I recall, was roughly two or three weeks after that. It was the time of the PSI blow up —no, maybe, it was four or five weeks later, because it was in April.

Mr. Nixon: What has all this got to do with private carriers?

Mr. MacDonald: My position was a very simple one. I said this government has foregone, at that point, close to $175 million. Since we are told that in B.C. they were able to use private carriers—

Mr. Nixon: You would agree with a similar programme here?

Mr. MacDonald: The Minister now tells us that the private carriers were not interested in coming in but he tells us that Mr. Munro insisted that in B.C. they had the right to use private carriers. I suggested that this government quit playing a double game. If you want private carriers, accept your private carriers and collect the $175 million from Ottawa.

Mr. Nixon: You said they should do that.

Mr. MacDonald: Right, right!

Hon. Mr. MacNaughton: So do you.

Mr. Nixon: You have lost the $200 million.

Mr. MacDonald: I am not a Liberal. I have not got sand where my—

Interjections by hon. members.

Mr. MacDonald: I am not a Liberal and I have not got sand where guts are supposed to be when fighting the Tories. Having got the $175 million from Ottawa, you do not have to have the private carriers. Get them out.

Hon. Mr. MacNaughton: Why?

Mr. MacDonald: I will tell you why— because we have been trying for the last three or four hours to tell you that with private carriers in, it is going to be inefficient. The cost is going to be such that you simply cannot—

Hon. Mr. MacNaughton: Nonsense.

Hon. Mr. Robarts: You mean like the United Kingdom?

Mr. MacDonald: There is a red-blooded hairy-chested Tory—

Hon. Mr. MacNaughton: Absolute nonsense!

Mr. MacDonald: —standing up for the insurance companies. Look at him. He is going to stand up and die for the insurance companies—

Hon. Mr. MacNaughton: You had better believe I am.

Mr. MacDonald: Let the people of the province of Ontario hear. The Liberals in Ottawa sold out and the Tories here sold out to the insurance companies.

Hon. Mr. MacNaughton: Mr. Chairman—

Mr. MacDonald: As far as I am concerned, Mr. Chairman, I would not buy this mess of pottage, this double-talk of the Liberals here, which suggests that we will accept the private carriers now in the hope that they can be phased out next year.

Mr. Nixon: They bring Medicare to Ontario.

Mr. MacDonald: For better or worse, I have news for them now. A year from now, the Tories are still going to be over there because it will not be election time yet—

Hon. Mr. MacNaughton: And they will be a long time over here.

Mr. MacDonald: Mr. Chairman, would you ask the Provincial Treasurer to watch his heart?

Hon. Mr. MacNaughton: Remember, you voted against the principle of this bill.

Mr. MacDonald: Watch his heart. Watch carefully, watch very carefully.

Hon. Mr. MacNaughton: My heart is okay, it is in the right place.

Mr. MacDonald: In other words, Mr. Chairman, in the normal course of events, we will not have an election until 1971. A year from now.

Hon. Mr. Robarts: And maybe 1972.

Mr. MacDonald: Okay, maybe 1972. The normal course of events in the province of Ontario, elections come every four years.

Mr. Chairman: Point of order!

Interjections by hon. members.

Mr. Chairman: Will the hon. member state his point of order?

Mr. Sargent: We are not talking about the vote in 1971, we are talking about the amendment to—

Mr. MacDonald: So am I.

Mr. Sargent: Just a minute, in speaking to the amendment—

Interjections by hon. members.

Mr. MacDonald: The clown prince from Owen Sound is with us again.

Let us examine the situation here, Mr. Chairman, a year from now, we will not have had an election in the normal pattern of events. This government is still going to be in power, and therefore the insurance companies, consolidated in this bill, are still going to be there.

Hon. Mr. MacNaughton: You made reference to heart. I say to you, you are all heart and no head.

Mr. MacDonald: Would the Provincial Treasurer speak up please?

Hon. Mr. MacNaughton: You heard me, you heard me!

Mr. MacDonald: For the Liberal Party to engage in this height of naivety, to ask that a year from now, this Tory government is going to phase out the insurance companies, is nonsense. It is absolute nonsense.

Interjections by hon. members.

Mr. MacDonald: This is the sort of gesture to cope with their tortured—

Hon. Mr. Robarts: It is a Wintermeyer amendment.

Mr. MacDonald: You are right. As a matter of fact, I could give the two paragraphs before this quote of the Prime Minister's back on February 27.

Hon. Mr. Grossman: Convoluted chicanery!

Mr. MacDonald: The Prime Minister said:

> **I remember one of your predecessors tagging all the insurance companies in this wild and woolly manner.**
>
> ***Mr. Nixon:*** **I am not attacking them, I am not attacking them.**
>
> ***Hon. Mr. Robarts:*** **Accusing us of all sorts of things. What happened to him?**

And I interjected:

> **The companies Wintermeyer sponsored in his time.**

Let me come back, Mr. Chairman, because I want to deal as seriously as one can with a very unserious amendment.

Mr. M. Gaunt (Huron-Bruce): Oh come now!

Mr. MacDonald: This Liberal proposal has been presented as an alternative. "We need the private carriers in," say the Liberals, "in order that we will have the machinery for the next year. Meanwhile we will build up the machinery and phase the insurance companies out." That is a dream—that you are going to phase the insurance companies out.

Hon. Mr. MacNaughton: This is coming down on all sides.

Mr. MacDonald: I know that, and you konw that, Charlie, so let us not argue about that.

It is possible to build administrative machinery between now and October 1. You have OMSIP. It has worked the bugs out in its computers. It is capable of developing and carrying many more subscribers. Furthermore, you have the administrative machinery which

is going to be available for integration with OMSIP. PSI is passing out of existence.

Hon. Mr. MacNaughton: Your problem is that you do not even want to get started.

Mr. MacDonald: Just a minute, just a minute!

I want to get started. I am just trying to show you how you can get started on the right foot.

Hon. Mr. MacNaughton: No you do not. You do not want to get started.

Mr. MacDonald: Even I have enough confidence that if this government has the will they could take OMSIP and merge it with the administrative machinery of PSI and have the necessary administrative machinery to handle medical insurance for the whole of the province of Ontario and its seven million people by October 1. In this day and age, this is quite possible. So, Mr. Chairman, we are not going to support this amendment because this is just going to establish the insurance companies in the field when presumably the Liberal Party is opposed to them. We are really opposed to them. We will oppose this amendment. We will fight consistently throughout the picture to get private carriers out of the plan.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, in speaking to the amendment of our party, we will not be taking the champagne route, even though the federal regulations allow no profits on Medicare. A programme operated by 200 carriers is bound to cost more than a programme operated by one or two or a sole carrier. So that, we will not be taking the champagne route. As we plan to go now, this amendment simply defines—

Hon. Mr. MacNaughton: He does not believe in profit.

Mr. Sargent: This amendment—Mr. Chairman—the Prime Minister should listen to this and maybe he would learn something. The Prime Minister is not as smart as he thinks he is sometimes.

Hon. Mr. Robarts: How smart do you think I think I am?

Mr. Sargent: Did the Prime Minister read the editorial in the Toronto *Daily Star*? You should read it and blush.

I am asking you to consider this: this amendment simply defines time limits, it defines participation of the private carriers in this fantastically preposterous financial expenditure of our people's money.

Our amendment defines a realistic tariff at a fixed limit to cover the administrative costs, and it is frightening to think of what the cost would be by letting the private carriers handle Medicare at what they deem to be the administrative costs. If the Prime Minister had been on top of his job we would be $200 million richer by now and we could have this plan already implemented with one sole carrier. But you are $200 million behind the pace, and now we are talking private carriers.

Mr. Nixon: Even the Treasurer thinks that is a lot of money.

Mr. Sargent: This amendment, Mr. Chairman, gives us guidelines for one year on a business-like basis. As the Toronto *Star* says, very briefly:

> Perhaps the Premier will see the mess he is getting us into and pull back before it is too late. If he does not, nothing will quell the suspicion that Mr. Robarts is buying a favour of a powerful industry with other people's money.

The Prime Minister could well vote for this amendment and save a lot of face.

Mr. Nixon: He is going to take the nomination in Middlesex South tomorrow night.

Mr. Chairman: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I would like to say a few words in support of this amendment.

One of the main difficulties in bringing the administration of medical insurance into full blossom in the province of Ontario has been the basic approach of this government from the very start. I do not intend to dwell in detail as we have on the time we were discussing this in principle, and as we discussed medical insurance on numerous occasions in the past in this House. The basic problem in setting up the administration of this plan today is caused by the simple fact that because of innumerable incessant delays we do not have the organization at our fingertips in order to implement this plan as a government operated plan by October 1 of this year.

I am well aware, from even the practical aspects, that if the government has two million subscribers in its plan today—and I know from

its past administration, and in the organization and setting up of that plan, they had a great deal of chaos.

There is not a member in this House that does not know of the numerous complaints that we had from the OMSIP subscribers. I can well imagine that if a plan suddenly had five million more subscribers—and that is what is going to happen when this new plan comes into operation in October of this year—

Hon. Mr. MacNaughton: How do you deal with your conscience?

Mr. Trotter: I have no trouble at all—you just sit and be quiet. You have no business talking, you who have cheated the people of this province of $200 million. You have no business being the Treasurer of this province, so you just sit back and listen.

Interjections by hon. members.

Mr. Trotter: We are faced today with the fact that we will have to administer a plan with seven million subscribers, and if you know anything about insurance at all, including the small claims, it means that you are going to have approximately 21 million claims a year to handle. You have said there is simply not the immediate organization within the government confines to handle that to date.

Interjections by hon. members.

Hon. Mr. MacNaughton: Mr. Chairman, this hon. member will vote against everything he has espoused over the last five years.

Mr. Trotter: That is nonsense. The great majority of us here, and in all due respect, in this party, have been begging for medical insurance over a good many years. I have seen you fight it and fight it. A few weeks ago it was a Machiavellian fraud to this party, so do not come talking to me. We have supported the principle of this bill, so I do not know why you should say that we are against anything.

Mr. Chairman, through you I want to thank the members for the opportunity for this nice organized discussion. I would like to get back to something that the other side should understand, the importance of organizing a plan properly. I know full well that if we delay the plan another year in order to so organize the government—whether they bring in the facilities of PSI and the co-ops—it will mean the loss of approximately another $170 million if we are not in the plan.

We should get the federal moneys, and this I do not question one minute.

Interjection by an hon. member.

Mr. Trotter: If we go helterskelter in the plan and suddenly just turf out the private companies—which I would like to do—I ask, how are you going to organize with the present setup? How are you going to organize the subscribers—over 3.2 million now covered by the private insurance companies?

Hon. Mr. McKeough: Party of free enterprise.

Mr. Trotter: We as legislators in this House have a responsibility to those subscribers, the 3.2 million who are now in the private plans. So that, Mr. Chairman, we say that if we realize the importance of getting the money, the $170 million, and still getting in the plan immediately, we can tolerate the private insurance companies for one year. It is a sensible, organized way to approach the matter. And then if we do not have a completely centrally-operated plan, we would at least keep in such non-profit groups as PSI, if they want to come in.

Otherwise I would say, let the government go in completely and handle this as they should.

But again, I emphasize, not only the theory of having a government-operated scheme which I wholeheartedly support — I always have and I always believed it would come—I am quite certain that even as a matter of practicality many of the non-profit plans will fold up, many of the private companies will back out.

This is why I realize that although there are 200 plans today run by the private insurance companies, many of those 200 will not partake in the present scheme that is now before this House. But I think we should be practical.

Hon. Mr. MacNaughton: It is a very stupid position. It is a nothing position.

Mr. Nixon: Just control yourself now!

Mr. Trotter: I think at the same time, Mr. Chairman, despite all the faults that we may find with this bill, that it is a straight step forward. It is in essence the acceptance of a government-operated scheme, and this amendment that has been offered by my leader is the practical final step that makes the ideal, the dream of a few years ago into a practical political reality.

Mr. Chairman: Any further discussion on this motion?

Those in favour of Mr. Nixon's motion will please rise.

Mr. Sopha: Everybody up!

Mr. Chairman: Those opposed, will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 16, the "nays" 56.

Mr. Chairman: I declare the motion lost, section 5 will form part of the bill.

Section 5 agreed to.

Mr. Peacock: Mr. Chairman, if the amendment carries the sections automatically carry. Where the amendment is lost, do we not vote on the clause—

Mr. Chairman: No.

Mr. Lewis: We have done that all the way through.

Interjections by hon. members.

Mr. Lewis: On a point of order, Mr. Chairman. Just to refresh your mind, sir, the whole pattern of this bill has been that where an amendment on a given clause has been defeated, the clause is still open. You will recall that—

Mr. Chairman: The amendment was not on a given clause, it was in addition to the section. The amendment was an addition to the section.

Mr. Lewis: Yes, that is true.

Mr. Chairman: There was no amendment to a clause.

Interjections by hon. members.

Mr. Chairman: No. The defeat of the motion carries the section.

Interjections by hon. members.

Hon. Mr. Grossman: Do you want to start all over?

Mr. Chairman: Order!

Section 6 agreed to.

On section 7:

Hon. Mr. Dymond: I would like to propose an amendment to section 7. There is a typographical error in the fourth line following "physician or practitioner". I would like to move that the words "on or" be added so that the section will now read:

> Every insured person is entitled to payment to himself, or on his behalf, of the amount prescribed under this Act for the cost of insured health services provided by a physician or practitioner on or after the first day of October, 1969 and during the period—

Mr. MacDonald: Mr. Chairman, I want to get this situation very clear. Can there be a further amendment in this section?

Mr. Chairman: Not to that particular subsection.

Mr. MacDonald: Well, what subsection is that in?

Mr. Chairman: We are dealing with subsection 1. I would permit a motion then on subsection 2.

Interjections by hon. members.

Mr. Chairman: Does the hon. member for York South have any argument? Is there any argument?

Interjections by hon. members.

Mr. Chairman: I am not placing the motion before the House specifically if there is any debate on it. Is there any debate on this particular motion?

Mr. Lewis: Well Mr. Chairman, I simply welcome the capitulation of the Minister on this section.

Hon. Mr. Grossman: Well get whatever pleasure you can.

Hon. Mr. Dymond: He named you well, pinhead.

Mr. Chairman: Shall the Minister's motion carry? Carried.

Shall section 7, as amended, form part of the bill?

Carry on.

Mr. MacDonald: Mr. Chairman, I would like to move that section 7 of Bill 195, An Act respecting The Health Services Act, be amended by adding thereto a new subsection 2, as follows:

> For the purpose of subsection 1, the cost of insured health services provided by a physician or practitioner after the first day of October, 1969, shall not exceed the schedule of payments set out in section 19, and that the present subsections 2 and 3 shall be renumbered 3 and 4 respectively.

Hon. Mr. Grossman: I do not know what that means, but I am going to vote against it.

Mr. MacDonald: Mr. Chairman, for the benefit of the hon. Minister of Correctional Services who has not grasped this, section 19 specifies the 90 per cent payment, and this, in effect, states that there shall not be any payment in excess of the 90 per cent.

Hon. Mr. Grossman: Now that I understand it, I am still going to vote against it.

Mr. MacDonald: Well that perhaps is the case.

Mr. Stokes: The Minister does not want to be confused with the facts.

Mr. MacDonald: I think, Mr. Chairman, for purposes of the current situation, and rendering justice to those who, for example, have collective bargaining agreements with PSI, which involve 100 per cent payment. PSI is now going to go out of existence. We are now considering a bill which pays only 90 per cent of the schedule of fees, which leaves the door wide open.

Indeed, as some people have pointed out, there is almost an invitation for the doctors to double-bill for the remaining 10 per cent indeed, beyond that. They can, if they want to attempt to get away with it.

I think, for example, in the case of Manitoba, our Act should clearly give assurance to those who have prepaid their coverage, particularly those in collective agreements which this government wants to honour and not disrupt, that the payment of that 90 per cent will be the full payment for the insured service.

In addition, Mr. Chairman, I would suggest that the government for its own protection in the future should support this amendment. I said this on second reading, but I want to repeat it for the government's consideration. Suppose two years from now when the OMA moves once again to increase its schedule of fees, it may give you notice. The Act requires that it do give notice.

However, if it does not give notice, there is no penalty. So that is a rather toothless section. But suppose they do give notice and the Minister designates that negotiations or discussions shall be entered into with the OMA by the health council, but nothing happens, they cannot reach agreement.

A later section of the Act gives the Minister the power to bring in an alternative schedule of payments, so that the Minister really now has the power to circumvent a unilateral increase in OMA fees. If they increase them then all the Minister has to do is to reduce the percentage of the new schedule of fees to 85 or 80 or even 75, depending on what their increase is, and he can restore the same pay-out or such increase of payout as the Minister wants.

However, Mr. Chairman, the Minister has not got an Act which protects him at that point. If he states that that pay-out is going to be the fulfilment of the medical contract, he is certainly going to be faced with massive overbilling which would defeat the whole purpose of the Minister bringing in a new schedule of payments.

In short, Mr. Chairman, to render justice at the moment for those who have contracts which completely cover their medical needs, protecting them against overbilling and in the future to protect this government from an even greater embarrassment than the Minister suffered when the OMA engaged in its unilateral increases—they just ignored him, and would not negotiate or come to any agreement—I think he, as much as the people today, needs the protection of this kind of amendment.

So I invite the support of both the Liberals and the government.

Mr. Chairman: Any further discussion on Mr. MacDonald's amendment?

The hon. member for Humber.

Mr. Ben: Mr. Chairman, I would like to ask a question on a point of procedure.

The hon. member for York South has moved an amendment which, in essence, is the insertion of a new clause into this section. He asks that if this amendment is carried, that what is now subsection 2 will subsequently be renumbered subsection 3.

Now, I desire to move an amendment to what is now subsection 2. Do I now say that this section be further amended or what is the course of conduct?

Mr. Chairman: I will accept the hon. member's amendment after this amendment is disposed of, because the debate will remain open.

Mr. MacDonald: Except that I think the government is seriously considering, and may well accept this for their own protection. Therefore it would exclude the hon. member for Humber.

Mr. Ben: In that event, Mr. Chairman, what is presently subsection 2 will become

subsection 3 and I imagine I would be entitled to move an amendment to the new subsection 3.

Mr. Chairman: I will accept the motion at that time.

Mr. Ben: Thank you.

Mr. Chairman: The hon. member for Oshawa.

Mr. Pilkey: Mr. Chairman, on this section where the physician is allowed to overbill in regard to section 19, which this amendment applies to, I really do not know how the government can rationalize their position.

In other words, where we have previously had PSI in effect the doctor was receiving a 100 per cent of the OMA schedule of fees.

Now, let us take all those people who were participating in PSI under that contract and transpose them into the OMSIP programme. They are all in there, and it says that the government will pay 90 per cent of the OMA schedule of fees, but the doctor for that specific consumer or participant in PSI says, "Well, just a moment now. I was getting a 100 per cent for services from that specific consumer and I think I should still receive 100 per cent, but the bill says you are only allowed to pay 90 per cent."

So then, you automatically provide a vehicle for overbilling. This is how I see it, and yet it is a contradiction to what the Prime Minister said on June 17 in his opening remarks, and let me just quote that specific section. He went on to say:

> Labour and management will be able to continue to negotiate the degree of coverage, the extent of coverage beyond the basic health service set out by the government, and whatever sharing of costs they may wish to negotiate as part of their collective bargaining agreements.

I took from that that the Prime Minister was saying to the trade union movement in this province that we are not going to disturb anything; that we are going to leave the *status quo* in effect. That is what he was really saying at that time. We are not going to disturb anything just because we are introducing a new medicare bill.

But let me suggest to the Prime Minister, through you, Mr. Chairman, that he is disturbing the *status quo* in regard to the agreements that have been negotiated if he adopts this bill and does not support this amendment, because the people that now have a 100 per cent coverage can find themselves with a ten per cent payout, a ten per cent payout. Now alternatively to that position, the doctors that were participating in PSI are going to have to take a ten per cent cut. Now I want to submit to you, Mr. Chairman, which way that situation is going to fall. I want—

Hon. Mr. Robarts: Not the way you think it is.

Mr. Pilkey: I want to suggest that it is going to fall this way: The doctors are going to overbill. Is the Prime Minister suggesting that they are not going to overbill?

Hon. Mr. Robarts: Our experience is that the majority of them do not overbill.

Mr. Pilkey: Yes, that is the experience, but what protection have the thousands of workers of this province in regard to this bill? You may say that this has been your experience but it appears to me that the workers of this province that have been covered under PSI—and many of them, since its inception, way back in 1950, I think it was, when these plans came into effect; maybe prior to that, in the late 40's—what protection have these workers got? It appears to me that they are really going to be placed at the mercy of the doctors. They will make the determination and I want to suggest that this government should make the determination on behalf of the workers and not the doctors.

Let us face it, the doctors of this province have got a good thing out of these prepaid medical plans. And you know as well as I do, that prior to these prepaid medical plans coming into effect the doctors were having some difficulty in collecting their bills. We provided a vehicle so that they were paid practically 100 per cent. Obviously, they had some people that were not covered and maybe they could not collect their bills. But we provided a vehicle that made it much more attractive for the doctors in this province. And I want to suggest that many of these negotiated agreements for medical health care on the basis of 100 per cent took place in terms of a gigantic struggle by the workers of this province to win that kind of benefit at the bargaining table.

Yet we find this government providing legislation that can negate the very fight that has been won at the bargaining table through this bill. I want to submit to the Prime Minister that this should not be allowed to happen, that it not be left to the discretion of the doctors in this province. I think that you have got to be more positive in the legislation and tell the workers that this medical bill provides 100 per cent coverage from participating

physicians and so the workers are in no different position than they were prior to this bill being introduced.

I think it is just that important that if this government — if the Prime Minister really meant what he said when he introduced this bill then this section has just got to be changed.

An hon. member: Are you going to vote for the amendment?

Mr. Nixon: Mr. Chairman, I think it would be helpful if the Minister of Health or perhaps the Prime Minister who has made some indications about this, would tell the House just what decision has been reached by PSI, if in fact they know. I think that PSI is the largest organization that pays 100 per cent of the fee schedule. Anyone who is transferring from PSI to OMSIP certainly is going to face the problem that is met by the provisions of this amendment: that if they are going to come under the provisions of OMSIP the doctors will have to accept only 90 per cent payment; and those who are used to receiving 100 per cent of the schedule are certainly going to do their best to get the payment at the level that they were accustomed to. And you cannot really blame them for doing that.

As a matter of fact it may very well be in the future that this 90-per-cent clause should be a part of the negotiation. It seems strange that we should set on that sort of mark down as the cost of the service that a large insurance coverage will give the doctors to free them from the problems that they had heretofore, in collecting their bills.

There is no doubt that those people who are transferring from PSI to any other coverage are going to face the problem of overbilling, and while the Premier has said that this is not the experience in this province, that we do not experience much overbilling, this does not mean that we are not going to face it in much larger degree in the future. I would hope that the Minister of Health would be prepared to accept the amendment. I think it is a good one.

Mr. Chairman Any further discussion? The hon. member for Hamilton East.

Mr. Ben: Will the Minister comment?

Mr. Chairman: Does the hon. Minister wish to comment at this time?

Mr. Gisborn: Mr. Chairman, I was interested in the Prime Minister's answer to the member for Oshawa, in respect to the double billing and the difference in the 90- and 100-per-cent payment of fees. His answer was that in their experience it just does not happen.

I do not know if that is the case or not. It may be and it may not be. But I am also interested in the Prime Minister's statement as related in his printed release regarding the introduction of this bill and I quote—and I take it that the Prime Minister was quoting from his statement when he made the statement in the House that:

> **Labour and management will continue to negotiate the degree of coverage beyond the basic health services set out by government in the sharing of costs as part of their collective bargaining agreements.**

I wonder if the Minister would give us in the House, as frank a statement as to the position the unions are in, in negotiating back those benefits that they have in their collective agreements, and which they will lose when this plan goes into effect? We have got a very clear position from the Minister of Health this afternoon in regard to chiropractic coverage, that many of the contracts contain. They will not be able to continue that coverage.

There is also the case of major medical coverage and in some cases, dental coverage. Many of the contracts are now locked in, have been negotiated in the last few months, in the last year or two. Those that are the majority are two- and three-year agreements. They will be without that coverage when this plan goes into effect and there is no guarantee under this plan—

An hon. member: Is that the page you read first?

Mr. Gisborn: —no persuasion or encouragement to the employers to open collective bargaining in a realistic manner, or in a straightforward manner to continue that coverage, even if they are willing to provide the money. Is the Prime Minister going to give me as straight an answer to this problem as we received in regard to the double billing, or is the Minister going to relate to it in his answer to the amendment introduced by this party?

Mr. Chairman: The hon. member for Windsor West.

Mr. Peacock: I would like to ask a question of the Minister, Mr. Chairman, before he answers the remarks of the other members. Have either of the doctor-sponsored groups with which the Minister is now negotiating, with a view to designating them as agents, told him that their medical members will accept the schedule of payment under this

Act as payment in full for the medical services provided by their medical members? We want to have a paid-in-full medical care programme under this bill. As it now reads, that is not what we have. I want to ask the Minister if he can tell us anything about the attitude of the two doctor-sponsored plans which he has indicated earlier he may designate as agents, whether their medical members, the participating doctors, will accept this schedule of payments as payment in full.

Mr. Chairman: The hon. Minister? The hon. member for Sudbury.

Mr. Sopha: I should like to draw to the attention of the Minister and the government that for the time being in the life of this province, in the legal aid system that we have operating as a creature of this Legislature, there is no question of overbilling at all. The schedule of fees is determined by the law society, which operates the scheme on our behalf, and solicitors participating in the plan are required to take 75 per cent; 75 per cent —it deserves emphasis—of the schedule of fees. And there have been no complaints whatsoever by any member of the profession. Now that deserves comment by analogy to what is being done here. And let it be added for the information of many members of the House that before the scheme went into operation the legal profession was informed and was canvassed in respect of its views about the schedule of charges. They knew well in advance of their requirements, and their moral obligation under the statute to participate, that they would get 75 per cent.

Now how in the face of that requirement of the Legislature, and in the face of that willing participation by the legal profession in this scheme—and apart from the cost, the scheme is a tremendous success, I just pass that by—in the face of that practice of one profession, how can we, in conscience, here provide in another statute that those participating in another profession are permitted to overbill? That seems to be a paradox. It seems to me to be a departure from good principle, apart from good business practice. What I am arguing is that what is good for the lawyer is good for the doctor.

Mr. Sargent: But not for the public.

Mr. Sopha: And having imposed it upon one profession, to be consistent we must impose this upon another. Aside from this amendment which we heartily support, one views with some alarm a later section of the Act, section 22, where there is almost an invitation to overbill. We only stipulate the requirements and draw to the attention of the House that the person engaging in overbilling shall give notice—that is a small inovation to ask him only that he give notice—that he intends to charge more. I say, Mr. Chairman, to you, by way of plea, that we have a chance, an opportunity at the initiation of this scheme to determine for all time, so that we do not have to twist anybody's arm at any time in the future, we do not have to persuade the medical profession, but right at the outset of the scheme we can lay it down as a matter of principle that the scheme will never operate in the context of overbilling, that the schedule of fees shall be the determining factor and they shall charge according to that schedule, and I would be—

Mr. J. Renwick: Schedule of payments!

Mr. Sopha: The schedule of payments, thank you, that is what I meant to say.

And I am not married to the 90 per cent. Perhaps another device and different verbiage can be used to accomplish this same thing. But so long as we have it fixed that a fair and a reasonable payment shall be made for the services obtained—and I heartily accept the words of the member for Riverdale when he said that these must be reasonable to the doctors. Of course they must be. You cannot expect a person to go to school for ten years or more, and be paid at some level that is less than all the training that he has absorbed, and applied himself in getting and all the skills that he has developed in the treatment of the sick. But having said that, we are under no obligation to the medical profession or to any other profession to say to them, "You can have these guaranteed payments from the public purse"—which is what they are—"you can have those, and then in addition to that, you can come along and obtain what the traffic will bear". And there will be some that will do that as there are in all professions.

I am at a loss to understand why the government would accept any other proposal, why it would bow to any pressures that would be put on it, and I go back to the earlier assertion I made that it has the good precedent of The Legal Aid Act, upon which to bolster its refusal. It can say at this point, that, since the other bills were passed we have implemented a scheme by legislation of the House, in which we fix the principle of schedule of payments which shall be commensurate with what we believe the services are worth. That argument would be unanswerable.

Hon. Mr. Grossman: Not a good analogy.

Mr. Sopha: It would be unanswerable. I would like to hear from the Minister or from anyone else where the analogy fails.

Hon. Mr. Grossman: Do you want me to really tell you?

Mr. Sopha: Yes.

Hon. Mr. Grossman: You can do without a lawyer but you cannot do without a doctor.

Mr. Sopha: No, you cannot do without a lawyer, and as we go into the electronic age—and do not let me get distracted—you are going to find that you need lawyers more and more. And as the power of the state increases, the lawyers are going to transfer their work from the courts to the administrative boards.

Mr. Sargent: *Touché.*

Mr. Sopha: But the principle remains—and do not let it be said that the lawyers are acting for the indigent. The doctors are spending a good deal of their time in treating the indigent, who are paid under this Act. So in the late stages of the evening, because these are such vital matters, I ask the government to accept this amendment, or, at least, let us hear some statement from the other side to justify the perpetuation of a very unsalutary situation.

Mr. Chairman: The member for Yorkview.

Mr. F. Young (Yorkview): Mr. Chairman, I do not want to prolong this debate unduly tonight, but I do want to point out a couple of facts in the situation. We have heard a great deal about the doctor-patient relationship, and that that relationship should not be hindered by any extraneous factor. I am going into my doctor for treatment of some kind, and he meets me. He says first of all, according to this legislation, after he calls me by name, "The scheduled fee calls for $10 for this treatment but I must warn you first of all that I am going to bill you for an extra $5. Do you want me to treat you, or do you not?"

Hon. Mr. Grossman: That makes you sicker right off the bat.

Mr. Young: All right, I become sicker right off the bat. And this kind of doctor-patient relationship is absurd, absolutely absurd, but—

Hon. Mr. Grossman: That is why it does not happen in most cases.

Mr. Young: —he is going to meet me first of all with that kind of statement. I want to go to the doctor, and I think all of us want to go into that doctor's office, and we do not want to hear about money at that point.

So under this legislation with this amendment, we go in there and we sign the statement, if we want to do it that way, and the bill is looked after, and finances do not intrude into that doctor-patient relationship at all. And this is what it ought to be.

The second thing that I want to mention is this, that a great many of the specialists to whom many of us have to go from time to time, do not charge the schedule of fees; they are not bound by it; they charge much higher fees. My friend says: "Whatever the traffic will bear." That well may be, but they are not tied.

Some of my doctor friends have told me this, and I have had experience in the same way. If the specialist, who is the high-priced man, is not bound by the schedule of fees, he is going to get his 90 per cent from the plan and then he is going to send another bill for whatever it may be above that.

This comes as quite a shock to the patient afterwards, and of course he is maybe warned ahead of time by the specialist, "I am going to charge you another $25 now; do you want your liver cut out or do you not?"

And with that kind of a threat, chances are one would keep the old liver and take a chance with it.

Hon. Mr. MacNaughton: I hope it is not the liver; you cannot get along without your liver.

Mr. Young: Well that is a pretty serious business. All right, we will call it tonsils then, that might work better.

The other fact that we should face, Mr. Chairman, is that most doctors, with the 90 per cent, once the plan is in operation, are going to be no worse off financially than they are today. If they are going to overbill, their incomes are going to go up, as new people are going to be brought into this plan. And some doctors estimate that anywhere from 10 to 25 per cent—new-found money, that they do not have to worry about, which means that their incomes are going to be maintained at the present level or a bit higher even at the 90 per cent.

So I think, in view of these facts, that we ought to face this matter realistically, and I would hope that the members of the govern-

ment will see the reason behind this amendment, will understand the situation and will know that they should vote for this amendment and give us the support to make this change.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, in supporting the amendment, as our leader plans to do, I believe that the motivation is another safeguard on behalf of the public. As the amendment reads, it shall not exceed the schedule of payments, as in section 19, or shall not exceed 90 per cent.

Now, I do not see why we are talking about 90 per cent. The plumbers do not accept 90 per cent of their bills when they submit them to you—but they are making $13,000 or $14,000. They want 100 per cent, so why are we married, in our discussions, to the figure of 90 per cent?

I do not believe, Mr. Chairman, for a cotton-picking moment that the government is going to let this amendment go through; the legislation is going to stay as is in this bill. But I would suggest somewhere along the line, Mr. Minister, that we get back, even if we have to reduce the schedules to equalize, I think you should get back to the 100 per cent figure and quit this jockeying back and forth from 90 per cent to 100 per cent.

Mr. MacDonald: You have a good control through the new schedule of payments.

Mr. Sargent: Well, that is not our ball of wax. We are talking about a bill here now and I think that to make the thing a working agreement, we should get back to figures that the average guy can understand. I sure as hell cannot understand what is going on here now.

If we are talking to the average guy in the street, which I think is pretty important, I think we should talk their language and not of 90 per cent and 100 per cent and all this jazz. The amendment is not going to carry anyway; the motivation is safeguards, so I say to the Minister, let us change this 90 per cent to 100 per cent and, if you want to, reduce the schedules.

Mr. Chairman: The hon. member for York South.

Mr. MacDonald: Mr. Chairman, I just want to make one brief comment on this 90 per cent, if I may. It is obviously tidier to pay 100 per cent and quit dealing in percentages. But two points: first, the doctors have controlled the schedule; they insist on having the unilateral right to raise fees. Therefore, the only way in which we can avoid paying out more than we think is justified, is to pay a percentage of the schedule. However, I would draw to the attention of the House that the Minister, without proclaiming it—because he might be a little embarrassed to proclaim it—is paying only 90 per cent of the schedule because this is the only way he can reduce the impact of the schedule that the doctors unilaterally imposed on us three months ago.

By paying 90 per cent of the schedule the Minister is, in effect, wiping out the greater proportion of the ten per cent increase in fees which the doctors insisted in taking back on April 1.

I suport them on this, because quite frankly I think that increase in fees was not only unnegotiated but under the circumstances, it was undesirable.

So I think, in this instance, we must pay only 90 per cent of the schedule.

Mr. Chairman: The hon. member for Humber.

Mr. Ben: Mr. Chairman, I am happy to rise in support of this amendment because, to tell you the truth, I have some amendments of my own in reference to section 22. Inasmuch as the Minister indicated at an earlier period of this debate, that some amendments were proposed later on which dealt more or less with the sum and substance of the item that was up for discussion, I think it is only fair that I discuss the amendments that I shall propose on behalf of this party. They are short and I will read them; they have to do with section 22 (1).

Section 22 could be amended as follows:

1(a) Every person qualified and licensed to practise or render service under this Act shall elect in writing, and by not later than October 1, 1969, whether he shall or shall not practise under this Act.

1(b) Every person mentioned in clause (a) who elects to practise under this Act shall agree to accept no more than 90 per cent of the approved schedule of fees in full payment of his services.

1(c) A person who has not elected to practise under this Act as required by clause (a) shall inform in writing each patient, and such patient will not be entitled to obtain

compensation for the services to be rendered and the patient shall acknowledge in writing having received such notice.

1(d)No person who received the services rendered under clause (c) shall be entitled to compensation for the amount paid for the services received, unless such services were rendered in an emergency situation.

Mr. Chairman, perhaps this is a little stronger—

Mr. Peacock: There are 22—

Mr. Ben: There are 22, yes.

Perhaps maybe a little stronger than the suggested amendment, but on the other hand I do not think it is. At any rate, I think it goes back to what was said by the hon. member for Sudbury with reference to legal aid.

I do not agree completely with the hon. member for Sudbury when he indicates that no members of the legal profession complain about the size of the fees or the percentages there are. But, the legal profession as a whole believes that there is some obligation owed by it to the public in general to render services to a certain segment of the general community for less than what would be the normal minimum tariffs, that it owes this obligation to society for what it has received from society, by way of training and the prestige and the income that go with being a lawyer. Doctors enjoy as high, if not a higher prestige; they certainly enjoy a higher income. They certainly have been enjoying this higher income at least since OMSIP came into being.

So one can honestly say that they should have a spirit of community obligation and be willing to accept less than the prescribed schedule when they are rendering services to the general public for which they are receiving money from the revenues of the province.

Aside from that, Mr. Chairman, I think it is pretty well recognized that the majority of the doctors have agreed to accept 90 per cent of the approved schedule in full payment of their services or, if they have not agreed voluntarily, they have resigned themselves to so doing.

Mr. I. Deans (Wentworth): I have found differently.

Mr. Ben: Well perhaps the member ultimately does. There will always be some who will insist that their civil rights or liberties are being abrogated, and refuse to subscribe to any such plan. We know in the legal profession that there are some firms, especially those who are doing a lot of criminal work, specializing in criminal work, who have stated quite bluntly they would not accept Legal Aid cases. Why should they when you consider their position? Beforehand they were charging a minimum of $300 for a case. Under Legal Aid, they would have to charge three quarters of $150. So you can understand their position. But they are a minority. The same with the doctors.

I also believe that you will find some people who will not subscribe to Medicare because they believe in asserting their independence and it is their prerogative. I rather feel that they are going to be very few. So there are those two aspects.

And the third aspect is that a doctor has a choice of either billing his patient directly, expecting the patient to bill OMSIP or Medicare, whichever the case has been or shall be, and hope that the patient will pay him and pay him immediately; or else bill the service for 90 per cent, and then double-bill the patient for the remaining 10 per cent.

Well Mr. Chairman, those of us here who run our own businesses know that it costs considerable these days just to bill. A survey has indicated that in most offices, regardless of how efficiently they are run, it costs something like—at least it used to cost, something like $2.38 to send out a letter. Now even if it is a simple bill, there is some cost involved in sending that bill, making the necessary entries in the ledger, following up, if you do not get that ten percent which could be $1 or $10. In other words, all in all, these circumstances mitigate against the doctor double-billing. Again, you are going to find some who, on matters of principle, would insist on extracting that $1 but again I suggest that they would be extremely few in number.

So we have all these factors Mr. Chairman. There is some obligation on the part of this medical community to enter into this service. After all they have no divine right to set their fees and insist on being paid. No one is interfering with the doctor-patient relationship insofar as I am concerned, it pertains only to the treatment that the patient shall receive from the doctor, how that treatment is to be given, where and when. I do not think that sacred relationship—I wish *Hansard* would put the word "sacred" in italics when it is recording it—includes the divine right to set their fees. After all, public funds were used to educate them over long periods of time, great sums of public funds. The facilities that they use were supplied out of public funds. The facilities that they use to practise

and earn their money today, the hospitals, were supplied and are being supplied out of public funds.

Hon. Mr. Dymond: Do you pay for the courthouse?

Mr. Ben: Do I pay for the courthouse?

Hon. Mr. Dymond: Whose funds pay for the courthouse where you practise?

Mr. Ben: The taxpayers'.

Mr. Sopha: They pay for the hospitals too.

Hon. Mr. Dymond: Same thing; medical schools—

Mr. Ben: Except that there is a difference; now that the Minister has mentioned it, there is a slight difference.

Mr. Sopha: I fail to see it. Where is it?

Mr. Ben: Where is it? A litigant has to pay costs. Small as they may be, inconsequential as they may be, he does pay a nominal sum for using the machinery of the administration of justice.

Hon. Mr. Dymond: The patient pays.

Mr. Ben: No, no he does not. The patient now gets all his hospitalization paid for.

Hon. Mr. Dymond: What about his premiums?

Mr. Ben: So he pays his premiums. Oh yes. It may be or it may not. The fact remains that a person is more likely to use medical services annually than he is to use litigation services annually.

Mr. Sopha: That is an unsafe basis.

Mr. Ben: Basically, the principle is the same. The lawyers have not objected to taking less than the prescribed fee. As a matter of fact, they are taking 25 per cent less.

Mr. Sargent: We are having a lawyers' day next week.

Mr. Ben: So, ten per cent, if they cannot take less.

Mr. Sargent: It is now June 25.

Mr. Ben: I would remind the Minister, Mr. Chairman, that until OMSIP came into existence, doctors used to render certain services free of charge, and those were the services to the outpatients. Now, since OMSIP has come into being, doctors have formed associations which render emergency services in outpatient clinics? I have yet to hear, Mr. Chairman, a doctor billing such a patient directly. Somehow when it comes to treating somebody who comes off the street, whose address they may not be certain of, whose financial background they may not be certain of, they are quite prepared to: (a) bill directly to OMSIP, and (b) accept most gratefully 90 per cent of a prescribed fee in full satisfaction for their services.

All in all, Mr. Chairman, all those points I made almost beg that everyone in this House support that amendment.

Mr. Sopha: There is another—

Mr. Chairman: The hon. member for Scarborough West was on his feet first.

Mr. Lewis: A very short observation, Mr. Chairman. I am inclined to think that the very nature of this legislation and the entire experience of the medical profession in the province of Ontario means that they will overbill, that they will double-bill patients under this plan. It seems to me, Mr. Chairman, that one has to analogize to existing medical experience.

Under OMSIP the practitioners were willing to settle for 90 per cent because the bulk of the people incorporated under OMSIP previously had not paid their total health bill. For services rendered to the indigent, the doctors had largely not been paid. So the level of 90 percent was an exceedingly gratifying level for the doctors who served under OMSIP and that they were prepared to accept.

Mr. Chairman, I draw your attention to the other three specific areas. You have all those doctors who have been working under private contractual arrangements between union and management who have hitherto received 100 per cent. I suggest to you, Mr. Chairman, that they will not settle for the 90 per cent. You have all the doctors who have been working under PSI, who are receiving 100 per cent. They will not settle for 90 per cent. Indeed, they have won the 100 per cent after a considerable battle; they will not relinquish it because of the government's scheme.

You have the doctors under Windsor Medical, who, although they are now receiving only 90 per cent, were willing to settle for that on the basis of it being a doctor-sponsored, doctor-organized plan. But they have indicated privately and publicly that they are not satisfied with the 90 per cent when a government plan comes in and arbitrarily, in

effect, takes it over. What this legislation is doing, Mr. Chairman, is not merely inviting or encouraging the doctors to overbill. It is simply saying we will accept an extra billing procedure in the province of Ontario.

I do not really think that in any sense it is good enough for the Minister to pretend that we depend on the good offices or the warmth and compassion of the doctors in order that they do not overbill. They will overbill. They will overbill consistently. They will do great damage to the plan in the process and in a very real sense it will not be their fault. It will be the fault of inadequate legislation, of our refusal to write into this legislation those factors which would prevent that extra billing.

As my colleague from Yorkview pointed out, one is greeted with the spectre of a patient walking into a doctor's office and the first question that is asked the patient is: "Who is your private carrier?" The second question is: "Who is your designated agent?" And the third question is: "What is your OMSIP number?" And the fourth question is: "Will you pay extra?"

Mr. Sopha: By that time you are dead.

Mr. Lewis: By that time — you are quite right — you have so deteriorated in your physical condition you have to answer yes on all counts. As a matter of fact they will probably ask: How did you vote on second reading? That will be the final query on the basis of which medical services will be rendered.

I must say, Mr. Chairman, that we have introduced into this question of extra billing a certain element of farce. It does jeopardize the plan, that is the proposition we are putting. No matter how one looks at it, Mr. Chairman, it is a deterrent to use. It is a utilization fee of 10 per cent or more which the Minister of Health is prepared to impose on the mass of people in this province. He has no basis on which to judge what the doctors will do.

OMSIP is no judge at all because OMSIP is the most uncharacteristic of medical schemes including, as it does, very selective groups in the population. Now that the population as a whole is included, he has no experience on which to decide. I may say, Mr. Chairman, where general practitioners may not be given to overbilling regularly, specialists are very much given to extra billing, and specialization in the medical profession is now the pattern of the profession.

I say to the Minister, that in order that he ensure there not be a deterrent fee in this plan, in order that he ensure its workability, he must accept this amendment. It is a very simple amendment. It does not violate any clause in the Act. It simply embodies a principle with which all members of this Legislature and society as a whole could better live. I urge him strongly to give consideration to incorporation of the amendment.

Mr. Sopha: Mr. Chairman, I would venture to predict that because of the large amounts of public money that are going to be made available in the operation of this plan, that the stake on behalf of society will have to take an active part in the establishment of the schedule of fees for it; that will be a natural development.

There is another contrast that I want to leave before the House. With no disrespect to the Minister, I say to the member for Quinte that it is useful to look at the operation of the Legal Aid Plan. There is an aspect I did not delineate which I should: The schedule of fees for the whole panorama of legal services is fixed by regulation. The law society, which has the primary responsibility, has come to the executive council to get approval for any increase.

Now I did not say, as my friend from Humber says, that nobody complains about that, but I say there is a general acceptance of that in the legal profession. If any of the medical constituents tax me on anything I say here tonight, my reply to them would be in the light of the experience of the legal aid plan. I would say to them that the government has authority to fix the fees, but neither the Minister of Health nor anyone else is present at the consideration of the OMA fees' alteration or their revision upward. That is a very marked contrast.

What I am saying fundamentally, without belabouring it, is that the government now has plenty of precedent for that intervention. The first intervention should be—

Hon. Mr. MacNaughton: Do all lawyers do legal aid work?

Mr. Sopha: All that I know.

Hon. Mr. MacNaughton: They do lots of other work.

Mr. Sopha: I come from a small community and there is, apart from the elderly lawyers who no longer go to court—that is understood —there is total participation.

Hon. Mr. MacNaughton: Across the board.

Mr. Sopha: Total. Seventy lawyers in the community—total participation.

Hon. T. L. Wells (Minister without Portfolio): That is not all their work.

Mr. Sopha: I can only speak for my own community.

Hon. Mr. Grossman: It is only a portion of their work.

Mr. Sopha: All right. Now I say to the Provincial Treasurer, through you—

Hon. Mr. MacNaughton: Is it not fair to say they take their turn?

Mr. Sopha: Oh yes. We have had magnificent response. We have a duty counsel at two courts every morning.

Hon. Mr. MacNaughton: Except that each lawyer's work is not all legal aid?

Mr. Sopha: Oh no, it is not all legal aid.

Hon. Mr. McKeough: About 10 per cent of his time would be legal aid.

Mr. Sopha: All right, now, I make the point to the Provincial Treasurer, in the light of that precedent established. Are we not in a position to say to the medical profession: The lawyers have accepted the principle of state intervention in the fixing of fees, and accordingly it is proper that we intervene to decree—

Interjections by hon. members.

Mr. Sopha: Is something the matter with you two?

Hon. Mr. MacNaughton: I was just conversing with my colleague for a moment, it is all right.

Mr. Sopha: Oh, I see. I did not know that you were going steady.

Hon. Mr. MacNaughton: We are not, we are just having a short conversation.

Mr. Sopha: Oh, all right, I am at the final stages. I am submitting to the Provincial Treasurer that the principle is good that we can justify our limitation of the billing to the schedule of payments we set out in the Act. No one could quarrel with us, and that in itself commends acceptance of this amendment.

Mr. Chairman: Moved by Mr. MacDonald that section 7 of—

Mr. Lewis: Mr. Chairman, I think many of us have asked questions of the Minister and I think we would wish to have the Minister speak. I gather the member for Quinte also wants to speak, Mr. Chairman.

Mr. R. T. Potter (Quinte): Mr. Chairman, I think in all fairness we should point out to the hon. member for Sudbury that the 25 per cent of the fees he is talking about relate only to a very small percentage of their fees. Surely he is not trying to impress this House with the idea that the legal profession have their fee schedule set and approved by the government and that they are receiving 75 per cent only of their total fee schedule? Nothing is further from the truth. You are receiving 75 per cent only of your legal aid, not of your total fee schedule.

Mr. Sopha: Will you forgive me? Every lawyer in the House will bolster me when I say that for many decades it has been the law of Ontario that any person who disagrees with the account tendered him may go to a government officer and have it fixed. An officer of the court will determine what the lawyer should be paid.

Hon. Mr. Grossman: Is that officer of the court a lawyer?

Mr. Chairman: The member for Quinte has the floor.

Mr. Sopha: He may or may not be.

Mr. Chairman: Order please!

Mr. Potter: That is quite right, Mr. Chairman, but I should point out that this is—

Mr. J. Renwick: It is a great protection to the public.

Mr. Chairman: Order, please!

Mr. Potter: This is 100 per cent of the legal profession's work. I am surprised at the number of experts that we have in the House who claim that the schedule of fees as laid down by the specialists is far out of line. And we had the member for—

Mr. Lewis: No, we did not say that.

Mr. Potter: We had the member for Dovercourt saying yesterday that nobody had justified the recent schedule of fees as far as he was concerned.

It was a surprise to me to learn that he was an expert in this field. Frankly, I would like to ask some of the members here tonight if they could give me their advice on some of these fees.

An hon. member: Sure, read the procedures.

Mr. Potter: Here is a carotid endarterectomy, $300 for a specialist. Is that too much money?

Mr. Lewis: That is about 10 per cent too high.

Mr. Sopha: Would you settle for $270?

Mr. Lewis: It is a little high.

Mr. Potter: Here is one here, a litholaplaxy —with lithotrite and X-ray control, $250.

Mr. Nixon: I do not think you know what that is, doctor.

Mr. Potter: Here is one for an nephronlexy for $175. Here is one—choledochostomy, $250.

All I am asking, Mr. Chairman, is if these people are so expert—I do not even think they know what these procedures are—if they do not know what the procedures are, if they do not know what it entails, how can they stand up in this Legislature and say that the fees are out of line?

An hon. member: We just look at your big car.

Hon. Mr. Dymond: Mr. Chairman, just a very few remarks on this.

First of all, the member for Windsor West asked if I could give him any assurance—in the two doctor plans for which I had reference—that the participants would accept the 90 per cent. No, I have not, because at the present time they are in a contractual relationship. And the doctors of the province made it very clear to us more than three years ago that they will not enter again into a contractual relationship. They want to be free agents, independent business people or professional people and they want to stay that way.

The member for Hamilton East, I think, framed the question that he put to me this afternoon; at least if I understood it, he just framed the question in a different way. The extras that are locked into the plans now agreed to—of course they will be separated off. I repeat, the OMSIP contract and of course, if you have a negotiated agreement, of course they will be available to you, I would imagine, if I have any knowledge of the negotiations, that is a hard and fast agreement I understand, and I do not think that either one of you can change it.

Now if there should be a change in the cost of the provincial programme, this is an entirely different thing and would probably call for negotiation. But also, as I have your contracts explained to me, there is a built-in provision that in the event of something of this kind happening, the negotiations can be re-opened. Now you will know more about this than I do but this is my understanding, as I have spoken to labour people.

Interjection by an hon. member.

Hon. Mr. Dymond: Well then I take it all back.

Mr. Gisborn: The Prime Minister said we are not going to tamper with collective agreements. There is no protection for them to maintain the coverage they have not got at a certain rate, no protection whatsoever.

Hon. Mr. Dymond: I just do not understand the approach that the hon. member is taking to it, because there is no question about us interfering. We are simply saying that the plan laid down in this programme and in this Act must be kept separate and and distinct from anything else. Anything in addition to it is simply cut off separately. The bookkeeping and everything else relative to it must be kept apart.

The hon. member for Sudbury, I am sorry, has left his seat, but he said there was an analogy and a precedent between the legal aid plan and Medicare. This is really ridiculous in the extreme. There is no analogy. He loses sight of the fact and he is probably not aware of the fact that the medical profession accepted as low as 50 per cent of fees for medical welfare, which was analogous to the legal aid plan.

Legal aid is a welfare programme. Let us face it. I do not care what you call it, it is based on a means test and the government does not pre-empt the whole field of legal practice. If they did that I am quite certain there would be a great scream from the legal profession—if we said, "You will accept 75 per cent of your fees. This programme—

Mr. Ben: Will the Minister accept a question?

Hon. Mr. Dymond: Mr. Chairman, may I have the floor?

Mr. Chairman: You have the floor.

Hon. Mr. Dymond: Somebody else had it too.

This Act pre-empts the total field as far as this Medicare plan is concerned and nobdy else can get in and so we pay 90 per cent.

Now about the amendment. If there is one sure way of ensuring billing to schedule, this is it. Accept this amendment and this is it.

The member for Humber, I believe it was, read what is, I believe, an extract from the Manitoba Act. That Act states that every practicing physician is deemed to be a physician practicing within the plan unless by a certain date he opts out. It may have been a reversal, the way the hon. member put it, but it is really in essence the same thing. And what has happened? The latest word I have is that over 40 per cent of the practicing physicians in Manitoba have opted out.

Now if we accept this amendment I can assure you, Mr. Chairman, the great majority of physicians will bill their patients directly, the patients then will be instructed to bill the plan and the plan will pay 90 per cent of the fee schedule, as the Act directs us to. There is only one more certain way—and I am not so sure it is so very much more certain—to ensure billing to schedule would be to permit insurance of the ten per cent. And it is for that reason that we did preempt the field so that there can be no further insurance of the ten per cent, because I can assure you that every subscriber, every insured person, would get a second bill and the costs of medical care would spiral just so fast and so furiosuly that there would be no controlling them.

I believe the best control that we can exert upon them—and let us face it, unless we are prepared, again I repeat, to control all prices, all costs as well as wages and salaries, then I cannot see how in equity we can build in this freeze on the three professions we will be dealing with under this bill. How we can build in a freeze on their fees?

Mr. MacDonald: You fix the schedule and then—

Hon. Mr. Dymond: We can fix this, we can pass this amendment and say that is it.

But I assure you that the practitioners would stop billing. us. They would bill the patient and there is nothing in the Act that will stop them from doing that. The dealing would be between the patient and the physician, between the patient and ourselves. We would pay the patient 90 per cent and I can assure you that every patient would be billed 100 per cent. I think this would damage the programme and defeat the purpose which I believe the hon. member wants to achieve. I therefore say we should defeat it.

Mr. Lewis: Mr. Chairman—

Mr. Chairman: The hon. member for Scarborough West had the floor earlier. He rose and was interrupted—

Mr. Lewis: I have—

Mr. Ben: I know but I—

An hon. member: He was on his feet first.

Mr. Lewis: I think I was.

I have two or three questions to ask the Minister. I want to preface it by the short observation, Mr. Chairman, that doctors who opted out of this plan would learn very quickly of the risks involved in receiving payment were they to start to bill patients directly and then patients billing the plan and then paying only 90 per cent.

An hon. member: Absolutely!

Mr. Lewis: It is simply a totally insubstantial argument that the Minister puts. Doctors would stay in this plan because in terms of economics nothing is more lucrative or assured for the doctor than participating within this scheme. Any pattern of Medicare plans, it may be said, that extend over a period of time show that those doctors who opt out, irresistibly opt back in.

I may say, Mr. Chairman, from very keen personal experience in the summer of 1960, in the province of Saskatchewan, I watched over a three-month period the opting out and the opting in process as the doctors suddenly recognized the difficulty of collecting bills outside this scheme and the appropriateness of collecting bills inside the scheme. I remind the Minister of the very significant percentage of doctors in the province of Ontario operating within OMSIP by choice.

Hon. Mr. Dymond: Quite true, but if the member introduces this amendment he will see a very dramatic change overnight.

Mr. Lewis: No, there will be no—

Mr. MacDonald: They will try to bluff you.

Mr. Lewis: Mr. Chairman, let the bluff be made, and if we call their bluff there will be no exodus, the doctors will remain within the plan. I say to the Minister that he is contriving a rationale which has no substance and I do not know why he resorts to it.

But I want to come back, Mr. Chairman, to two or three questions and then I will subside.

First, Mr. Chairman, what the Minister—if I understand him correctly—has conceded, is that under collective agreements which presently exist, paying 100 per cent to the doctor, there will now be paid only 90 per

cent to the doctor, and that this Minister has no way in his power to change the collective agreements to adjust to the difference: Am I right in that? That is right.

So in effect, for the vast number of workers in this province who are insured at a 100 per cent level, and for the doctors who are receiving payment at a 100 per cent level, there will suddenly emerge on October 2, 1969, a ten per cent gap. That means, as my colleague the member for Windsor West said, that the government by this Act is rewriting all the collective bargaining agreements in the province of Ontario. That is what it is being done unilaterally, and providing no process for readjustment.

Let me take the logical extension of the question, Mr. Chairman. If the doctors—and I want to ask the Minister a question if I could—if the doctors have been receiving 100 per cent and suddenly receive only 90 per cent, does the Minister think it possible that they may bill their patients for the extra ten per cent—those doctors who have been working within collective agreements?

Hon. Mr. Dymond: I think it is possible, Mr. Chairman, but having listened again to the member for Humber telling us that it costs $2.81 to send a letter, I do not think the doctors are going to flood their patients with small bills amounting to the ten per cent difference. The probability is that a relatively small number of doctors will do other than accept the 90 per cent as the total bill.

Mr. MacDonald: The Minister hopes.

Mr. Deans: They do it now.

Mr. Lewis: Mr. Chairman, if I can invoke by way of example the various medical procedures that were read by the member for Quinte, they ranged in costs from $175 to $300. Ten per cent of—

Hon. Mr. Dymond: Mr. Chairman, I believe the hon. member for Quinte would be the first to admit that these are unusual procedures; they are not procedures that are being performed frequently every day.

Mr. Pilkey: Not on the same person, anyway.

Mr. Lewis: Mr. Chairman, I would—

Mr. MacDonald: Having a baby is rather frequent—

Mr. Lewis: I would like to pursue my question to the logical or illogical conclusion. The Minister will agree that for specialist procedures in this province $175 to $300 is not an inordinate sum. Surely the Minister will agree that there are many specialist procedures largely commonplace which amount to that sum. Is that not right?

Right, the Minister nods agreement.

Well then, Mr. Chairman, may I point out that ten per cent of $175 to $300 is so small margin, it is both for the doctor and for the patient a significant sum?

May I then say, Mr. Chairman, that probability is not enough to re-assure the members in this party. We say that it is probable that a doctor who has been receiving 100 per cent of $300 will bill the extra $30 on October 2 when this Act comes into force. That is the probability. And the Minister has already conceded that it may be that doctors will do that.

Let me move to another area, Mr. Chairman. Did I hear the Minister right when he said that the doctors currently in PSI did not again want to enter into a contractual arrangement? He said the doctors who are now in PSI told him they do not again want to enter into a contractual arrangement of this kind.

Hon. Mr. Dymond: I did not specify, Mr. Chairman. I said doctors generally.

Mr. Lewis: Right!

Well I think the Minister said they wanted to be free agents, if I remember his phrase—my colleague is prompting me—I think he said in effect they wanted to be self-made and independent to run their own affairs, doctors generally. Well Mr. Chairman, would it be fair to say that self-made independent free agents in the medical profession might wish to bill the extra ten per cent if they were accustomed to receiving 100 per cent for which they fought vigorously? Is it possible to make the argument that they would bill the ten per cent?

Hon. Mr. Dymond: Mr. Chairman, this is going to the absurd.

Of course it is possible. I repeat, sir, the probability based on experience is that they would not. We have had three years' experience with OMSIP and the hon. member tells us that OMSIP is different. OMSIP is not; OMSIP has within its rolls a great number of people who pay the full premium costs, the total actuarial costs of the plan.

Our experience is that there is very little billing to schedule, and I do not see any reason to anticipate that this will happen.

But I can repeat, sir, that adopting an amendment of this kind will ensure that it will.

Interjections by hon. members.

Mr. Chairman: Order please!

We are dealing with an amendment fixing, as I can see it, the cost as of a particular date.

Mr. Lewis: Ninety per cent by way of section 19, subsection—

Mr. Chairman: As of October 1, 1969, that is the magic date.

Mr. Lewis: Right!

Hon. J. Yaremko (Minister of Social and Family Services): The member quoted only one case in the last two years.

Mr. Lewis: Of what?

Hon. Mr. Yaremko: Overbilling.

Mr. MacDonald: If there will be no overbilling, why are you objecting to putting it in the Act?

Hon. Mr. Yaremko: But in the last three years—

Mr. Chairman: Order, please.

Interjections by hon. members.

Mr. Lewis: We continue to contend that OMSIP—

Hon. Mr. McKeough: You hamstring everything.

Mr. E. W. Martel (Sudbury East): We are not hamstringing.

Mr. Chairman: We are dealing here with October 1, 1969, are we not?

Mr. Lewis: We are dealing with the level of the 90 per cent as total payment.

Mr. Chairman: The key date is October 1, 1969.

Mr. Lewis: I am not particularly interested in the date, Mr. Chairman; I am interested in the fact that 90 per cent should be total payment.

Mr. Chairman: That is what the amendment I have in front of me relates to, October 1, 1969.

Mr. Peacock: No, that is on section 5, Mr. Chairman, we are on section 7.

Mr. Lewis: We are on section 7, Mr. Chairman; the amendment on section 7, part 2, subsection 2.

> That the costs of insured health services provided by a physician or practitioner after the first day of October, 1969, shall not exceed the schedule of payments set out in section 19.

What I simply wanted—I am sorry I am labouring it, Mr. Chairman, I am not operating on all pistons at this point. What I am simply saying is that the Minister of Health has conceded to the Legislature this evening that extra billing is likely in the province of Ontario. I do not care—

Hon. Mr. Dymond: I deny that categorically, that is not on the record.

Mr. Lewis: The Minister has said that extra billing in effect will occur, that is what he said.

Hon. Mr. Dymond: Mr. Chairman, this is completely wrong . I have not said any such thing.

I have said that it is possible; it is very improbable.

I would like to say while I am on my feet that 80 per cent of the costs are for home and office calls, so I think I was quite right in suggesting that the costly procedures are very definitely on the short end of stick.

Mr. Lewis: By way of percentage perhaps, but by way of—

Mr. J. Renwick: What you insure against.

Mr. Lewis: Exactly. But by way of what you insure against—

Hon. Mr. Dymond: By way of total services.

Mr. Lewis: Apparently the Minister thinks that the right to bill the extra ten per cent under this public plan is a right that should be preserved in his legislation and therefore he will not accept our amendment. We predict, Mr. Chairman, that there will be a great deal of extra billing under this plan; the Minister concedes that it is possible. It will act as a deterrent to use and that is most unfortunate.

Mr. Chairman: Those in favour of Mr. MacDonald's motion, will please say "aye."

Mr. Pilkey: Mr. Chairman—

Interjections by hon. members.

Mr. Pilkey: Just a moment, because I think the Minister left a misconception here on the basis of what is provided in a collective bargaining agreement.

Let us get the thing so that we understand—

Mr. Ben: We are not discussing collective bargaining.

Mr. Pilkey: We are discussing this rate; we are discussing the overbilling, the possibility of overbilling.

Hon. Mr. Yaremko: Is the member going to vote for or against the amendment?

Mr. Pilkey: I want 90 per cent to reflect the full payment of the bill. The point that I am trying to make is the point the member for Hamilton East made when he quoted the Prime Minister's statement that the labour and management agreements will not change to any degree in relationship to the coverage. Now, let us face it, the collective bargaining agreements provide—

Mr. Ben: Mr. Chairman, on a point of order, we are not here to debate statements taken out of *Hansard*, and this is what in essence is being done now. One member quotes statements attributed to the Prime Minister, and now the other member is—

Mr. Pilkey: I just want to get the record straight as to what the collective bargaining agreement provides in relationship to this amendment.

Mr. Chairman: Is the hon. member straightening out in the minds of the committee a statement that had been previously made in the debate on this motion?

Mr. Pilkey: Right.

Mr. Ben: By whom?

Mr. Chairman: This is what I thought was taking place and the hon.—

Mr. Pilkey: By the Prime Minister.

Mr. Ben: He did not. He is quoting out of *Hansard*.

Mr. Pilkey: The Minister made a statement a moment ago that the collective bargaining agreements that are presently paying 100 per cent would not be affected. Now that is what I understood him to say. The point I am trying to make is that the collective agreement will not cover this situation. The collective bargaining agreements provide for 100 per cent of the premiums to be paid. It is not talking about 100 per cent of the OMA schedule of fees to be paid on behalf of the consumer under the plan. That is the difference. That is what we are talking about. We are talking about the consumer being left in the position of having to pay the additional ten per cent over the 90; this would be the overbilling.

There is no collective bargaining agreement that I know of in this province that would protect the workers against this overbilling. He is protected against the premium cost but he is not protected against the overbilling. And the only way we are going to protect the workers of this province against the overbilling is to adopt this amendment. This will protect them.

Hon. Mr. MacNaughton: You have switched your position in the last ten minutes.

Mr. Pilkey: You just did not understand what I said the first time.

Mr. Chairman: Order, order!

Hon. Mr. MacNaughton: You are interested only in a segment of the population.

Mr. Pilkey: Over two million—

Mr. Chairman: Order, order!

Those in favour of Mr. MacDonald's motion will please say, "aye".

Those opposed will please say, "nay".

In my opinion the "nays" have it.

Call in the members.

Order!

All those in favour of Mr. MacDonald's motion will please rise.

All those opposed will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 25; the "nays" 38.

Mr. Chairman: I declare the motion lost.

Shall section 7 stand as part of the bill?

The hon. member for Humber.

Mr. Ben: I move that subsection 2 of section 7 be amended by striking out all the words following "services" in the second line, and inserting in place thereof the words, "from the date he becomes an insured person", so that the subsection shall read:

> Where a person becomes an insured person he is entitled to payment for insured health services from the date he becomes an insured person.

Mr. Chairman: Perhaps I should put the motion properly before the committee. Mr. Ben moves that subsection 2 of section 7 be amended by striking out all the words following "services" in the second line, and inserting in place thereof the words "from the date he becomes an insured person".

The hon. member for Humber.

Mr. Ben: Mr. Chairman, subsequently in this Act there is a section which—actually subsection 4 of section 8—provides:

> Any person who is an immigrant as defined in The Immigration Act for permanent residence in Ontario, and applies to become an insured person within three months of his arrival, is entitled to payment of the cost of insured health services from the date he becomes an insured person.

I think that at least Canadian citizens or Ontario residents are entitled to the same privilege.

Mr. Chairman: I have accepted the motion placed by the hon. member, and I will put it before the committee. Does the hon. Minister have any comments?

Those in favour of Mr. Ben's motion will please say "aye".

Those opposed will please say "nay".

In my opinion the "nays" have it. I declare the motion lost.

Section 7, as amended, agreed to.

On section 8.

Hon. Mr. Dymond: Mr. Chairman, I would just like to advise you that at a later section I will propose a minor amendment complementary to this section. This is in order that there will be better understanding of this and a later section. They are related, complementary to one another—section 25—and a minor amendment will be proposed to that section.

Mr. Chairman: What the hon. Minister is placing before the committee is a desire to amend section 8 as a complementary amendment when he introduces an amendment to section 25.

Now according to the rules of the House, we shall deal with the bill section by section in order. However, with the concurrence of the committee, I will permit the committee to skip section 8 at the present time and move to section 9. Do I have that concurrence?

Mr. Ben: Why cannot he move the amendment now?

Mr. Chairman: Well the hon. Minister apparently wants to move a complementary amendment to section 8 at such time as he introduces an amendment to section 25, and he has included in his proposed amendment to section 25 a further motion to amend section 8.

Mr. Lewis: Will there be an amendment to section 8?

Mr. Chairman: There will be an amendment placed before the committee to section 8. And with the concurrence of the committee, we will leave section 8 open and move on to section 9.

All right, section 8 is not put before the committee at this time.

On section 9.

Mr. Deacon: Mr. Chairman, clause 2 reads in the second to last line:

> shall upon application therefore designate the group as a mandatory group.

Does this require all the members of the group to sign the application or only a single application for that. May I ask the Minister that?

Hon. Mr. Dymond: Does the hon. member mean does every member of the group have to sign the application?

Mr. Deacon: Yes. How do you satisfy that the group does want to apply for it, and on what basis? Do you need the whole group, or will just a single person applying do it? Or, is it the group as a body?

Hon. Mr. Dymond: One must apply on behalf of the group. It is not a case of whether they want to, this is a mandatory section. All groups of 15 or over. Or the second case, where a small group applies to be a mandatory group.

I would think if they appoint one of their numbers to act as agent for them, this would be acceptable. They are making voluntary application to be named a mandatory group, and this would not be done until they have made that application.

Mr. Ben: All of them, or some of them?

Hon. Mr. Dymond: All of them. Then the group would have to signify their willingness, but one would act as the agent for the group.

Mr. Deacon: In other words, a single person, if he is the only one of the 15 wanting

it cannot make application. It has to be the majority of the group that wishes it.

Hon. Mr. Dymond: It has to be all of them. This is a voluntary group asking to be made mandatory; this is their election. If they do not all agree, then they join as individuals.

Section 9 agreed to.

On section 10.

Mr. Ben: Mr. Chairman, I believe there was some—

Hon. R. S. Welch (Provincial Secretary): Mr. Chairman—

Mr. Chairman: Do you want the floor for any reason?

Hon. Mr. Welch: Yes, I would like to move the committee rise and report.

Mr. Ben: We are making good progress, do you think we should quit now?

Hon. Mr. Welch moves the committee rise and report progress and asks for leave to sit again.

The House resumed, Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report a certain resolution and progress and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, there has been an agreement that we will sit tomorrow evening, so that we will continue with consideration of this bill in committee of the whole. We will also consider the Niagara bill.

Hon Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1:10 o'clock, a.m.

No. 161



ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Wednesday, June 25, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969



Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Wednesday, June 25, 1969

Presenting report, Department of Social and Family Services, Mr. Yaremko 6137

Productivity improvement project, questions to Mr. MacNaughton, Mr. Nixon 6137

GFO voting results, questions to Mr. Stewart, Mr. MacDonald and Mr. Gaunt 6137

Guidelines for wiretapping by police, questions to Mr. Wishart, Mr. Ben 6138

Writs of assistance to police, questions to Mr. Wishart, Mr. Ben and Mr. Lawlor 6139

Recovery of money from Atlantic Acceptance, questions to Mr. Wishart, Mr. Sargent 6139

Judges and payment of fines, question to Mr. Wishart, Mr. Sargent 6140

Cyprus park area in Bruce peninsula, questions to Mr. Brunelle, Mr. Sargent 6141

Land acquisitions in St. Edmunds township, questions to Mr. Brunelle, Mr. Sargent 6141

Use of herbicides by Ontario Hydro, questions to Mr. Kerr, Mr. Stokes 6142

Price of beer in northern Ontario, question to Mr. Welch, Mr. Stokes 6142

Survey of water flow and levels in Thunder Bay area, questions to Mr. Kerr, Mr. Stokes 6142

Elimination of pollution in Grand River, questions to Mr. Kerr, Mr. Makarchuk 6143

OSC and Kendon Copper, question to Mr. Rowntree, Mr. MacDonald 6143

Hooded flashing lights on school buses, question to Mr. Haskett, Mr. Martel 6144

Gertler report on Niagara escarpment, questions to Mr. Robarts, Mr. Deans 6144

Use and sale of DDT in Ontario, questions to Mr. Robarts, Mr. Shulman 6144

John Wagg case, questions to Mr. Wishart, Mr. Shulman 6145

Tabling report of Ontario Food Council on beef, statement by Mr. Stewart 6146

Assessment Act, 1968-1969, bill intituled, Mr. McKeough, first reading 6147

Retail prices of beef, question to Mr. Stewart, Mr. Makarchuk 6150

Bell and Walter Tarnopolsky, question to Mr. Wishart, Mr. Sopha 6151

Health services insurance, bill respecting, in committee 6151

Recess, 6 o'clock 6179

LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JUNE 25, 1969

The House met at 2.00 o'clock, p.m.

Prayers.

Mr. Speaker: This afternoon we are to have with us students from the Immaculate Conception separate school in Windsor, and from Queensway public school in Etobicoke. They are not yet here.

Petitions.

Presenting reports.

Hon. J. Yaremko (Minister of Social and Family Services): Mr. Speaker, I beg leave to present the annual report of The Department of Social and Family Services for the year ending 1968.

Mr. R. F. Nixon (Leader of the Opposition): The year ending what?

Hon. Mr. Yaremko: 1968.

Mr. Nixon: Next week, next year's!

Mr. Speaker: Motions.

Introduction of bills.

Mr. Nixon: Mr. Speaker, I have a question of the Treasurer.

I wonder if the Minister can indicate what action has been taken under the productivity improvement project he announced earlier this session to improve the efficiency of government operations?

How many people are involved at the present time in the project, and what areas of government are they investigating?

Hon. C. S. MacNaughton (Treasurer): Mr. Speaker, I regret that I did not receive this question before now, but I think I can say that the development of the staff—the steering committee, and everything associated with this project—is proceeding very well. I had hoped I could make an announcement to the House before adjournment. I do not think it is possible.

There will be a full statement made very shortly on the matter of the complement of the steering committee and related matters.

Mr. Nixon: The Minister would not be prepared to do that before the adjournment —at least before the end of this week?

Hon. Mr. MacNaughton: Mr. Speaker, I rather doubt that I will be in a position to do it before the end of the week. I had hoped, as I said, to have been able to do it. It may be that we will have to issue a statement following the adjournment of the House, but it is developing very well.

Mr. Nixon: I suppose we should assume then, since he is still developing staff, that actually no work has been undertaken?

Hon. Mr. MacNaughton: Mr. Speaker, that is a fair assumption.

Mr. Speaker: The hon. member for York South.

Mr. D. C. MacDonald (York South): I have a question of the Minister of Agriculture and Food.

Would the Minister provide the Legislature, before the recess with a poll-by-poll breakdown and analysis of yesterday's vote on the GFO?

Mr. Speaker: Perhaps the hon. member for Huron-Bruce would place his question, which is similar, at this time.

Mr. M. Gaunt (Huron-Bruce): Yes, Mr. Speaker, I have a similar question of the Minister of Agriculture and Food.

Could the Minister give a report on yesterday's GFO vote and include the following:

What was the final total result of yesterday's GFO vote?

In the Minister's view what was the reason for the solid rejection?

What was the reason for the relatively low turnout?

Could the Minister table the county by county results?

What were the results of part 2 and part 3 of the ballot?

What was the total cost of the vote to the department?

Mr. E. Sargent (Grey-Bruce): When is he going to resign?

Hon. W. A. Stewart (Minister of Agriculture and Food): Well, that is always a rather debatable question. I do not see any reason. We did exactly what we were asked to do—provide farmers with the opportunity for a vote. They accepted that opportunity and they said "no."

Mr. Sargent: They voted against the Minister.

Hon. Mr. Stewart: Oh no, they did not vote against me at all.

The answer to the questions, Mr. Speaker: with regard to the first question asked by the member for Huron-Bruce, there were 634 polls reporting. For: 39,365; against: 51,996, for a percentage of 43.1 per cent voting yes.

I must confess, Mr. Speaker, that one would have to have the wisdom of Solomon to provide any type of an answer to questions 2 and 3. I am sure, sir, I have no idea as to what the farmers' reactions were, or why they reacted as they did to the opportunity to vote.

We can table the county-by-county results. I do not have the figures with me today, Mr. Speaker, but I will undertake to provide them tomorrow. I am sure they can be provided.

We do not have the results of parts 2 and 3 of the ballot, and I doubt very much if we will have them for some time. They are being calculated in the various areas and they will be submitted to us.

As to the cost to The Department of Agriculture and Food, this has not been tabulated as yet and we will have to wait until we get the figures in from the respective countries where the polling places were set up.

As far as the question asked by the member for York South—the poll-by-poll breakdown analysis of yesterday's vote on GFO, we would be quite happy to do this. But I am afraid we will not be able to do it tomorrow. We may not be able to do it before Friday. We will try. I am interested to know myself.

Mr. MacDonald: Mr. Speaker, I wonder if I could have clarification on one point. Did he say that the "for" vote was 39,000 and "against" vote 51,000?

Hon. Mr. Stewart: Yes, these are the figures that I have been given and I have—

Mr. MacDonald: That is a total of 90,000. How can it be argued that that is a low vote? That is 90 per cent of the number of farmers.

Hon. Mr. Stewart: No. I think the member would find that because farmers' wives were given the opportunity to vote, and those associated with the farmer, 21 years of age and over, that almost doubles the potential number of farms in the census.

Mr. Gaunt: Mr. Speaker, may I ask a supplementary? Would the Minister have an approximate estimate of the cost? I realize that it may take a while to compile all of these—

Hon. Mr. Stewart: No, I do not, Mr. Speaker.

Mr. Speaker: The hon. member for Humber.

Mr. G. Ben (Humber): Mr. Speaker, I have two questions of the Attorney General. Perhaps I should just let him settle himself. Is he settled?

The first question is: Has the Attorney General prepared the guidelines to be used by the Ontario Police Commission in the delegation of authority to use wiretapping equipment? If so, will the Attorney General inform the House of the extent and nature of these guidelines?

Hon. A. A. Wishart (Minister of Justice): The answer, Mr. Speaker, is "no".

Mr. Ben: I would ask a supplementary, Mr. Speaker, if the Attorney General will permit.

Does the Attorney General intend to set out guidelines and will he inform the House what these guidelines will be?

Hon. Mr. Wishart: No, Mr. Speaker, I think I shall not be doing that. It is not intended, and it was not my view, and it is not my intention, and even with the interpretation of the section 7 in the proposed amending Act, The Police Act, it is not intended that the police commission would be setting the rules for wiretapping.

I have indicated my view on a number of occasions and expanded it, I think, in detail. I feel there should be legislation at the federal level in this area. We have made our views known. The matter is proceeding, being studied. I anticipate the legislation.

I do not think that is a matter for a police commission and if the police are to be allowed, under the legislation which may come forward, the right to electronic surveillance, or eavesdropping, then I have said it must be under the strictest control and under the permission, I would hope, either of a judge or of some government official of

the ministerial level such as an Attorney General.

Mr. Ben: Mr. Speaker, I have another question of the Attorney General.

What is the view of the Attorney General on the request of Chief of Police James Mackey, as reported in this morning's *Globe and Mail*, that writs of assistance be issued to police under provincial or municipal jurisdiction?

Mr. P. D. Lawlor (Lakeshore): Mr. Speaker, I have a similar question.

Mr. Speaker: Yes, the hon. member might place it.

Mr. Lawlor: Will the Minister oppose any request or representation which might be made by Police Chief Mackey to the federal Minister of Justice calling for the issue to the police of the equivalent of writs of assistance or blanket search warrants?

Hon. Mr. Wishart: Mr. Speaker, I have great respect for Chief Mackey and for his zeal in doing his duty as a police officer and as a police chief. However, I do not follow that idea at all. I must be frank about that.

A writ of assistance, which is a blanket search warrant enabling the person who has it, the police officer, to go into any place at any time, I think is going too far. We used to have those types of blanket search warrant in our provincial police force. We did away with them some years ago. I do not think that that is necessary. I do not think that I can favour that idea.

Mr. Speaker: I wonder if the members would allow me to interrupt the question period for a moment to bring to their attention that in Mr. Speaker's gallery we have a very distinguished party of Australian Parliamentarians visiting with us. They are headed by the hon. Peter J. Nixon, the Minister of the Interior, with his secretary, Mr. J. R. Lane, and the escort from our External Affairs, Mr. Nicholson.

The members of the delegation are Senator Donald R. Willesee, member of the Senate representing Western Australia, the Labour Party; Mr. F. Courtnay, MP, member of the House of Representatives for Darebin, Victoria, also representing the Labour Party; Senator A. G. E. Lawrie, member of the Senate representing Queensland of the Country Party; Mr. Bruce W. Graham, MP, member for North Sydney, New South Wales, of the Liberal Party; Mr. Thomas G. Pearsall, MP, member for Franklin, Tasmania, also of the Liberal Party. I am sure we are glad to have these distinguished people with us.

Mr. Nixon: I wonder if they could give us some information on election laws.

Mr. Sargent: How are you doing, mates?

Mr. Speaker: Some time ago the hon. member for Beaches-Woodbine (Mr. Brown) placed a question with the Minister of Correctional Services which has been in my file for some time, and I would like to know whether it is to be asked or to be withdrawn. It is number 1852 in connection with resignations. Perhaps he will look it up and towards the end of the question period, we can deal with it.

Hon. A. Grossman (Minister of Correctional Services): It is a silly question and he wants to withdraw it.

Mr. S. Lewis (Scarborough West): Oh, it is not silly at all.

Mr. Speaker: The hon. member for Grey-Bruce has the floor next.

Mr. Sargent: I have a question of some time ago, Mr. Speaker, to the Attorney General.

Will the Attorney General advise what plans the government has to recover from any assets in the Atlantic Acceptance probe by Mr. Justice Hughes, in the amount of $742,000?

Why must the average taxpayer in Ontario shell out this vast amount which never benefits the average man?

In the event of there being no machinery underway to recover this sum, will the Attorney General assure the House he will take steps to make this enquiry self-liquidating?

Hon. Mr. Wishart: Mr. Speaker, I gather from the question of the hon. member for Grey-Bruce that he is enquiring as to how the government may plan to reimburse itself for the expense of the Royal commission enquiring into the Atlantic Acceptance matter. I must advise the hon. member, Mr. Speaker, that it is not our intention to reimburse ourselves for these expenses since there is no legal procedure which could be utilized to accomplish this purpose.

The function of a Royal commission is to carry out a full and public enquiry, in accordance with the terms of the commission which is issued constituting the enquiry. In the present case the terms of reference are

very clear. I am sure the Royal commission will demonstrate the thoroughness of the enquiry when the report is ultimately made to the Lieutenant-Governor.

The expenses of any Royal commission are borne by the consolidated revenue fund in the greater interest of ensuring an impartial public enquiry into those matters relative to the good government and proper administration of government within the province. No reimbursement is contemplated in any case of which I have knowledge. Consequently the enquiry to which the hon. member has referred will not be self-liquidating.

Mr. Sargent: May I ask the Attorney General, Mr. Speaker, whether in his opinion, he thinks it is fair that the average taxpayer should pay $1 million for something he can never share in?

Hon. Mr. Wishart: I think the taxpayer should pay the cost of a public enquiry into any matter which concerns the good government or the good administration of the province, especially when I know of no method—no legal way—of recouping the expenses of a public enquiry in the nature of seeing to a better administration and better government.

I wonder what the hon. member has in mind? Where is he going to find the funds to recoup the cost?

Mr. Sargent: I would suggest to Mr. Speaker that there should be a ceiling on this, and I suggest the government get the funds from the assets that would accrue. There should be a ceiling some place.

Mr. Speaker: Order! I do not think it is proper for the Minister to request the member to make a statement or give suggestions, nor is it proper at this time for the member to make statements.

Mr. Sargent: Thank you.

Mr. Speaker: He has further questions which perhaps he would ask, and he would perhaps endeavour to ask questions and have them answered.

Mr. Sargent: Thank you, Mr. Speaker. A further question of the Attorney General.

Will the Minister advise why provincial Judge Charles Opper is allowed to tell a citizen that there is no time to pay a $100 fine and commit him to jail?

Will the Attorney General name other judges operating in this manner, and will he further advise why justice in this province is the only thing you cannot buy on the instalment plan?

Hon. Mr. Wishart: Mr. Speaker, the hon. member has not indicated the name of the case in question, in which time to pay was refused by the provincial Judge Charles Opper. I would advise, in answer to his question, that a provincial judge may, in his discretion, refuse time to pay if—this is the language of the Criminal Code—

> (a) The court is satisfied that the convicted person is possessed of sufficient means to enable him to pay the fine forthwith;
>
> (b) Upon being asked by the court whether he desires time for payment, the convicted person does not request such time, or
>
> (c) For any other special reason the court deems it expedient that no time should be allowed.

Those are the discretions within which the court judge may operate.

My officials advise me that possibly the hon. member is referring to the case of Teofilo Felipponio who appeared before his honour, Judge C. P. Opper, on Tuesday, June 10, 1969, charged with assault causing bodily harm. The accused pleaded guilty, and a summary of the evidence indicated that this was an unprovoked assault on the complainant in a restaurant at which time, the accused struck the complainant several blows on the body and then kicked him. The complainant did not know the accused, had not seen him before, and could give no reason for the assault. No permanent injuries were suffered by the complainant.

Provincial Judge Opper indicated that this should possibly be a matter for jail sentence, but he would give the accused an opportunity to pay a fine of $100 or, in the alternative, ten days. The accused indicated that he could not pay and he did not want to go to jail. He advised the court he was a student learning the English language and law. The accused made all his statements through an Italian interpreter.

His honour gave the man the opportunity to pay a fine instead of what would ordinarily be a jail term, but he did not consider him to be a good risk in respect of time to pay the fine. Therefore time was not allowed.

The second part of the question: All provincial judges of the criminal division may exercise their discretion with respect to granting time to pay in accordance with the law

which I have previously stated. That is section 622, subsection 5, and section 694, subsection 4 of the Criminal Code.

Mr. Sargent: Thank you. If he had had $100 he would not have gone to jail.

Mr. Speaker: The hon. member can phrase his comments by way of question if he wishes, but he must not make a statement. The hon. member has a question of the Minister of Lands and Forests.

Mr. Sargent: To the Minister of Lands and Forests: will the Minister advise the House the reasons for the padlocking of Cyprus Lake, in the Bruce peninsula, and will he further advise the extent of public funds which have been spent in developing the Cyprus Lake Park?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in reply to the hon. member, the reasons are that insufficient funds have been available for the opening and operating of this park this year. With the amount of money available, our policy has been to improve the existing parks. The second part of the question: The development cost figures are $275,130.

Mr. Sargent: A supplementary to the Minister, Mr. Speaker. I am advised that $15,000 would be needed to operate the park. I have a citizen who will put up $15,000 so the government can open the park.

Hon. Mr. Brunelle: Mr. Speaker, we have several parks this year which are in the same category, and it would be very difficult to open one and not open the others.

Mr. Sargent: He is missing my point. We have a citizen who will put up the $15,000 to run the park. This is the Minister's reason for not operating the park. He has spent almost $750,000 here now, and he closes the park when it is ready to operate. We need the space for our tourists up there now. It is ready to go, he padlocks the park, and he says he does not have $15,000 to operate a $1 million plan.

Mr. Speaker: I hope the member is coming to his supplementary.

Mr. Sargent: The question is this: I have a citizen who will put up the $15,000 from his own pocket to open the park.

Hon. Mr. Brunelle: Mr. Speaker, may I say to the hon. member that my office is always open, and I would be very pleased if the hon. member would come to my office and we could discuss this matter together.

Mr. Sargent: The Minister could come to my office. Is that a deal?

Mr. B. Newman (Windsor-Walkerville): The Minister had better visit him; he does not get $15,000 every day.

Mr. Speaker: I think the other Minister that you have a question for is absent.

Mr. Sargent: I have some more for this Minister too.

Mr. Speaker: I do not have them.

Mr. Sargent: Would the Minister advise how he justifies his department paying approximately $300,000 for land adjacent to Cameron Lake which a few years ago was sold for $7,000?

Hon. Mr. Brunelle: Mr. Speaker, in reply to the hon. member, may I say to him that our department does not purchase land; it comes under another department, The Department of Public Works. And also, that department has not paid $300,000 for land adjacent to Cameron Lake.

Land acquired for Cyprus Lake Park, which is adjacent to Cameron Lake, has cost about $135,000. This includes nearly 1,200 acres of land, having about three miles of interior shoreline suitable for development, several buildings and some Great Lakes shoreline. The property was acquired by the former owner prior to 1950 at a price that is unknown to our department.

Mr. Speaker: I presume that the question which has been asked and answered is the one that was submitted with respect to Cyprus Lake? There is no Cameron Lake. Is that the question?

Mr. Sargent: The second question, that is right.

Mr. Speaker: The hon. member has a further question.

Mr. Sargent: Supplementary to that question, Mr. Speaker, the reeve of the township tells me the price was $270,000. Now, the Minister is 100 per cent out or something is wrong.

The next question: will the Minister indicate the reasons for the refusal of his department to pay taxes on land acquisitions in St. Edmunds township due to the fact that ARDA money was used for the purchase of this land, and as I understand it—

Mr. Speaker: Order!

That is the end of the question. The member may use a supplementary if he wishes to place it.

Hon. Mr. Brunelle: Mr. Speaker, this question really should be directed to my colleague, the hon. Minister of Municipal Affairs (Mr. McKeough), who administers The Municipal Tax Assistance Act. However, lands were acquired by the department for the purposes of establishing provincial parks in the wildlife management area.

The Municipal Tax Assistance Act, section 3, subsection 6, excepts such land from valuation for the purposes of municipal tax assistance. The Provincial Parks Act, section 3, subsection 5, provides that for municipal purposes any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof.

I am very familiar, Mr. Speaker, with the problem in St. Edmunds township, and I would like to say to him that my colleague, the hon. Minister of Municipal Affairs, has this tax under active consideration, this matter of compensation for lands that are provincially owned that are taken over, to compensate the municipalities either by means of a grant or something thereof to compensate for this loss of taxation.

This matter, as I said, is under active consideration by the Minister.

Mr. Sargent: Is the Minister aware that land purchased by ARDA money pays taxes?

Hon. Mr. Brunelle: Mr. Speaker, I do not believe it makes any difference whether the land was paid for by ARDA money or not.

Mr. Sargent: It makes a difference to them up there because the government has taken a third of their taxes away from them.

Mr. Speaker: Order!

Mr. Sargent: Will he answer my question?

Mr. Speaker: Order! The hon. Minister was endeavouring to answer if the member will give him the opportunity.

Mr. Sargent: Okay.

Mr. Speaker: Has the hon. Minister anything further to add?

The hon. member for Thunder Bay.

Mr. J. E. Stokes (Thunder Bay): Thank you, Mr. Speaker, I have a question for the Minister of Energy and Resources Management:

What type of chemical is Ontario Hydro using to spray transmission lines for the retardation of growth?

Is this type of spray dangerous to fish and wildlife?

If so, what precautions will his department take to ensure that fish and wildlife will not be adversely affected by these activities?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, the chemicals, or herbicide, presently being used by Ontario Hydro in the control of brush under power lines are 2, 4, 5-T; 2, 4-D and Tordon.

The answer to number 2: These hormone-type chemicals are not toxic to fish or wildlife in the concentrations in which they are applied.

In answer to number 3: Ontario Hydro, The Department of Lands and Forests and Ontario Water Resources Commission cooperate in the control of the use of herbicides.

Mr. Stokes: I have a question of the Provincial Secretary.

Will the Minister recommend amending subsection 2 of section 30 of The Liquor Control Act which has resulted in the people of northern Ontario paying higher prices for beer, just as has been done for other forms of liquor?

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, this matter and other related matters are still under consideration. The subject was raised in the Smith report and in the select committee report, and as I have already mentioned, they are still under active consideration.

Mr. Speaker: Did I understand from the Minister of Energy and Resources Management he has an answer to the questions yesterday of the member for Thunder Bay? Perhaps he could give it now.

Hon. Mr. Kerr: Yes, Mr. Speaker. Question 1953, by the hon. member for Thunder Bay: "Is the United States Corps of Army engineers conducting a survey of water flow and levels around Armstrong and Collins in the Thunder Bay riding?"

The answer is "no." This survey is entirely Canadian and is part of joint studies being carried out by the federal government, The Department of Energy and Resources Man-

agement, the Ontario government, OWRC and The Department of Lands and Forests.

"Is Ontario Hydro participating in this survey?" The answer: Ontario Hydro is one representative on the co-ordinating committee set up by the federal and provincial governments.

The answer to number 3: The main purpose of the survey is to make an inventory of the water resources of the province.

Mr. Speaker: The hon. member for Essex-Kent.

Mr. R. F. Ruston (Essex-Kent): Mr. Speaker, I have a question for the Minister of Agriculture and Food.

Will the Minister give consideration to exempting junior farm loan payments for 1969 where, due to severe weather conditions, these particular farmers have been unable to do their seeding?

Will the Minister consider exempting payments on catastrophe loans for 1969 due to weather conditions?

Will the Minister appeal to the Premier (Mr. Robarts) and his Cabinet colleagues for some method to exempt taxes on farm land that has not been seeded due to havy rainfall and cool weather for the year 1969?

Hon. Mr. Stewart: I will take the question as notice, Mr. Speaker.

Mr. Speaker: The hon. member for Brantford.

Mr. M. Makarchuk (Brantford): Mr. Speaker, another question of the Minister of Energy and Resources Management.

Does the Minister have a target date as to when pollution will be eliminated in the Grand River?

Hon. Mr. Kerr: I might say that is a loaded question. I think the answer, Mr. Speaker, is hard to give as to when pollution will be totally eliminated from any river, let alone the Grand River.

As you know, there are many communities that affect this waterway. We have built treatment plants in places like Arthur, Brantford, Elmira, Elora, Galt, Fergus, Kitchener, New Hamburg, Paris, Preston and Waterloo. These were all built by OWRC. In certain municipalities we are enlarging plants—Caledonia and Guelph, the Ontario Reformatory, Dunnville.

Mr. Nixon: Paid for by the local municipalities—

Hon. Mr. Kerr: Yes, sometimes on a shared cost basis. But other projects are at various stages. We are doing everything we can to eliminate pollution in the Grand River.

I think that probably the way Cabinet Ministers grow old is to have a target date haunting them daily or nightly and then not being able to reach it. Certainly, our objective in this department is to clean up pollution in all aspects.

Mr. Nixon: There were some instances where they will not be paid for locally.

Hon. Mr. Kerr: Well, 1970 is possibly a little too short, but certainly before 1984.

Mr. Makarchuk: I have a supplementary question to the Minister.

Is the Minister aware that the security of Brantford's water supply is dependent upon pollution control in the river?

Hon. Mr. Kerr: Yes.

Mr. Speaker: The hon. member for Essex-Kent had a further question which I neglected to allow him to ask. Would he ask it now?

Mr. Ruston: Yes, Mr. Speaker, I have a question of the Minister of Highways, number 1945.

Would the Minister inform the House how many development roads have been built in the province for the years 1967 and 1968, and the location, that is, the name of the county of the construction?

Hon. G. E. Gomme (Minister of Highways): Mr. Speaker, I will have to take this as notice. We are getting the answers for him.

Mr. Speaker: The hon. member for York South has a question of the Minister of Financial and Commercial Affairs who is now in the House.

Mr. MacDonald: Oh, this sudden appearance takes me aback. To the Minister of Financial and Commercial Affairs:

Would it be accurate to conclude from yesterday's hearing and lifting of the suspension of Kendon Copper by the OSC that the selling methods of this company are acceptable?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Speaker, I am informed that Kendon's right to sell securities has been restored, subject to restrictions on their selling practices which will appear in the order.

Mr. Speaker: The hon. member for Sudbury East.

Mr. E. W. Martel (Sudbury East): A question of the Minister of Transport:

Because an accident on Highway 69, South, involving a school bus, occurred as a result of the sun nearly obliterating the flashing red lights, would the Minister consider the possibility of making hooded flashing lights compulsory on school buses?

Hon. I. Haskett (Minister of Transport): Mr. Speaker, it is recognized that the effectiveness of signal lights is lessened in daylight or against the intensity of a background of the rising or setting sun.

I intimated earlier in this House that an overall study of school bus construction and equipment was made by the CCMTA, commissioned by the provincial Ministers' conference. That report has come to our Ministers' conference and has been referred to the Canadian Standards Association for the setting of effective standards that the provinces can adopt.

I would just add, sir, that in addition to that, our own staff have reviewed this matter from the standpoint of intensity and shielding of the signal lights.

Mr. Speaker: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Speaker, I have a question of the Prime Minister.

Can the Prime Minister inform the House whether or not he intends to introduce legislation this session which will implement the major recommendations of the Gertler report on the Niagara escarpment?

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, there is no programme of legislation presently to be introduced to deal with this. The report itself has had some preliminary study and it is receiving some very intensive study now in order to see how it may be co-ordinated into and how the recommendations fit into various departments and policies of the government.

I would point out to the member that in all probability many of the recommendations might be implemented without the necessity of legislation.

I do not think it is going to be necessary to legislate, but we are not yet in a position to say just what recommendations we are ready to implement. When the present studies are complete I will announce it to the House. But I very much doubt that there will be any legislation in this session.

Mr. Deans: May I ask a supplementary question? I was wondering whether or not the report might be made available at some point, to the House?

Hon. Mr. Robarts: Well, that is the whole point. It has been asked for before. But until we complete our examination of it and are in a position to state what we are going to do, what we propose to do or not to do, as the case may be, there is not much point in releasing it. It will be released in due course.

Mr. Speaker: The hon. member for High Park.

Mr. M. Shulman (High Park): Mr. Speaker, I have a question of the Prime Minister.

Has the Prime Minister received the resolution from the Committee of a Thousand in Niagara Falls, recommending the ban on the use and the sale of DDT in this province?

Does the Prime Minister intend to take any action?

Hon. Mr. Robarts: Mr. Speaker, this resolution came to my office yesterday and it was sent as well to several other Ministers who are involved in this matter. I think our position on DDT has been set out previously.

Its use is being regulated through the pesticides control service of The Department of Health across the province. We have ceased using it completely in The Department of Lands and Forests, in the spraying programmes there. We have an inter-departmental committee of Deputy Ministers who are examining all the research that presently is available and taking evidence from the experts in the field.

So perhaps it would be safe to say at the moment our policy is one of control rather than complete prohibition. At the same time, we are going ahead with our investigation to find out whether a complete ban is necessary and is the proper answer.

Mr. Shulman: Would the Prime Minister accept a supplementary question?

Hon. Mr. Robarts: Yes.

Mr. Shulman: Is the Prime Minister aware that the policy of control has not resulted in any reduction in the use of DDT in this province?

Hon. Mr. Robarts: I do not believe that that is so.

Mr. Shulman: I will send the figures over to the Prime Minister, Mr. Speaker.

Hon. Mr. Robarts: Do.

Hon. M. B. Dymond (Minister of Health): Instant experts!

Mr. Shulman: I have a question of the Attorney General, Mr. Speaker.

Is the Attorney General aware that one, John Wagg, was arrested on April 1, 1968, 16 hours after his release from penitentiary on a charge of assault causing bodily harm, and has been held in Don Jail since that time?

Is the Attorney General aware that when the case was heard in May before Judge Butler, the judge was informed that the complainant had committed suicide since laying his complaint, and so of course could not be present to give evidence?

Is the Attorney General aware that in the face of this situation, Judge Butler raised Mr. Wagg's bail from $200 to $10,000?

Is the Attorney General aware that because of the crowded court calendar Mr. Wagg's case cannot be tried before a judge and jury before the fall?

Will the Attorney General take immediate steps to have Mr. Wagg's bail reduced to a more reasonable level?

Hon. Mr. Wishart: Mr. Speaker, my officials advise me that John Wagg was arrested on April 1 of this year on a charge of assault causing bodily harm and is lodged in the Don Jail.

I am aware that on May 5, 1969, the complainant died. I am informed that the cause of death was attributed to an overdose of barbiturates. However, Mr. Speaker, there was an independent witness to this assault.

When the accused appeared before Judge Butler on May 29 he was committed for trial.

I may say that third question attracted my attention immediately and gave me concern. I am advised that the original bail was set at $500 cash, or $1,000 property. When the complainant passed away the bail was reduced to $200. However, following the preliminary hearing when John Wagg was committed for trial, the Crown Attorney at that time requested that no bail be allowed.

This was due, Mr. Speaker, to the fact that the man had just left the confines of the penitentiary after serving two years of a three-year sentence for indecent assault.

On reviewing his record, it revealed that the man had been charged with incest, escaping custody, numerous assaults, and a number of sexual offences. Might I add that he had been in trouble since 1957. It was the strong opinion of the Crown Attorney that bail should not be granted. The presiding judge in the circumstances finally allowed bail at $10,000.

The fourth part of the question: I am informed that the accused on June 2, indicated through his counsel that he would prefer to re-elect and appear before a judge, and not before a judge and jury. If this is his intention then the case could be heard in July. However, if Mr. Wagg intends to proceed before a judge and jury he will have to appear before the grand jury at the next sitting which will be in September.

The fifth part of the question: If the trial is to proceed in July then I do not intend to interfere on the matter of bail. However, the Crown attorney for York county, Mr. Greyburn, has informed me that he would entertain an application for a lesser amount of bail if that application could be accompanied by, say, two sureties.

Mr. Shulman: Will the Minister accept a supplementary question?

Hon. Mr. Wishart: Yes.

Mr. Shulman: Will the Minister agree with me that Mr. Wagg is being penalized in this offence for things that have happened in the past and for which he has already been punished? Is this not what you call double jeopardy?

Hon. Mr. Wishart: I cannot agree with the hon. member.

Mr. Shulman: I have another question for the Attorney General, Mr. Speaker.

Mr. P. J. Yakabuski (Renfrew South): Why does the member not go his bail?

Mr. Shulman: We like to hear from the more intelligent members of the Conservative Party from time to time, Mr. Speaker.

What was the name of the case the Attorney General referred to in his interview reported in last Saturday's Toronto *Daily Star*, which was discussed in yesterday's Legislature? If the case was, in fact, that of Pearl Gray, details of which I have now submitted to the House, will the Attorney General retract his comments and apologize?

Hon. Mr. Wishart: Mr. Speaker, I will have to take a little time to look up the past records, so I will take the question as notice.

Mr. Speaker: Has the hon. member for Beaches-Woodbine considered how we are to dispose of his question?

Mr. J. L. Brown (Beaches-Woodbine): Yes, Mr. Speaker, in order to avoid the tedium of listening to the exaggerated reassurances of the Minister I withdraw the question.

Mr. Speaker: The Minister of Agriculture and Food has a report to present. May I have the unanimous consent of the House to revert to the order of "presenting reports"?

Agreed.

Presenting reports.

Hon. Mr. Stewart: Mr. Speaker, I apologize for not paying attention to the House. I was involved with my colleagues here on another matter of some importance and interest.

If I may, Mr. Speaker, reply to a question that was asked me by the hon. member for Brantford as of yesterday when he asked if I would table the report that was being done by the Ontario Food Council concerning beef. Mr. Speaker, with your permission I would like to table that report in the Legislature today.

But before doing so I would reply to the second part of the hon. member's question by saying that in putting this question the hon. member is talking about two entirely different things.

The 64-cent-per-pound price to which he refers is the wholesale price for carcass beef sold to the retailer at that particular time. This is for the complete dressed side. When the retailer receives this side of beef he must then proceed to prepare it for the discriminating demands of the consumer.

It must be cut into the various roasts, steaks and other cuts, which involves not only labour, but packaging material as well. Furthermore, there is a considerable loss involved in the saleable product when one deducts the fat and bones trimmed from the carcass during the preparation of the meat for the retail trade.

Now, the hon. member has compared the retail price for a choice selected cuts with the wholesale price of an entire untrimmed carcass, and there can really be no basis for such a comparison. The only accurate comparison that can be made, and the only one of any credibility, would be to compare the wholesale price of a carcass with the average price of all cuts of beef from that carcass at the retail level.

If the hon. member will refer to page 3, paragraph 3, of the food council's report, when he gets one in just a few minutes, he will find that on the basis of such a comparison, the margin achieved by the surveyed retailers for the period December, 1968, and April, 1969, was in the nature of 16.1 cents to 18 cents per pound. In May it was 14.9 cents, and in early June it averaged 16.8 cents, so they were maintaining a fairly accurate or consistent relationship there.

Frankly, Mr. Speaker, I believe that a detailed analysis of the food council's report will answer the hon. member's question in more detail.

On Wednesday, June 11, I announced in this House that the Ontario Food Council was being directed to enquire into the factors relating to the whole pricing mechanism for beef and to prepare a report on the basis of their findings. I am pleased today to be able to table this report, and to provide each member of the Legislature with a copy of it. Copies are also being made available to the members of the press gallery.

At the outset I want to express my thanks to the Ontario Food Council for the thoroughness and the dispatch with which they approached this undertaking. We have this report in exactly two weeks from the date it was asked for.

From the time a beef animal is marketed by the farmer until it appears in the meat counter at a local supermarket it passes through a number of processes, and it changes ownership several times. This is the nature of our meat marketing, processing and merchandising procedure. It is more complicated today than it was 25 years ago, for the principal reason that consumers are demanding more sophisticated service than they did in years past.

Not only does this complicate the marketing process, it also tends to make more difficult the job of those seeking to set forth in black and white the margins and commissions at various levels.

This report sets forth the historical data on prices at the three key levels, producer, wholesale and retail from before the recent price increase to the present time. It sets forth clearly the fact there has been a definite relationship between the prices at all three levels.

Without attempting to condense this report or present a critique of it, I would like to quote key phrases from it to illustrate the conclusions reached by the council. On page 4 the council says, "The main cause of this recent price increase has been the shortage of supply in the face of strong demand," and in this case they refer to cattle prices.

The report also points out that a major factor in this shortage of beef has been the increase in consumer demand resulting from a growing population and a buoyant economy. Per capita consumption has increased from 70.5 pounds in 1961 to 86.8 pounds in 1968.

The American market is also strong where per capita consumption has reached over 100 pounds per person, and it is the major influence over our price inasmuch as there is a relatively unimpeded two-way flow of beef across the Canada-U.S. border.

Page 5 of this report has several sentences which will be of interest to producers and consumers.

> It is to be particularly noted that since 1952 the index of the price of choice steers has been consistently below the general consumer price index and the index of weekly wages and salaries.
>
> While the index of the price of choice steers was slightly above the general consumer price index, when cattle prices were at their peak at the end of May, it has since eased back to the level of the consumer price index. Regardless, the index of choice steers was and is far below the index of weekly wages and salaries which does not take into account the very recent gains in hourly wage rates.

Mr. Speaker, when I announced that the Ontario Food Council had been directed to make this study, I also made several personal observations on the matter of beef prices. I stated at that time I was not in the least embarrassed by beef prices, inasmuch as they represented for the first time in many years, as a matter of fact since 1951, a fair return for our beef producers.

This report, a factual study of the statistics setting forth prices, and the various indices and relationships of prices and incomes, substantiates the comments I made at that time.

It is very clear that if our Canadian consumers are to continue to enjoy wholesome food provided in abundance, they are going to have to ensure that food producers receive a fair return for their products.

The report clearly indicates the scarcity of beef on the North American continent comes about as a result of low producer returns for the breeding and producing of beef cattle.

Mr. Makarchuk: I have a supplementary question. In the first place the report looks like another excuse—

Mr. Speaker: The hon. member, I am afraid, will have to wait until we get back to "orders of the day", because this was tabling a report and the hon. Minister managed to, or had to, apparently, include the answer to the question.

If the hon. member would allow me, we will come back to the orders of the day, but before we do, I would also like the permission of the House to proceed to the introduction of bills, as the Minister of Municipal Affairs advises me that he has a bill that should be introduced today. Is it agreed?

Introduction of bills.

THE ASSESSMENT ACT, 1968-1969

Hon. W. D. McKeough (Minister of Municipal Affairs) moves first reading of a bill intituled, The Assessment Act, 1968-1969.

Motion agreed to; first reading of the bill.

Hon. Mr. McKeough: Mr. Speaker, I appreciate the courtesy of the members to allow us to revert to "introduction of bills".

This particular bill constitutes the most significant revision of The Assessment Act since 1904. In view of the wide-ranging implications of the changes, and also their complexity, I am introducing them now in order to provide time for the members to study them during the summer recess. I also shall send copies of the bill to municipalities and invite their comments. I trust these procedures will contribute to full and constructive consideration when the session reconvenes in the fall.

The revised Assessment Act is one of the two major steps that are essential in order to achieve a sound and thorough reform of assessment in Ontario. The other step is the transfer of the assessment function from the municipalities to the province, a changeover that is due to go into full effect next January 1. Together, these two actions are designed to establish the cornerstone of the reform of our system and structure of local government.

The preparation of amendments to The Assessment Act took into full account the two excellent reports which have dealt with

this subject—the report of the Ontario committee on taxation and the report of the select committee that was established subsequently. These reports have been invaluable in focussing attention on some of the problem areas in the cumbersome assessment system that has developed over the years.

It is not my intention today to review the amendments in detail, but I would like to note some of the highlights. In brief, these measures are intended to simplify and to provide greater equity and fairness, both for municipalities and among taxpayers.

The amendments can be grouped into six categories:

1. Those intended to clarify and simplify various provisions in the Act;

2. Those required to implement provincial assessment administration;

3. Those related to business assessment;

4. Those related to equalization of assessment;

5. Those related to the assessment and taxation of smelters and concentrators;

6. Those related to assessment appeals.

The revised Act is greatly condensed. The portions of the old Act dealing with tax collectors' duties and tax collection procedures—some 131 sections in all—will be moved to The Municipal Act. Eventually this legislation could become a separate statute which would provide for all municipal taxing procedures.

The amendments in the first category, that of clarification and simplification are aimed at simplifying or otherwise clarifying existing legislation, and they are largely self-explanatory. Two such sections, however, deserve special attention—those concerned with valuation and with the contents of the assessment roll.

Assessment at market value is a basic requirement of the reform of assessment. Section 29 is designed to establish a practical basis for valuation. It reflects the concern that the existing instructions for the assessor on valuation resulted more often in confusion than clarification. Consequently, in the revision, it is proposed that assessors be obliged to estimate market value, rather than actual value, and they are not instructed as to how it should be done.

Another valuation amendment defines the market value of real property as "the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer". This definition is the same as that used in the new Expropriation Act. Apart from the obvious virtue of consistency, this definition is well accepted among appraisers and reflects the latest advances in valuation theory.

The revised section 19 concerns the assessment roll. In the past when the number of assessment jurisdictions approached 1000, the Act had to be very explicit regarding the information that had to appear on the assessment roll. One unfortuante consequence was a rigidity in the legislation that inhibited the efficient preparation of assessment rolls, or encouraged assessment commissioners to ignore the section and to return rolls which, in effect, were illegal.

The proposed solution would allow increased flexibility in the preparation of the roll. This flexibility will now be feasible because, with provincial assessment, all rolls will automatically be of identical design and processed in a similar manner.

The new provisions will make the assessment roll and the supporting data more useful to municipalities. It will be possible to compile and control more complete information on the local statistics that can make a contribution to municipal policies and administration. Local officials will be better able to analyze their own situation in relation to comparable communities.

In addition, the provincial government and the federal government will be able to make expanded use of municipal data.

A number of changes are required in the Act to implement provincial assessment and to transfer responsibility for assessment administration to the province. I have dealt with the details of this transfer on previous occasions.

The new administration will be highly decentralized, with municipalities being served by local assessment people in local offices. In summary, what it means is that the province will pay the bills and shoulder the worries of assessment, and the municipalities will get better service.

Both the Smith committee and the select committee made recommendations for radical changes in assessment for business tax purposes. Smith recommended a uniform rate of 50 per cent of realty assessment, and the select committee proposes a system of progressive rates ranging from 10 per cent to 40 per cent depending upon the amount of realty assessment.

In principle, the government supports the proposition that there should be no differen-

tiation in business assessment on the basis of property use or any of the other criteria now in the Act. There is not adequate information available that would allow us to determine whether a uniform rate or system of progressive rates is preferable, or what the appropriate rate structure should be. Until such information is available, based on consistent assessment, we are not prepared to introduce sweeping changes in business assessment.

As an interim measure of improvement, a number of amendments are practical now, and these are proposed in this bill. They provide that property use be the only criterion for different rates of assessment. While the number of rates is only reduced by two—from eight to six—there is a significant change in the way classes of property are grouped.

All parking facilities, including employee parking and parking in shopping centres, will be subject to a uniform rate. The omnibus rate of assessment is raised from 25 per cent to 30 per cent, the minimum rate from 10 per cent to 25 per cent, and the minimum business tax is increased to $200 from $100.

The confusion arising from the phrase "branches of the retail trade" is removed by substituting the criterion "chain of more than five stores."

As I said, the ultimate aim of the government is to develop a system of business taxation based on one uniform rate. When that is accomplished it will be possible to eliminate the split mill rate and, thereby, remove a tax differential which bears unfairly on business property and whose impact varies among municipalities.

This, then, sir, is the first step of a long-range programme to reform business taxation which will probably take from five to seven years. The immediate aim of the present amendments is to rationalize the existing system by removing anomalies and anachronisms without disrupting local tax bases unduly or imposing unwarranted burdens on particular groups of taxpayers.

Section 73 of the revised Act provides for assessment equalization as a provincial responsibility, with separate indices prepared for each local municipality and for each major class of property. Personnel in the assessment branch of my department are developing procedures to ensure that the appropriate indices can be produced.

For the first time there will be one equalization method that will be used for all purposes—from levying county rates to distributing education grants. This is a significant advance.

Section 73 also makes provision for the first time for appeals against equalization factors to be heard by the Ontario Municipal Board.

Two amendments in the new Act that will have particular significance in northern Ontario and on the mining and smelting industry are sections 88 and 9 (1) (d). The former provides for the assessment of smelters and concentrators in 1969 and their taxation in 1970. The latter places the rate of business assessment at 60 per cent.

Smelters and concentrators have been exempt from local taxation in the past, at least technically. Some companies in some municipalities have made payments in lieu of taxes, but the situation has been controversial. We have had this matter under study for some time and have had discussions with companies as well as with municipal representatives.

The amendments make it clear that these processing facilities are to be assessed and taxed—and the amount of local taxation involved runs into the millions of dollars. This measure is fair to the companies in relation to other industries, and it is fair to the municipalities.

Two main changes are proposed in the portion of the revised Act dealing with appeals. A new body called the assessment review court will be established to consider appeals and complaints concerning assessment. The procedure on assessment notices and the return of rolls will be revised in order to provide more time—29 days in all, instead of 14—for the assessed person to decide whether he wants to appeal his assessment.

The new review body, the assessment review court, will assume most of the functions that were handled in the past for assessment by the courts of revision. It is our intention to retain courts of revision only for certain local appeal purposes other than assessment. There will be amendments to The Local Improvement Act and The Drainage Act to specify the role of courts of revision in matters concerning those Acts.

For assessment purposes, the establishment of the assessment review court is intended to assure a high standard of performance, and to be consistent with the changeover in the assessment function itself from the municipalities to the province.

The assessment review court will sit in each of the 32 assessment regions, and the number of members will be determined by the volume of work to be handled. The chairman and vice-chairman shall be members of the

bar of Ontario. All appointments shall be made by the Lieutenant-Governor-in-Council.

The time for an individual to consider an appeal is lengthened by the provision that the assessment notices be mailed 15 days before the date for the return of the assessment roll, instead of at the same time. The time limit for lodging an appeal or complaint remains 12 days after the date of the return of the roll.

This extra provision of time is intended to assist the person assessed in obtaining clarification of his assessment, and in considering whether to take formal action. The time prior to the return of the roll may be used to hold "open house" at which ratepayers can examine the valuations of their property or point out errors of fact. This could enable many persons to solve certain assessment questions in the simplest and most direct way possible.

A further revision of benefit to appellants is the establishment of the clear right to the documents and information that are relevant to their case.

Three important matters are deliberately excluded from these amendments because the information now available is not sufficient for sound and well-considered revisions. These three matters are exemptions, farms, and special properties.

Studies have been undertaken on these three, and amendments will be proposed only when we have enough information to be confident of long-term solutions.

The government is in basic agreement with the Smith committee and the select committee in their recommendations for a reduction in the number of exemptions to the property tax. There are three prerequisites to action on this matter.

The first is to obtain data that is both accurate and consistent. The second is to analyze the situation in the light of that data. The third is to relate the possible alternatives to provincial policy and, if necessary, to find ways of overcoming budgetary limitations.

In order to acquire the necessary information as soon as possible the assessment division will, in 1970, give priority to the assessment of exempt properties in order to bring their valuations into line with other assessments in the municipalities where they are situated. When this is completed it will be possible to evaluate all the pertinent factors respecting exempt properties, including those owned by the province, by provincial agencies and by universities, with a view to making revisions in legislation.

I announced in the House on June 5 the appointment of a special committee to study farm assessment and taxation. This committee has begun its meetings and is scheduled to report to me by the end of September. I hope to be able to introduce amending legislation respecting this most important question in the fall.

The assessment of so-called "special properties"—for example, properties owned by telephone, telegraph, pipeline, utility and railway companies—is a highly complex matter with many ramifications that are not yet known. There are differences in expert opinion on whether or not it would be in the public interest to tax such properties on the same basis as all other properties.

We now are in the process of establishing a committee to study special properties. I expect that the necessary analysis can be completed in the next two to three years, and remedies proposed.

Mr. Speaker, that concludes my summary of the revisions of The Assessment Act. I trust it will be examined in detail by the members during the summer months, and I trust also that it will come under the close scrutiny of those it will affect directly—the property owners in all parts of the province, and their elected representatives and officials in each municipality.

I invite and welcome all pertinent comments and suggestions so that the bill can be given intensive and fully balanced consideration in the House after the summer recess.

Mr. Speaker: Before the orders of the day, perhaps the hon. member for Brantford would now place his supplementary question.

Mr. Makarchuk: By way of a supplementary question to the Minister, can he indicate why the wide discrepancy exists between the retail prices of beef in Canada compared to border cities in the United States?

Hon. Mr. Stewart: Mr. Speaker, the committee which is charged with the responsibility of carrying out this study just simply did not find such a discrepancy. As a matter of fact, I refer the hon. member to the first statement on the first page of the study, which indicates that the average retail cost of beef to consumers in the Toronto area for the week of June 9 to 14 is estimated to have been $1.08.6 per pound. In the U.S.A. it was $1.11.0 Canadian per pound. So that it would look as though the price in Canada was less than it was in the United States for the same beef.

Hon. Mr. Wishart: Mr. Speaker, a question was asked on June 12 by the hon. member for Sudbury (Mr. Sopha) and he asked about getting a reply when he was in the House a few days ago. I thought I had his answer here.

Mr. Speaker: Is this satisfactory to the leader of the Opposition, that the question be answered now?

Hon. Mr. Wishart: Mr. Speaker, perhaps I should read the question. It was asked, actually, on May 13, I should say:

> In view of the fact that this Legislature unanimously passed and accepted the responsibility for the Ontario Human Rights Code, would the Attorney General inform the House whether, in the proceeding brought by one Bell, before the hon. Mr. Justice Stewart to prohibit Walter Tarnopolsky from holding a hearing into alleged discrimination by Bell, the Minister of Labour was served with the notice of the hearing?
>
> Was the chairman of the human rights commission served with notice? Was the Attorney General served with notice?
>
> Would the Attorney General supply each member of the House with the copy of the response of counsel for Walter Tarnopolsky of the affidavit made by Bell, or on his behalf?

I would answer, Mr. Speaker, that, to my knowledge, the only person served with notice of the hearing was the board chairman, Dean Walter Tarnopolsky. The other persons referred to were notified by counsel from The Department of the Attorney General, and it was not deemed necessary or advisable to file answering affidavit material in this matter.

Mr. Speaker, I have previously advised the House there is no transcript of proceedings which take place in chambers. Accordingly, I am unable to supply each member of the House with the copy of the response of counsel or the board of enquiries.

Mr. Speaker: Orders of the day.

Clerk of the House: The second order, committee of the whole House; Mr. A. E. Reuter in the chair.

HEALTH SERVICES INSURANCE

(Continued)

On section 10.

Mr. I. Deans (Wentworth): Mr. Chairman—

Mr. G. Ben (Humber): Mr. Chairman, I was on my feet first.

Mr. Chairman: Just a moment, please, let us just wait until we get organized, if you please. The hon. member for Humber was on his feet when we adjourned last night.

Mr. Ben: Thank you, Mr. Chairman. I am on my feet because I wish to move—

Mr. Chairman: We are dealing with section 10.

Mr. Ben: Yes, I wish to move an amendment to section 10, to perhaps avoid any possible ambiguity in the wording of this section, and for no other reason. Mr. Chairman, section 10, subsection 1, reads as follows:

> The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act for such part as is agreed upon by the employer and his employee.

And this is the part that I question now:

> But each member of the group is primarily liable to pay the premium.

Mr. Chairman, this leaves in my mind the doubt that, even though the premium may have been deducted by the employer from the remuneration of the employee, it may not have been remitted to the government. In other words, the trust may have been breached. Under this section, by the wording of the last clause, the employee might still find himself liable for the premium. He could in essence be double-billed.

I do not know whether this is the interpretation that the Minister may place on it but I do believe that we should try to avoid any possible doubt or complication in the interpretation of this section. Accordingly, Mr. Chairman, I move that section 10 be amended by adding the following—section 10, subsection 4:

> The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted.

Mr. S. Lewis (Scarborough West): Is this subsection 4?

Mr. Ben: Subsection 4, yes. This is simply mechanics which will avoid any ambiguity. I trust that without further debate on this proposed amendment, the Minister will give

his concurrence and we can get on with the section.

Mr. Deans: May I ask on a point of order, sir—

Mr. Chairman: Perhaps I might just have the motion placed before the committee?

Mr. Ben has moved that section 10 be amended by adding the following—which would be section 10, subsection 4:

> The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted.

Mr. Deans: Mr. Chairman, I want to ask your guidance in this matter. I also had an amendment, to subsection 2 of section 10. When we deal with the amendment of the hon. member for Humber, will that then have any effect on the amendment which I intend to move—

Mr. Chairman: No, I will accept your amendment after we deal with this one.

Mr. Lewis: Oh, indeed, you are a fine chairman.

Mr. Chairman: Does the hon. member for Humber have any further comments?

Mr. Ben: I would ask the Minister to comment. As I say, this is strictly a housekeeping amendment, and I can see nothing conflicting—

Hon. M. B. Dymond (Minister of Health): This is no housekeeping amendment, Mr. Chairman, and I would submit to you that it is quite unnecessary. This is a copy of The Hospital Services Insurance Act. I believe the wording is practically on all-fours with The Income Tax Act, which calls for deduction of tax at source. The person who is insured in this case is essentially liable for his insurance. We have established this mechanism whereby his premium will be deducted at source, either from his salary or by any means agreed to between the employee and his employer.

If the trust has been breached, as the hon. member suggests, then of course we have the power and the responsibility to take the necessary steps, and the employee would not be penalized. But the employee must be liable primarily for his own coverage. I repeat, sir, that this has worked well now for ten years in our own experience and I see no need for changing it in any way.

Mr. Ben: Mr. Chairman, the Minister has just stated why this amendment should be passed. First of all, I draw to his attention that the word "shall" is used in the first line of subsection 1 of section 10: "The employer shall deduct from the remuneration of each employee, etc., etc., etc., in his mandatory groups." He must. The employee has no choice but to submit to the employer, taking from his remuneration the premium prescribed by this Act. He has no alternative. He has not the choice of saying, "Well, I am going to pay my premium to the government to ensure that it is paid."

Mr. M. Shulman (High Park): You have not read it down far enough.

Mr. Ben: I have read down the section. I have read it.

Mr. Shulman: It says: ". . . as agreed upon by employer and employee."

Mr. Ben: No, no, no—". . . or such part as is agreed."

Mr. Lewis: The member for Humber is right.

Mr. Ben: It says: ". . . or such part as is agreed." This section ". . . or such part as is agreed by the employer and his employee" has to do with subsection 2 where there is a bargaining contract between the parties.

Mr. Shulman: You are right.

Mr. Ben: The Minister himself went on to say that if the employer goes bankrupt or breaches the trust, "then we shall have to take some other action." Why should that be necessary at all? Why should not the interests of the employee be protected and protected *ab initio*, from the very beginning? Why should he have to go and ask if the government will take some action to protect the premiums which he had already paid to the government, and now is asked to pay again? After all, who are we here to protect, the employer or the employee; the people of this province or the employers or this government, or is not this government representing the people any more? How can you get up there and say that this is inconsequential? If there is any doubt at all, it should be resolved to the benefit of the people of the province, the people who have subscribed to this Act.

Mr. J. Renwick (Riverdale): Mr. Chairman, I would just like to say that we support the amendment proposed by the member for

Humber, simply on the proposition that if there is a default by the employer in the remission of the premium moneys which have been deducted, then the employee should not be deprived of the benefit of the insurance provided in the Act.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Chairman, I wonder if the Minister of Health can assure us that under Ontario Hospital Services there has been no case that would be covered by the inclusion of the amendment that my hon. friend has proposed. I cannot give an example from my own experience, as the member for Brant, but I have heard of those instances where an employer with the responsibility to remit premiums has failed to do so for reasons that have been brought forward, and the employee has been held responsible for the lack of coverage and there have been some problems involved. Surely the Minister is aware of those cases.

Hon. Mr. Dymond: No, Mr. Chairman, I am not aware of those cases. To the best of my knowledge there has been no case where an employee has been denied services because the premiums held in trust had not been remitted because of a breach of trust.

Mr. C. G. Pilkey (Oshawa): Mr. Chairman, let me remind the Minister that there was such a case and I submit it was in a plant in Ajax where the premium had been deducted but not remitted. Fortunately, the employee did not run into hospital bills, and finally, through your department, they did get the premiums and refunded them to the employee. Subsequent to that he got coverage through the Duplate plant in Oshawa, but nevertheless there was a period where there was a vacuum created as a result of his employer not remitting the deductions.

As far as his pay slips were concerned, the deduction was there, and I do not know what would have happened in that case had he had a major hospital bill or account. We would have had some difficulty. I do not know what the hospital insurance branch would have done in that case, but nevertheless, obviously we did not have to deal with it because there was no problem in relation to an account. It can happen, and I think that we ought to provide a measure of protection for the subscriber in that case, where in a mandatory group it is being deducted by the employer.

Mr. Chairman: The hon. member for High Park.

Mr. Shulman: Mr. Chairman, I would like to remind the Minister there was another specific case that did occur which I referred to OMSIP last year, where a person presumably had his deductions made but for some reason they were not sent in. Subsequently he had a tonsillectomy and was unable to collect. I would like to support the member for Humber; he has picked up something which I had missed in this Act and obviously the Minister has missed, and I think we should all unanimously support this motion because it is just commonsense.

Hon. Mr. Dymond: Mr. Chairman, I think there is some misunderstanding. OMSIP has had no mandatory groups; there has been no collection of premium at the source. There is some error here. The hon. member for Oshawa has pointed out that there was no hospital bill incurred, but I can assure you that had there been a hospital bill incurred, the employee, the insured, would not have been put at a disadvantage.

Mr. Deans: Mr. Chairman, that is not the question. The question is the guaranteed protection. There is no question that perhaps it may have been resolved in favour of the employee, but he should not have to go through the torment and strain and hardship of trying to get it resolved. This is a very reasonable amendment. It is just putting the onus where the onus ought to be, where an agreement exists, and I do not see why the Minister cannot accept it.

Hon. Mr. Dymond: Mr. Chairman, the onus is where it belongs. We are not insuring the employer, he is insured as an individual. We are demanding under the Act that he collect the premiums at source, but we are insuring the employee, the subscriber, and he is not relieved from that responsibility. And this I say to you—

Mr. Deans: Mr. Chairman—

Hon. Mr. Dymond: Mr. Chairman, I listened to them. I have stated that we have experience with this and we know that it works, and I do not see any reason why we should change this Act. If we do that then we change the other Act—something which we know works and works well.

Mr. Deans: The Minister states quite clearly that they are demanding that the employer collect the premiums. But then if those premiums are not remitted to the plan, the onus is then on the employee to fight the case and get his money back, and that is

wrong. If the onus has been placed by the plan on the employer to deduct and remit and he does not, then surely he must accept the responsibility.

Mr. Ben: If the Minister does not subscribe to that, Mr. Chairman, then the only honest and conscientious course of conduct for him to follow is to change the word "shall" in the first line of subsection 1 of section 10, to "may". But to make it compulsory for the employee to turn part of his salary over to his emlpoyer by way of premiums, and then again to find himself liable to pay you when he has no choice in the first instance, just smacks of the worst kind of injustice.

Hon. Mr. Dymond: Mr. Chairman, again the hon. member has not read the Act, section 30 of the Act. And the hon. member—

Mr. Ben: Oh come, I have been moving amendments left, right and centre. Do not tell me I did not read it.

Hon. Mr. Dymond: Mr. Chairman, the hon. member for Wentworth is talking about the toil, torment and hardship through which the employee is put. This is covered in section 30. He has not put—

Mr. Shulman: It is not covered.

Hon. Mr. Dymond: Of course, the instant expert—now he is an expert in law. Yesterday he was an expert in insurance. Tomorrow he will be an expert in something else. "The more I gaze, the more the wonder grows that one small head holds all he knows."

Mr. Chairman, the hon. member for Wentworth, if he reads section 30, will find that the plan takes responsibility to see to it that the moneys which were held as a result of a breach of trust, are collected, not by the employee—

Mr. Ben: On a point of order, Mr. Chairman, that is not so. And by what consummate gall does this Minister get up and accuse the hon. member for Wentworth—

Mr. Chairman: Order. The hon. member has no point of order.

Mr. Ben: The point of order is that he is misleading this House, Mr. Chairman, when he advises that section—

Mr. Chairman: I disagree with that, the hon. Minister is not misleading the House at all.

Mr. Ben: He is misleading the House when he implies that section 30 looks after the situation. All section 30 does—

Mr. Chairman: The hon. member for Wentworth had the floor.

Mr. Deans: I will yield to the member for Humber for the moment.

Mr. Chairman: Is the hon. member for Humber on a point of order? Are you raising a point of order?

Mr. Ben: The floor has been yielded.

Mr. Chairman: That is all I want to know; are you on a point of order or not?

Mr. Ben: All right, we will call it a rose or carnation and I have the floor. All section 30 does, Mr. Chairman, is provide penalties for those who breach this Act by failing to remit premiums. It also sets forth how the government may follow up its prosecution, that is, by obtaining an order against the employer who fails to remit the money. But that does not ensure the government will get the money. For instance, if the employer goes bankrupt, what good is an order? We have pointed out in this House, Mr. Chairman, from time to time, annually at least, with reference to The Workmen's Compensation Act, that the workmen's compensation board admits losing $1 million a year in premiums because it collects them only once a year. And it loses these premiums through bankruptcies and firms going out of business, or just leaving the jurisdiction.

What makes the Minister think that the same is not going to apply here? What makes this Minister believe that simply by having a section 30 in this Act—which provides that they can obtain an order requiring a person convicted to pay the amount so determined to the registrar—in fact, that money is going to be paid to the registrar? There are at least 25,000 to 30,000 writs of execution, writs of *fi. fa.* registered with the sheriff of the county of York alone, being judgments against debtors who have not paid; and that is only one county.

Does the Minister really believe that an order of the nature referred to in subsection 2 of section 30, is going to put the money in the Provincial Treasurer's (Mr. MacNaughton) coffers? I think perhaps the Provincial Treasurer had better straighten him out. This is an essential amendment to this Act and I would suggest respectfully, sir, that perhaps, instead of trying to make himself a lawyer, the Minister get some legal advice.

Mr. Deans: Mr. Chairman, the Minister indicated that I had for some reason or other exaggerated the situation. I have not exaggerated it at all. First of all, section 30 does not deal directly with the problem that I am trying to get through to the Minister. The problem is this, that the onus for payment is on the employer.

Mr. Shulman: The Minister is not listening.

Mr. Deans: No, I know he never listens anyway, it makes no difference. Perhaps the member for York East (Mr. Meen) is advising him he is wrong; I hope so.

Mr. Chairman: The hon. member for Wentworth has the floor.

Mr. Deans: I think you would agree with me though, sir, that in an effort to persuade a Minister that his position is wrong, one must at least have his attention.

Mr. Chairman: I have no reason to believe that the hon. Minister is not listening.

Mr. Deans: I have every reason to believe it.

Mr. Chairman: The Minister is in his place, the hon. member may proceed.

Mr. Deans: All right, fine. The Minister indicated that I had exaggerated to some extent the position prior to his speaking. Now I hope that the member for York East, who has engaged the Minister in a conversation, and still is, is trying to explain to him the legal ramifications of the position, because I do not understand them, but I do understand one thing, that the responsibility now rests with the employer to collect and to remit.

Mr. Shulman: You did not read the Act either.

Mr. Deans: At the present time it then shifts the onus for guaranteeing the payment on to the employee. This is unfair because he has no way of telling, unless he goes to use the plan, whether or not the employer has in fact made the payment on his behalf. If he goes and attempts to use the plan and is informed by the doctor or by reason of having submitted a claim, that his claim is not valid because he is no longer enrolled, he then must go through a great deal of procedural wrangle, I am sure, knowing the government, in order to get the claim properly adjudicated.

And this is the position that I take, that if the responsibility is on the employer to collect and remit then the responsibility should rest with the employer to make the payment. And that is the position that I take.

Mr. Chairman: The hon. member for York Centre.

Mr. D. M. Deacon (York Centre): Mr. Chairman, I hope the Minister will make this change because this is a convenience that is given the government of having the employer collect the money—saving us cost in these matters—certainly helps us from the government-administration point of view.

The Minister has given us assurance that no one has ever missed being covered because of the failure of an employer to remit funds. But does it not put the shoe on the wrong foot? Does it not mean that the Minister is then being the good boy in granting the person insurance even though the government has not actually received the money, but where, in fact, as soon as the employee has the money deducted from his pay, the government has received the money? It has been received by the government's collector which is the employer and I really feel that we should not be putting any employee in the position that he has the onus of seeing that the money is collected from the employer who has failed to remit. I certainly hope that the Minister will reconsider his earlier opinion about this amendment.

Mr. Chairman: The hon. member for High Park.

Mr. Shulman: Mr. Chairman, we have learned to live with an incompetent Minister of Health but we would like him at least to listen.

Many of the amendments that come in here have required some argument, and there is argument on both sides. But this amendment which is brought in by the member for Humber is not a political matter. It is a straight matter of common sense. When something like this comes in, we spend an hour wrangling over it; we are going to be here right through summer.

Surely on the matters on which there should be no argument, those which are common sense, which have been in error in the drawing up of a bill, the Minister should not stand there. All the wisdom in not on one side of the House or the other. If there is something the Liberals have found that was in error, we agree with it. I am sure every member of the Conservative back bench will agree; the member for York East is shaking his head in agreement. Everybody agrees

except this stupid Minister. Can something not be done?

Mr. Lewis: Stonewall Dymond.

Mr. Chairman: Does the hon. Minister have any further comments? The hon. member for York East.

Mr. A. K. Meen (York East): Thank you, Mr. Chairman. I simply was going to say this: I am compelled to follow and completely concur with the argument advanced by the member for Humber. I do not need to repeat the arguments. Subsection 1 requires the employee to agree to have these deductions made; section 30 and section 31 give the remedies for the recovery of the moneys from the employer. But, nowhere is there any protection if the employer is bankrupt and unable to come up with those trust moneys. He can go to jail but that does not get the money and it does not get the insurance protection if the employee is primarily liable under those circumstances. I therefore quite concur with the views expressed by the member for Humber and with the amendment he has proposed.

Mr. Chairman: The hon. Minister.

Hon. Mr. Dymond: Mr. Chairman, I have been told that the clause is satisfactory but since there seems to be such strong feeling that it needs this further protection, then we will accept the amendment.

Mr. Chairman: Does the hon. member for Wentworth wish to further debate this motion?

Mr. Deans: On the same section—

Mr. Chairman: Pardon?

Mr. Deans: On the same section.

Mr. Chairman: We have not disposed of this amendment.

Mr. Deans: I thought he had accepted the amendment.

Mr. Chairman: No, we have not disposed of it at all.

Those in favour of Mr. Ben's motion for the amendment to the bill will please say "aye".

Those opposed will please say "nay".

In my opinion the "ayes" have it.

I declare the motion carried.

Hon. A. Grossman (Minister of Correctional Services): It was nitpicking.

Mr. Shulman: Why did you not give in?

Mr. Chairman: Shall section 10 as amended form part of the bill? The hon. member for Wentworth.

Mr. Deans: Yes, thank you.

Mr. Chairman, I also wish to move an amendment to section 10, subsection 2. I hope that it has the same reception from the Minister as the one just received.

Interjection by an hon. member.

Mr. Deans: I hope that he accepts it.

Mr. Chairman: Perhaps we could have the amendment.

Mr. Deans: I move, seconded by Mr. Gisborn, that section 10, subsection 2, be amended as follows:

> Provided that if the amount required to be paid by the employer to the plan, as premium under this Act, is less than the amount the employer was required to pay, under the agreement the employer shall until the agreement is terminated—

That is added to subsection 2:

> 1. pay the excess to or for the benefit of the employee or,
>
> 2. give the employee other benefits of equivalent value to the value of the excess by way of additional holidays with pay, additional vacation time with pay, time off with pay, welfare benefits or other variation and working conditions.

Mr. Chairman: Mr. Deans has moved that Bill 195 be amended by adding to section 10, subsection 2, the following:

> Provided that if the amount required to be paid by the employer to the plan as premium under this Act, is less than the amount the employer was required to pay under the agreement, the employer shall until the agreement is terminated:
>
> 1. pay the excess to or for the benefit of an employee or,
>
> 2. give the employee other benefits of equivalent value to the value of the excess by way of additional holidays with pay, additional vacation time with pay, time off with pay, welfare benefits or other variation and working conditions.

The hon. member for Wentworth.

Mr. Deans: Mr. Chairman, the purpose of this amendment is to guarantee that there will be no loss of dollars earned by the employees in this province when this plan goes into

effect. In order to justify the moving of it I want to deal first of all with the situation as it currently applies to employees under collective agreements. Employees in the province, under collective agreements and outside collective agreements, receive remuneration in two ways: one by wages and the second by fringe benefits.

Each has, in itself a dollar value. The fringe benefits have a stated dollar value to the employee. At the present time as negotiations take place, the employer in arriving at a figure which he intends to make available to the employee in terms of a negotiated increase, generally does so in the following fashion: He says that he is prepared to pay an additional—and we choose a figure of $1 per hour—per employee. At that point the decision as to how this one dollar in cash is to be applied then becomes paramount.

The employee and the employer decide whether or not this money will be applied in cash to the wages of the employee in total or whether a portion of the dollar which he is prepared to increase the employee's remuneration by should be applied to fringe benefits.

It should be applied to fringe benefits. In many instances throughout this province, in order to receive this, employees have been forced to go on strike. They had to undertake costly procedures in order to increase the total amount of remuneration they receive for the work performed. What this Act does, in effect, is allow the employer to reduce the amount of premiums paid by him in respect to health services without guaranteeing to the employees of the province that any overage or any saving that occurs—which has been won at the bargaining table—will naturally accrue back to the employee rather than to the employer.

I am sure that when the plan was introduced, medical coverage would be available at the lowest possible cost, and that any savings should naturally go to the employee. I am sure that this is what the Minister had in mind. I am afraid that the Act does not adequately spell out the situation that was intended. What I can see happening is that there will be many costly litigations.

There will be a great deal of wrangling between employer and employee in regard to the difference between what the premium now will be and what the premium was previously. The wrangle will be about to whom the difference belongs. I am convinced that any moneys that were won due to the bargaining process rightfully belong to the employee. This Act should spell out that where there are any savings accrued by virtue of the employer being part of this Act, they should automatically go to the employee in either cash or kind.

I have read the Act and the Minister may feel that it is adequately covered. I happen to think it is not. In subsection 2, it states:

> That nothing in this Act shall be construed to affect any arrangement or contribution by an employer of all or any of the premiums payable in respect of the employees.

I do not think that this really covers it adequately. I do not think it clearly spells out that the total cash value of that existing contract shall remain in force. I would ask the Minister whether he might accept such an amendment at this time.

The import of this amendment was accepted in Manitoba. It is abundantly reasonable that money won over the bargaining table should remain with the employee. It can only be safeguarded by an Act of this government at this time in accepting either this amendment or any amendment which they feel would satisfy the import of the amendment that I have put forward. I would ask the Minister whether or not he might accept it at this time.

Mr. Chairman: The hon. member for Humber.

Mr. Ben: Mr. Chairman, this is a political arena, it is true. It is also true that in many cases what comes from the Opposition is that which is required of it because it is the Opposition—criticism. On the other hand, we also feel we have an obligation to see that the legislation that is passed by this House, under our name as much as the government's name, is technically in order. Towards that end we rise here quite frequently and move what we could call technical amendments. It is unforunate that in this instance we have not had the benefit of going to the standing committee on health to have a clause-by-clause discussion, because there it is easier for those in Opposition—or for the members—to move technical amendments.

I feel I would be remiss if I did not mention that the last time the standing committee on health met, this Minister most graciously accepted quite a number of technical amendments for the improvement of the legislation that was before us. We recognize the Minister's reluctance in the House—where everything is recorded—to entertain a suggestion

that perhaps the draftsmanship was not all that was required.

Well, Mr. Chairman, I am not rising here to be critical of the way this was drafted. However, it often occurs that even at the last minute we spot some error in draftsmanship, or some ambiguity, which we try to draw to the attention of the government, and ask it to take cognizance of it and make the necessary improvement.

We all have our own method of drafting and putting forward resolutions. If I may deal with the amendment proposed by the hon. member for Wentworth, I should say that if I were drafting it perhaps I would put a period after the word "value" in clause 2, the last clause, so that it would read "give the employee benefits of equivalent value," period, and leave it there. I would leave it there because of that Latin maxim that we were reciting last night—*inclusio unius, exclusio ulterius.*

If I could be permitted to I would move a sub-amendment, so that it would not be confusing, and suggest that a period be put after the word "value" in the second part and everything thereafter be restricted. We do not want these clauses to restrict what equivalent value would be. Would that have your concurrence?

Mr. Deans: Mr. Chairman, I did indicate that if the Minister is prepared to accept it I am prepared. There is very great flexibility, and I am prepared to accept it provided that the employees get something of equal value. I was only citing examples of what they might receive. I am quite prepared to stop at the word value if that means we get the support.

Mr. Ben: I thank the member very much and I would point out to the Minister that this, again, is what might be called a housekeeping amendment to avoid any ambiguity or lack of preciseness in this particular section. I am not suggesting that it is not concise or that there is ambiguity. I am suggesting that the proposed amendment, with the period after the word "value", will avoid any question of ambiguity or doubt, and for that reason it should receive, as did the previous amendment, the unanimous support of this House.

Mr. Chairman: The hon. member for Hamilton East.

Mr. R. Gisborn (Hamilton East): Mr. Chairman, I think there is a lot of merit in what the hon. member for Humber has said, but nevertheless, it is our experience with this government in trying to develop principle and ideas and solutions to problems which arise, that we have to be quite thorough in our explanation. I think that the principle involved in this amendment is one that the government has attempted, in a fashion, to enunciate in its whole procedure in entering the federal plan.

If we go back a few months, when the government was under pressure for their procrastination in entering the federal plan with the provincial programme, one of the arguments the Prime Minister (Mr. Robarts) put forward was that he wanted to be very careful and he wanted to use every method he had at his disposal to convince the federal government to be flexible enough and to relax upon their terms of entry, so that he would not hamper or disturb the collective bargaining procedure and the great number of industrial agreements that existed in regard to health insurance. And he has enunciated that position in his statement on first reading of the bill.

I do not have to elaborate much further than to say that we have said it is obvious that the bill as it stands will disrupt and hamper the collective bargaining agreements. There are large locals—the largest in the country—in negotiations at this particular time and they have a particular problem with this bill right now, today.

This bill has stopped the normal collective bargaining sessions in one of our biggest sets of negotiations at this particular moment, trying to get together special meetings with the company, with their special officers, their officers experienced in the insurance field, their actuaries, to try to fathom out what they are going to do about the application of this bill upon their agreement.

I think the Minister should accept this amendment. I think it is only fair, in keeping with the government's promise that it did not want any person to suffer a loss of any benefits through the implementation of this piece of legislation. No matter where it is applied, I think it is incumbent upon the government and upon the Legislature to make sure that any kind of legislation that is implemented does not detract or deprive persons or institutions from benefits heretofore enjoyed by other agreements so enacted.

Mr. Chairman: The hon. Minister.

Hon. Mr. Dymond: Mr. Chairman, to accept this amendment would be to negate

the intent of the section of the Act. The section says:

> Nothing in this Act shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable in respect of his employees.

While it specifically has reference to the contributions, the spirit of the section is that this Act is not in any way going to enter into matters that are of concern and interest to the employees in their ordinary bargaining negotiations.

If we were to do this, we are simply negating the intent of this section. I believe the employees have a right to what they bargain for. Talking to the labour people, while I did not spell out that these were the words in the Act, we stated unequivocally that we were not going to interfere in the bargaining of negotiations between employees and employers. And some of the things that have been mentioned here today were obviously in the minds of the people I talked to. They were the representatives of labour.

It did not seem to worry them too much that they could not work out their own problems in this regard. I am quite certain, with respect, that on reflection the labour people will realize that this could easily be the thin edge of the wedge to allow government to step into these negotiations. I am certain that—

Mr. Shulman: Oh, no!

Hon. Mr. Dymond: Of course, here is the labour expert again. Mr. Chairman, this is a matter that should be dealt with at the bargaining table. I am quite certain that they are more capable of dealing with it than we are.

Mr. Lewis: What right has the Minister—

Hon. Mr. Dymond: I would therefore suggest, sir, that this amendment should not be accepted because it would be interfering with the rights which we are trying under this section of the Act to preserve and to protect.

Mr. Deans: That, of course, indicates to me that the Minister has not yet taken the time to understand the ramifications of the Act that he is introducing into the House.

Mr. Lewis: Not at all.

Mr. Deans: This is the difficulty, sir. There is no doubt in the Minister's mind that he believes what he has done is the right thing and the protection is there. The unfortunate part is that having dealt with these things—as many others have done on the other side and on this side—I do not see the protection in the Act. Because I do not see the protection in the Act and because I know that when it is not clearly visible it results in a great deal of turmoil and difficulty—generally ending up before boards of arbitration or in courts of law—I am then reluctant to accept the Minister's generous statement that it is already there.

If, as the Minister says, the protection for the employee is already in the Act, then to add this to it will not in any way change it. If, as I suspect, this protection is not there and if, as I suspect, those employees who have bargained for years to get fringe benefits paid for have done without wage increases in many instances in order to get succour, then I feel that the onus for this rests with the Minister.

Let me say this to the Minister: What happens in negotiations is that there is, as I said before, a dollar amount which the employer is prepared to pay. If the employee took it all in cash and did not receive any fringe benefits, then the reduction in premium would automatically accrue to the employee. Because the employee chose, at the time of negotiation, to accept part of the financial benefit in fringe benefits, there is no guarantee that he will then receive the reduction in premiums. And it is this guarantee that I want. All that I ask is that there be the guarantee.

First of all, what I am asking is that the Minister accept the theory that fringe benefits are of dollar value. He should accept what is the practice: that when negotiations are being finalized, there is a dollar value placed on the total package and then the package is arrived at in terms of distribution of the cents involved. Having accepted that, then we must write into this Act some provision that assures that when there is a reduction in premium, it will automatically go to the person to whom it rightfully belongs, the employee.

It is not in this Act. This Act can do exactly the opposite, sir, it can quite easily —if I may say through the chair to the Minister—mean that an employee who has suffered by going on the picket line and done without, by going on strike in order to achieve a fringe benefit of a certain financial value, can have that financial value reduced by this Act of this government.

What I ask the Minister to do is to spell it out clearly. I am prepared to submit to the Minister that maybe this particular amendment is not in the form that he would like to see it. I am prepared to have him draft it into the Act in whatever form he thinks will be suitable. The only thing I say to the Minister, sir, is it must be clearly spelled out. The money that is owing to the employee, because of bargaining procedure that has taken place, will accrue to him regardless of any Act of this House.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, I want to make only two very basic points to the amendment proposed by my colleague, the member for Wentworth. The first point is that the Minister, on second reading, said that in a substantial number of plans the introduction of this bill would result in a reduction in the premiums which were payable. Therefore he said there is going to be a substantial saving industry-wide in those areas where there are collective agreements.

The substance of my colleague's amendment is that that monetary benefit should not accrue solely to the employer when there is a valid collective agreement in existence between the bargaining unit and the employer.

The second point is that the Minister purported to say that the section which my colleague proposes to amend, subsection 2, of section 10, means that the government has decided not to intervene. That is a total misconception of the meaning of the clause that the Minister refers to. The very wording of the clause means that it is an intervention and it has failed. It says that the government is going to stand aside and allow whatever benefit accrues to the employer to be kept at the expense of the employee.

That is the meaning of the clause which he interpreted when he said that the government was not going to choose to intervene because it would be the thin edge of the wedge. The thin edge of the wedge is that the wording of the section amounts to an intervention by the government in properly-entered-into collective bargaining agreements.

I want the Minister to clearly understand the point. I want him to give consideration to accepting the amendment for that very reason. I understand that my colleague, the member for Wentworth, is quite prepared to delete the latter part. He will stop at the word "value" in the second sub-item in the second line of his proposed amendment, simply to maintain the balance which was reached in the collective agreement as it existed.

I just reiterate the point: Instead of being non-intervention by government, the language of subsection 2 of section 10 is an intervention by government which—on the Minister's own statement—will cause the benefit to accrue to persons who are subscribers to the plan. In the case of collective agreements, it will accrue to the employer and will be retained by the employer at the expense of his employees.

Mr. D. C. MacDonald (York South): Without repeating what the hon. member for Riverdale has said, may I put it another way and in a broader context? The longer we proceed in this bill, the more I am becoming persuaded there is one point on which this government should be unmasked. That is, its contention from the outset that one of the purposes of this bill and one of the procedures of this bill was to assure that there was going to be no interference with the collective agreements between labour and management on health matters across the province of Ontario.

The reality makes a mockery of those words. We have already had two major areas —this is the second one—where this government has moved in and in fact—to use the phraseology we were using last night—rewritten the collective bargaining agreements across the province of Ontario.

You have hundreds of thousands—indeed I would say you have a significant proportion of the two million people who have PSI—who have now 100-per-cent coverage of OHA fees. But this government has moved in—while proclaiming on one hand that it is not going to alter or interfere with collective bargaining agreements—and has rewritten them by authorizing only 90 per cent. To make matters even worse, they have also put a clause in—and I do not disagree with this clause, let me hasten to say before I even enunciate it—which forbids any union to go out and get extra insurance to protect themselves from the overbilling of the ten per cent. This simply means—

Hon. Mr. Dymond: Will the hon. member permit a question?

Mr. MacDonald: Yes.

Hon. Mr. Dymond: If the schedule of fees is pro rated, is it written into the agreement that that pro rating of the 100 per cent shall be paid?

Mr. MacDonald: I do not know exactly what is written into the agreements except this, for certain—that after years and years of fighting they have full 100-per-cent coverage for their insured benefits. So before, when it was with PSI there was no argument. There was a 100-per-cent payment on the OMA schedule of fees. But now, when you drop down to 90 per cent, you get into this danger that they are going to be double billed for the extra ten per cent. Surely the Minister, in his more reasonable moments, will recognize that that is a rewriting of the contract?

But let me get back to the point that I was attempting to make. The Minister also has another clause which says that you cannot buy insurance—they are forbidding any insurance company to sell it—to cover that extra billing or any other related matters.

I do not object to that, because I think, quite frankly, this would be an open invitation to inflate health costs. But if you will not put in this legislation something that makes the 90-per-cent payment of the OMA schedule of fees to cover complete payment of the insured benefits, and you deny them the right to get insurance to cover the extra ten per cent, you really are destroying and re-writing the contract. In general terms, what they won from management was 100-per-cent coverage of their medical benefits.

They had it. Now they have only 90 per cent. They might get the other ten per cent by going back and saying that because of this government's meddling the only way to cover the remaining ten per cent is to take out an extra insurance policy. But you have even blocked them from doing that. This is massive meddling. You have blocked them in two or three different ways, in terms of maintaining what they originally had won at the bargaining place.

Let me come back to the second example of this massive intervention in the collective bargaining agreements and that is implicit in this amendment. If the Minister was correct—this was another of the proud boasts that came with the propaganda trumpeting of this legislation—many are now going to be able to get their medical coverage cheaper, then that simply means that these workers are entitled to other benefits equivalent of the saving. Because when they won "x" number of dollars, which was the full coverage for their medical benefits, they took those in lieu of wages or something else.

If it is right that the Minister is going to give that medical coverage for something less, so they are entitled to get that difference distributed into other benefits. Otherwise, Mr. Chairman, we are back to the basic point—you are rewriting the contract. Moreover, you are rewriting it in the fashion in which the gains which the workers fought for and won are now going to be denied, and they are going to have to fight for them again.

So, Mr. Chairman, let us do one of two things, either cut out the mockery of proclaiming that you are not meddling in contracts or at least accept an amendment which will protect the interests of the workers when you have meddled.

Mr. H. Peacock (Windsor West): Mr. Chairman, I simply want to say to the Minister that there are not enough arbitrators in this province to adjudicate the disputes between employees and employers which are going to arise wherever a reduction of a premium takes place under a present private plan which has been purchased as a result of negotiation between the employer and the employee. There are not enough.

In those cases that get to an arbitrator—as they surely will once this plan is enacted and in force—where the payment of premiums by an employer either at 100 per cent or at some lesser percentage results in a saving to the employer, the arbitrator will examine the collective agreement between the parties. And if language is not specifically written into that agreement affording what is set out in this amendment by the hon. member for Wentworth—a maintenance of the same level of compensation, in effect, available for other purposes, financing of other fringe benefits—interestingly enough some of the very fringe benefits that the Minister is going to enable the private commercial carriers to insure in the package deal of which the basic insured services in this plan will be the base—if the arbitrator does not see that language in the plan he will award in favour of the employer and reserve to the employer any of the savings that have come about as a result of the reduction of premiums after this plan went into effect.

Mr. Deans: Absolutely right!

Mr. Peacock: That will be the result of this section. And you will have, Mr. Chairman, as a result, a reaction of significant political proportions—which I do not think this Minister wishes to face—when employee groups find not only that they no longer have a paid-in-full medical care programme, but the compensation which they have negotiated has been reduced as a result of this

government and handed back to the employer.

Because it has been the experience in labour relations practice that all rights are reserved to management except where they are specifically restricted or excluded by the language of the collective agreement.

I ask the Minister if he or his staff has taken the trouble to check with the research branch of The Department of Labour of Ontario as to the number of collective agreements—covering, let us say, 100 or more employees—which specifically provide that any savings resulting from the introduction of a publicly-operated medical care programme in this province will be maintained for the employees who have negotiated them?

I doubt that his staff has undertaken that examination. I suggest to him that if he instructs them to undertake such an examination he will find that in collective agreements—other than those covering extremely large groups of employees represented by the larger trade unions in this province, who have the staff and the facilities to look ahead to this kind of problem arising and who have taken care to write such language into their collective agreements—by and large the majority of employees work under collective agreements which provide for company payment in full or in part of insured medical services are not covered by that protection.

The arbitrators who are appealed to in these disputes, Mr. Chairman, will make absolutely no reference to this section of the Act. They have no statutory obligation under The Labour Relations Act, or The Hospital Disputes Act, or the Ontario Municipal Employees Retirement Savings Plan, or The Municipal Act or any other Act of this province, to be guided by this section.

They are required to be guided by the language contained in the collective agreement, and in every collective agreement in this province there is in the early pages of that agreement a section headed "management rights", in which it is clearly set out that all rights and prerogatives, unless specifically restricted or exempted by later provisions of the agreement, are reserved to management.

No arbitrator, in my opinion, would regard the use of these savings as other than a matter which falls under that head in a collective agreement, the heading of "management rights", and will accordingly rule that the saving resulting from the premium reduction on implementation of this public plan must be reserved for management.

That will be the result, and the cost will not be measured simply in loss of compensation to the employees.

The cost will be measured, in addition, in terms of the very large fees for arbitration service that local unions representing these groups of employees will be forced to pay out in order to resolve the kind of difficulty that the Minister has presented them with in the language of this subsection 2.

I ask him to instruct his staff, before proceeding with this subsection, to undertake an examination of the collective agreements of this province to determine the extent to which any savings arising from the reduction in premium will go to management. If he does not undertake that examination he will then, in effect, without regard to the interests of the employees and what they have achieved under their collective agreements, have substantially altered and amended their collective agreement.

Such an alteration or amendment is, under The Labour Relations Act, specifically prohibited to an arbitrator. Nothing in a collective agreement can be amended except by mutual consent of the parties, Mr. Chairman, yet the Minister will, by this particular section in the bill, in effect bring about such alterations and amendments of collective agreements.

Mr. Chairman: The member for Hamilton East.

Mr. Gisborn: I just want to bring attention to another concern regarding this section. Heretofore we have been relating our concern in regard to collective agreements in the normal management employee relationship. I want to refer to the other section of the work force, and that is the unorganized section.

If we check the Act—and I wondered why there were the two connotations there—it says nothing in this Act to be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable in respect of his employees.

Now, although there is a sound principle in relating it to a collective agreement and the infringement upon that agreement with the terms of this section, I still think that those unions that are economically strong will be able to work out, in many cases a suitable and effective agreement. But the principle is that this should not be foisted upon them.

Let us look at the 1.5 million to two million employees in this province who have only an

arrangement in some type of prepaid medical insurance programme, and I have great scepticism about the attitude of those employers in making sure that their employees do not receive reduced benefits of the implication of this Act.

They will grab the benefits and they will hang on to them in this time of high rising costs. There is a very important area where the employees need the protection of the kind of a resolution that we have before us.

Mr. Chairman: The member for Scarborough West.

Mr. Lewis: Mr. Chairman, my remarks to the Minister will be very brief. I know that the Minister of Health has tangled with this party on many things in his career, and I know that on occasion he tends to view us askance on a number of matters, particularly matters which impinge on collective bargaining processes affecting those to whom we are very much attached.

But I want to say to him, Mr. Chairman: we propose the proposition, in good faith, that we wish this to be the best possible piece of legislation in the context of what he and his colleagues envisage. I think in equal good faith, the Prime Minister suggested, if unfortunately somewhat uninformed, and the Minister himself has suggested, that this Act would not violate the collective bargaining agreements which have characterized negotiations in the province for some considerable time.

Now, for whatever reason, Mr. Chairman, either by way of a not so careful drafting of the bill, or a less than total appreciation of what is involved, these collective bargaining arrangements have been severely intruded upon in this bill in two significant ways, which the member for York South has once again illumined this afternoon.

What we want to say to the Minister, Mr. Chairman, is that in this particular aspect, let him reconsider this clause. I think the member for Wentworth would be the first to say that he holds no vested interest in his wording. It is the intent of the amendment which he wishes to convey to the Minister. He would not, I am sure, be concerned if the wording embodied the intent, although it was altered by the government.

I want to suggest very strongly, Mr. Chairman, that at this point in the debate, in view of the arguments that have been put—and I think they have been put in good faith and I think they have been persuasive; and I think they have been relevant and useful—that in terms of his own legislation the Minister might perhaps stand this clause down for whatever little time is required for him to consult with one or two of his colleagues; or for those with him to consider redrafting it to incorporate the suggestion made. I think that is not unreasonable in the context of this debate.

Hon. Mr. Dymond: Mr. Chairman, I have listened to these comments and I am not unimpressed by them. They have presented some facets that I must admit very frankly did not appear to me.

I was very jealous of this clause, and I do not mind admitting it, sir, because although some of my friends may think I have no fellow feeling with labour, my friend from Oshawa knows very well that I live in a very highly industrialized area, and a great number of my associates are solid, good labour folk, who have won a great deal for the labour movement. I understand many of their problems, and, as I stated, I was rather jealous that this clause be inserted in order that we would not be interfering. But I am not sure that my jealousy was well enough founded.

I would, therefore, ask if the House would consent to this clause being stepped down until I get further advice on it.

Mr. Chairman: Is that agreed?

Mr. Ben: Mr. Chairman, just before we give our concurrence, I had anticipated that perhaps the Minister might, after listening to the eloquent arguments from this side of the House, consent to give it second thought. I was going to suggest that the imposed amendment moved by the hon. member for Wentworth be modified just slightly in wording by striking out the words "provided that" in the beginning of the proposed amendment, and substituting therefor the word "and", and striking out the word "was" in the third line and substituting the word "is", and striking out the words after the first word "value" in clause 2, and you have your proposed amendment.

Mr. Chairman: I might suggest that the Chamber itself is a difficult place to try to draft.

Mr. Deans: Mr. Chairman, it would require me to take some time. I am sure the Minister is quite capable of drafting the amendment in the form acceptable to the government, and I am very happy to leave it in his hands at this time and to read what he comes

back with, if he does in fact, accept the principle.

Mr. Chairman: Is it agreed that section 10 shall be passed over?

Mr. Pilkey: Just one short observation, Mr. Chairman. I want first of all on behalf of this party to thank the Minister for standing it down and giving it some consideration, but over and above that I wanted to give him an illustration as to what happens in terms of purchasing fringe benefits.

I relate to the negotiations which took place with General Motors in the last round of the negotiations where they waived one cent per hour to buy a paid holiday. In 1964, they waived two cents per hour, if my memory serves me correct, to buy additional fringe benefits. So they took their actually hard-negotiated cash to buy fringe benefits.

If we have the fringe-benefit premium lowered, then this should reflect in the employee being able to purchase additional fringe benefits, or at least getting that cash back in the pay envelope. I want finally to say that in my opinion, using PSI as the illustration in this case, there would be a saving—as opposed to OMSIP—in the auto industry alone of between $5 million and $10 million, which is a very substantial sum of money that was being paid on behalf of the employees, and really should reflect to them in terms of purchasing additional benefits, or in terms of additional cash in the pay envelope.

Mr. Chairman: We will proceed, then, with section 11.

On section 11.

Mr. Ben: Mr. Chairman, to section 11, subsection 2, I would like to move an amendment similar to that which was moved with reference to section 10. That is, I move that section 11(2) be amended by adding thereto, the following:

> But the payment by a member of such group of the premium to the designated collector shall discharge such member of the primary liability to pay that premium.

It is simply an amendment in keeping with the amendment that was accepted with reference to subsection 10.

Hon. Mr. Dymond: Mr. Chairman, this one is a little different. This one is not a mandatory group, nor is anyone directed by law to collect the premiums. This is a voluntary organization that asks to be designated a collector group. A group of people with common interests.

It might be a social club, it might be anything. They decide that they are going to insure as a group, and they choose one of their own number.

I think this does put this in a somewhat different relationship than the previous section where the employer is directed by law to collect the premiums.

Mr. Ben: Mr. Chairman, I do hope that the Minister will forgive me but I would respectfully draw his more detailed attention to subsection 1 of section 11. He is correct when he states that this simply refers to an organization and says, "Upon the application of an organization, having five or more members who are residents of Ontario, and wish to apply for health service insurance." But then it goes on to read as follows, Mr. Chairman—and I beg the Minister's attention. It then goes on to say, "The board, or a designated agent shall designate the organization as a collector's group, and shall designate an appropriate person as the collector".

In other words, the board designates an appropriate person as the collector, and because of the word "shall" in both instances—and especially the last word "shall", or the word "shall" in the second last line in that section, this amendment is again necessary. For instance, Mr. Chairman, if this section stated that the board or a designated agent shall designate the organization a collector's group, and such collector's group may then, from among their numbers designate an appropriate person as the collector, I could understand the hon. Minister's position. Then, perhaps, my proposed amendment would be redundant. But so long as the board, or the designated agent, designates who shall be the collector, then I respectfully submit to you, Mr. Chairman, the Minister ought to give strong consideration to adopting this amendment as he did with section 10. It is essential under the circumstances. And if the Minister would say he is willing to give consideration now to letting this stand down to amend section 10, to say that such groups may designate among their number a collector, and then throw the responsibility on the members themselves, then my amendment is not necessary, but—

Hon. Mr. Dymond: Mr. Chairman, I would prefer that. I am just consulting with my people now. I wonder if the hon. member

would accept that: "—shall designate the organization a collector's group and shall accept—"

Mr. Ben: "—who shall designate one of their number as—"

Hon. Mr. Dymond: Yes, I was going to suggest that. Or I was going to suggest, "—and shall accept an appropriate person as a collector". You see, I am thinking of the ladies aid. Suppose they ask that they be set up as a collector's group and their treasurer is going to be responsible for collecting the premiums and something happens; we could be putting an officer or an interested member of that organization in a very difficult position, and quite innocently.

I would be very much concerned about this, but I would be quite prepared to change this "shall designate the appropriate". The board, in my view, should not have anything to do with that, and if we accept their appropriate person as the collector, it would seem to me it still leaves the responsibility for the insurance primarily with the insured. They take the responsibility for their own action in picking the person who is charged with the job of collecting.

Mr. Ben: Further, Mr. Chairman, it absolves the Minister of the responsibility that he may innocently, or the board may innocently, designate as a collector a person who has one hand on your shoulder and the other one in your pocket.

Mr. Chairman: Do I understand that the hon. Minister is agreeable to setting this section aside temporarily?

Hon. Mr. Dymond: No, I think we can settle it.

Mr. Ben: Yes, if you would permit me, I can suggest an amendment. It reads: "The board, or a designated agent shall designate the organization a collector's group, and such group shall designate from among their number a person as the collector."

Hon. Mr. Dymond: May I suggest that you delete "among their number"?

Mr. Ben: All right, I will go along with that too. It just struck me. You are quite right, they may want a more honest person.

Hon. Mr. Dymond: "Shall designate a person."

Mr. Ben: They may not have an honest person in their group.

Hon. Mr. Dymond: Mr. Chairman:

> Upon the application of an organization having five or more members who are residents of Ontario and wish to apply for health services insurance, the board or a designated agent shall designate the organization a collector's group, and the group shall select one person who shall be designated a collector.

Is that acceptable?

Mr. Chairman: So that instead of "shall designate an appropriate person as a collector" the words will be, "and the group shall select one person."

Hon. Mr. Dymond: Mr. Chairman, my people tell me that this is not adequate. The wording is not correct, so would you stand it down for a few moments please?

Mr. Chairman: Do I have the agreement of the committee to stand this down for a few moments, and we will proceed, to come back to section 11?

Mr. Ben: Mr. Chairman, if I may, for the benefit of the advisors to the Minister who are considering it. I would like the Minister to reconsider my original suggestion that the collector be designated from among that group. I ask the Minister to give consideration to this suggestion because of subsection 3 of section 11 which states, "No person shall make any charge for acting in his capacity as a collector". I think, Mr. Chairman, in light of the fact that a person cannot charge for being a collector, it would more or less naturally follow that he would have to be a volunteer from among the designated collector's group. Would you give consideration to that, Mr. Minister?

Mr. Chairman: May I ask the hon. Minister to wait for this or shall we proceed?

Mr. Ben: Can we stand this down for a minute?

Mr. Chairman: Does the committee concur that we set this aside momentarily? All right. We will proceed to section 12.

Section 12 agreed to.

On section 13:

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I have an amendment and in that amendment I would add a subsection (b). It would be section 13 (b). At the present time there is section 13, and the section as it is now is called 13 (a). I would like to add to 13 (b), which I—

An hon. member: Is it 13 (1) and 13 (2)?

Mr. Trotter: It is 13 (2), if that would make it easier; 13 (2) and I would have it read:

> All moneys received from the government of Canada under The Medical Care Act, Canada, shall be used only for the reduction of premiums, or the widening of services or both.

Mr. Lewis: Wait a minute.

Mr. Chairman: The amendment to section 13 moved by Mr. Trotter reads that section 13 (a)—Is that just the same as it now is?

Mr. Trotter: Make that section (1); it is section 13 (1) instead of (a).

Mr. Chairman: Just a moment.

Mr. Ben: First, section 13 should be numbered 13 (1) and it be added to section 13.

Mr. Chairman: Well, the first section as cited here by the hon. member is identical to the present section 13.

Mr. Trotter: That is correct, Mr. Chairman.

Mr. Chairman: So the motion will be to add 13 (2) or (b), which will read:

> All moneys received from the government of Canada under The Medical Care Act, Canada, shall be used only for the reduction of premiums or the widening of services or both.

That is the motion.

Mr. Trotter: That is the motion, yes.

Mr. J. Renwick: Mr. Chairman, on a point of order, and not because of the substance of what the member for Parkdale has raised. I would ask you to comment on the question of whether or not funds, which this government may receive by reason of the enactment of this legislation which will then be deposited to the credit of the consolidated revenue fund of the province, can, in fact, by other than government motion be directed towards a particular purpose.

That involves the expenditure of government funds out of the consolidated revenue fund.

I think that—again I make the point—it is not the substance of the matter, but it is a fundamental rule that the moneys received from the government of Canada payable to the government of this province will be by cheque payable to the Treasurer of Ontario, which he will be obligated to deposit into the consolidated revenue fund.

That money can only be taken out of the consolidated revenue fund either by resolution introduced by the government authorizing its expenditure, or by an appropriation introduced by the government and voted on by the House. I would respectfully suggest that the motion by the member for Parkdale is, on those grounds, out of order.

Mr. Chairman: Well, upon reading the motion and listening to the hon. member for Riverdale, I concur that the motion is not a proper one and is not acceptable.

Mr. Trotter: Mr. Chairman, surely when we are discussing this Act, when we know we are going to receive certain moneys from the federal government, that amount almost can be determined as to certainly what the percentage is, and, depending how many people are actually in the plan, that this money is coming, not as a result of any motion of what the Opposition may present to the House, but simply it is coming from the federal government to the provincial government. We are suggesting how that money can be used within the health care plan.

Mr. Chairman: It would be quite in order for the hon. member to suggest how it might be used, but it is out of order for the hon. member to introduce a motion which would have the effect of altering this statute to direct how it shall be used.

Mr. Ben: On a point of order, Mr. Chairman. It is my respectful submission that this proposed amendment is not out of order in that it does not deal with a money bill or amendment.

What the Opposition cannot do, Mr. Chairman, is move amendments that would have the effect of ordering either the spending or the raising; ordering the raising of money on the credit of the public, or spending money raised on the credit of the public. The moneys that the hon. member is referring to in this resolution is not being raised by this government on the credit of the public. It is, in essence, a gift from another body, the government of Canada.

Hon. J. A. C. Auld (Minister of Tourism and Information): It costs them money—

Mr. Ben: Well, you can argue that the tax system gets into their pocket that way, but in essence it is a donation or a gift given to this government on certain conditions. And one of the conditions is that the money shall be used to be applied against premiums.

In that sense, Mr. Chairman, the hon. member is in order. We are not dictating to this government how much money it shall raise on the public credit, or how the money that is raised on the public credit shall be spent.

To give you an example, we could, I suggest, move that the money received by the government from the federal government for the purposes of this Act shall not be put into the consolidated revenues, but shall be—

Mr. Lewis: But that is what is happening; that is a fact.

Mr. Ben: Well, we could move that it shall not go into the consolidated revenues, and say what it shall be used exclusively for. In that case it is not going into the consolidated revenues.

Mr. Chairman: I rule that the motion is out of order. There can be no debate on that motion. The members may challenge the ruling if they wish, but the motion as such is out of order.

Mr. Ben: I think I would challenge the ruling.

Mr. Lewis: Mr. Chairman, it is well evident what is the motivation behind the argument made for the intended amendment from the member for Parkdale. I would like to propose an amendment which I think will fall within the proprieties of amendments.

I may say, Mr. Chairman, that now that the Minister of Health has accepted an amendment to section 10, accepted an amendment to section 11 and contemplated an amendment to section 12, I think I may say to him with some confidence that he will not leap with enthusiasm to the amendment that I am about to put—although over a period of time he will doubtless be persuaded.

I want to move, Mr. Chairman, that section 13 of Bill 195, be amended to strike out all words after "an insured person and" in the second line, to substiute the words:

> —one or more dependants shall be such amounts as are prescribed by the regulation, not exceeding $60 per annum in the case of one insured person, and not exceeding $120 per annum in the case of an insured person and one or more dependents.

So that the section as amended will read:

> The premium for health services insurance for a single insured person, or an insured person and one or more dependents, shall be such amounts as are prescribed by the regulations, not exceeding $60 per annum in the case of one insured person, and not exceeding $120 per annum in the case of an insured person and one or more dependents.

Mr. Ben: Well, Mr. Chairman, on a point of order. Regretfully I have to rise and make the same point that was made by the member for Riverdale. If the motion put forth by the member for Parkdale was out of order, then this one, per force, has to be out of order too, because in essence, although again I agree with the motives of the member, what this bill says is that the government of the province of Ontario shall pay out of the consolidated revenue that part of the premium of any member of the plan that exceeds a given amount.

In other words, what it is saying is that the government of the province of Ontario shall pay out of the consolidated revenue fund that part of the premium of a single person—an insured person—that exceeds $60 per annum, and that part of an insured person's premium, who has a family that exceeds $120.

Interjections by hon. members.

Mr. J. Renwick: I do not know whether you require a comment on it, but the amendment of the member for Parkdale referred to moneys received from the government of Canada by the province. This Act simply imposes a maximum limitation on the premium payable by any member of the plan.

Mr. Lewis: It is not to do with the expenditure of funds.

Mr. Chairman: It seems to me that the motion raised or presented by the hon. member for Scarborough West has to do with the raising of revenues, since the premiums go into the revenue accounts of the province of Ontario. It seems to me it would be beyond the competence of the hon. member to indicate the amounts of those revenues or taxations as such.

There is a rule prohibiting any such motions having to do with the raising of taxation or revenues. And this specifically seems to me to be a matter of part of the revenues of the province which go into the consolidated revenue fund for expenditure to offset costs. It certainly seems to me to be also out of order.

Mr. J. Renwick: Mr. Chairman, may I just comment before you rule definitively as other

members may well want to do. If I may analogize to the rights of the private members of the House, during the course of estimates we have the power under the rules of the House to require a reduction in moneys which are either going to be expended or in moneys which are going to be raised. This is a recognized right to require the reduction in either case.

What I am suggesting, Mr. Chairman, is that my colleague is not, in effect, dealing with the raising of moneys, he is limiting the amount which may be raised, and that is an entirely proper matter for private members, particularly members in Opposition, to bring before the Legislature—that is a limitation on the receipt or expenditure of funds.

We do it on each taxation bill and we do it during the course of the estimates, and it is a legitimate way of making certain that the government conducts its business in the most economical way. That is the purpose for which we are bringing this.

I submit in that case that this proposal of my colleague, the member for Scarborough West, is very much in order on those grounds.

Mr. Chairman: May I just say that I have not at this point ruled. I suggested what my interpretation was, but for the benefit of the committee I will read some extracts from the rules and comments thereon, on which I will base my ruling.

By rule 112, reference is made to The British North America Act of 1867, section 54, wherein:

> It is provided that the House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended by a message of the Lieutenant-Governor in the session in which such vote, resolution, address or bill is proposed.
>
> It is clear, therefore, that it is beyond the competence of a private member either to increase a proposed tax or decrease a proposed tax for the reason that either of such amendments would have the effect of imposing a tax different than that recommended by His Honour.

An increase in a proposed tax is clearly beyond the scope of the power of a private member and, similarly, a decrease in the tax proposal would also be out of order in that it is beyond the scope of a private member to deal with the revenues of the province—which would be the effect of either increasing or decreasing a tax which has been recommended by His Honour.

The rules with respect to taxation and revenue differ from that dealing with expenditure, for in the latter case while a member is not competent to increase an expenditure, nor to redirect it to another purpose, it would be in order for him to decrease such an expenditure. But we are not speaking of expenditures.

Any reference to May on parliamentary procedure would not be helpful in this area inasmuch as the British House of Commons does not have the additional stricture in the rules of The British North America Act.

Based on this information, I, therefore, must rule this motion out of order.

Mr. Peacock: I am sorry, Mr. Chairman, if you have reached this conclusion without distinguishing—

Mr. Chairman: I must say that the hon. member is now debating my ruling.

Mr. Peacock Am I too late, Mr. Chairman?

Mr. Lewis: He was on his feet—

Mr. Peacock: I was asking if I was too late in catching your eye to follow the member for Riverdale.

Mr. Chairman: I have made a ruling. I think the hon. members will agree that during my tenure here as Chairman I have been very careful before I have actually made rulings. I have made suggestions before I made a ruling.

In this case, I did make a suggestion before I made the ruling. I do not recall whether the hon. member was on his feet before I made the ruling or not, but I will give him the benefit of the doubt.

Mr. Peacock: Mr. Chairman, I just wanted to suggest to you that your conclusion based on what you have read from Lewis applies should this clause contain a specific figure for the amount of premium. It does not. No amount to be raised to the credit of the consolidated revenue fund under section 13, in reference to premiums, is specified.

This motion does not either reduce or increase an amount specifically prescribed in section 13. It amends the phrase "as are prescribed by the regulations", not a specific tax expressed in dollar amounts.

That is my suggestion, Mr. Chairman, that the amendment modifies the word "amounts" replacing the words "as are prescribed by the

regulations" with the phrase "not exceeding $60" and in the second place, "not exceeding $120".

We are thereby not impinging upon the restraints of the sections you have quoted to us from Lewis in respect to raising revenues or taxes.

Mr. Chairman: I agree with the hon. member insofar as his statements are concerned, but I must point out that the motion, if incorporated into the statute, would have the effect of limiting the amount of revenues that might be raised by and at the prerogative of the government, and in addition to that, the amounts, the expenditures necessary for the purpose of The Health Services Act have been approved by the concurrence in the resolution of the Lieutenant-Governor.

I must say that the motion is out of order.

Mr. Lewis: Well, Mr. Chairman, I would say we are not about to challenge your ruling. As you yourself have said, you have ruled fairly and knowledgeably and with due consideration on almost every occasion you have been in the Chair, or on all occasions when you have been in the Chair. So we are not going to challenge the ruling.

We have indicated the amendment we would have wished to move, and I am sure, sir, that you will agree that at least some comments on the section are in order.

Mr. Chairman: Section 13 has not carried, and I do not restrict the hon. member from discussing section 13.

Mr. Lewis: Thank you, Mr. Chairman. I note that the section as it now stands in the bill reads:

> The premium for health services insurance for a single insured person or insured person and one dependant, or an insured person and two or more dependants, shall be such amounts as are prescribed by the regulations.

Mr. Chairman, we know the amounts that will be prescribed by the regulations, and we find those amounts offensive. We know, Mr. Chairman, that for some considerable time this party has opposed the proposition that you should have more than two categories of premiums; i.e., a premium for one person; a premium for a couple; and a premium for a person and one or more dependants. In other words, three categories. We find that also offensive in the context of this legislation.

That is one of the reasons why we moved our original amendment. But, Mr. Chairman, I want to suggest through you, to the Minister, and I hope he will ultimately make some comments, that our basic opposition to the premiums which are to be prescribed by regulation is that they are grossly inflated premiums; that they are exorbitant; that they are inequitable; and that what the Provincial Treasurer has decided to do is to use medical care insurance premiums to line the coffers of an impoverished government treasury—a treasury which has been impoverished by the administrative and legislative ineptitude of certain of its colleagues.

We do not think that is the way premiums should be used, Mr. Chairman. It was pointed out with great vigour by members of this House that it is bad enough that the Provincial Treasurer simply tendered $200 million to the federal government gratuitously. Without ever consulting the residents of the province of Ontario, he gave away a sum of that magnitude.

But it is surely worse, Mr. Chairman, that he should now use the money which is finally coming in to bail out those of his Cabinet colleagues who have so inappropriately handled their departmental activities. And of course the rates which are established by way of regulation are designed to do just that. The rates are designed to maintain a premium level so offensive to the plan that it threatens to disrupt the entire plan because it places such a critically unjust burden on those in this society who have to pay the premium—and that, of course, is the vast majority of people in this society.

Mr. Chairman, by way of comparison—because I think comparisons under section 13 are valid—there is not another province in Canada which imposes premiums of the level which the Minister of Health and the Provincial Treasurer have decided to impose. Not another province in this country has the audacity to extract from its citizens premiums of such an exorbitant nature.

Let me, by way of comparison, give you the intention of the other provinces. In the province of British Columbia the premium payment for a family will be $150 per year. In the province of Alberta it is $120 per year. In the province of Saskatchewan it is $24 per year. In the province of Manitoba it is $117.60 a year. In the province of Newfoundland and the province of Nova Scotia it has already been indicated that there will be no premium payments at all.

Hon. C. S. MacNaughton (Provincial Treasurer): But they are taxed for it.

Mr. Lewis: In the province of Quebec the proposals put forward in the Throne Speech debate in that Legislature indicated that the plan would be financed by 0.8 per cent of taxable income, but those earning less than $4,000 would pay no premium at all. And it is worth pointing out that employers would pay the same percentage of corporation income tax without any ceiling; that is, 0.8 per cent of the total corporation income tax. So at least the province of Quebec has recognized the principle that you do not levy such unfair premiums on your public in general terms.

In comparison, the province of Ontario will be levying a premium of $177 for a family. I point out to you, sir, that that is $27 a year more than British Columbia; $57 a year more than Alberta; $143 a year more than the province of Saskatchewan; $60 a year more than the province of Manitoba. There are no premiums in Nova Scotia and Newfoundland and there is no comparison at all with the province of Quebec, which has decided on a system vastly more equitable than what the Provincial Treasurer intends to impose.

In other words, we are maintaining a premium rate in order to subsidize a penurious government treasury. Not in order to help finance the Medicare scheme. There can be no other explanation for this province extracting from its citizens sums that are intolerable, so much in excess of every other province in Canada.

One can then say, surely the coverage in the province of Ontario—given the fact of the very high premium—would be better than the coverage provided in other provinces under health services insurance. The fact of the matter, Mr. Chairman, for the interest of the House, is that the coverage provided in every other existing plan compares favourably with, or better than, that provided by the plan of the province of Ontario. Indeed, in British Columbia, Alberta and Manitoba, for premiums of a much lesser level, optometric and chiropractic are also included. Indeed, in the province of Alberta funds will be provided under the plan to pay for sickness benefits. That is to say, not only will the doctors' bills that are incurred during the period of sickness be paid, but even some of the lost income reimbursed.

There is no such provision under the Ontario plan. One might also say that in the area of psychiatric services the western provinces compare favourably with Ontario. In the area of preventive services the province of Saskatchewan much outstrips the province of Ontario.

So we are receiving coverage of a level similar to or inferior than, the other existing medical schemes for premiums that are vastly greater in dollar amounts. On no account, therefore, can it be justified.

But let me take the argument one step further. We moved—and one wishes it had been accepted, but it was not—that a maximum level should be placed of $60 per person per year and $120 per family per year. Because to pay for Medicare by way of premiums is to resort to the most regressive of taxing devices. Once again the Provincial Treasurer has abandoned progressivity in taxation for the most retrogressive of taxes. For the Provincial Treasurer the sales tax and the device of premiums seem to be far more useful in the realizing of revenue than all the acceptable progressive tax possibilities.

We say, Mr. Chairman, that we want to cut the premium level by at least a third because, fundamentally—and I put this to the Provincial Treasurer in philosophic terms—this should be a tax-supported programme.

The Prime Minister, when introducing this plan and discussing it back on February 27 this year, talked about an actuarily sound programme. It is like the Provincial Treasurer talking about a balanced budget. But what do you do when you talk about an actuarily sound programme? You introduce premiums with no regard whatsoever for ability to pay, and so you have once again burdened the people of Ontario with an insupportable proposition.

I want to point out, Mr. Chairman, the level that this province has resorted to for the cost of health services. I want to point out that the premiums under this clause will be $177 a year for a family, and when you add OHSC you have another $132 a year, when you add the social development tax which the citizens of Ontario already pay, you have another $100 a year on an average. That is $400 a year for general medical benefits by way of tax imposed by this Provincial Treasurer.

Now, Mr. Chairman, if you earn $4,100 in the province of Ontario you have no premium assistance at all. Not even partial assistance. And what this demonstrates is that the Minister of Health and the Provincial Treasurer, through this bill, are asking that a man earning $4,100 a year pay ten per cent of his income for medical care insurance and re-

lated social service benefits! That is an unconscionable proposition. I could use language much more inflammatory but I think that conveys it.

I do not suppose there is another society in the western world which pays as much of the gross national product as we do to social welfare benefits. And I do not suppose there is another jurisdiction that is prepared to extract from its citizenry ten per cent of income for social service benefits. What cost poverty in this province, Mr. Chairman? What cost poverty?

The Ministers opposite seem to believe that because they provide full premium assistance for people whose total income is around $1,000 or $2,000, and because they provide part premium assistance up to a level of gross income of $4,000, that they are coping with the indigent groups. One asks, simply, what about those whose incomes are $4,000 or $5,000 or $6,000 a year and have no redress under this legislation whatsoever? What the government has done has been to place, brutally, thoughtlessly, and with no sensitivity at all, an intolerable premium level upon the shoulders of the citizens of this province. We in this party are not prepared to accept that level. We are not prepared to accept so regressive a proposition as premiums when it is obvious that if one observes the principle of ability to pay, one finances a Medicare scheme out of a tax-supported base. That is through income tax and corporation tax and your premiums are low enough to allow for that.

I come to the final point I wanted to make on this clause, Mr. Chairman. The clarity of the intention of the government is now reconfirmed. The premiums are as high as possible so that the $176 million which the government has received can go to salvage the difficulties of the Minister of Education (Mr. Davis), the Minister of Municipal Affairs, and the other Ministers in this Cabinet. The premium level was never designed to relate to medical service requirements; it was designed as a devious tax measure.

Indeed, the whole entry into the plan was designed to bring to the Provincial Treasurer those moneys which he now requires to salvage his balanced Budget. He enters at this point because, having already granted $200 million or given it away, he has to have some modest recompense. I want to point out, Mr. Chairman, that that is the way this government uses social insurance all the time.

Hon. Mr. MacNaughton: It was not given away, it was taken away.

Mr. Lewis: You use social insurance that way all the time. When The Canada Assistance Act came in, Mr. Chairman, the moneys that came from Ottawa were used for highways and public works—for all kinds of inanimate Tory objects. They were not used for services to people, and the premiums that are now going to be collected under this scheme are going to be used to bail out Ministers—not for services to people.

It is fundamentally unsound, and a real abdication of political responsibility that the Minister should be prepared to extract his moneys in that fashion. I do not think I need belabour it further, Mr. Chairman. Those are the basic points we wish to make on this clause, and that is why we are so concerned that the clause cannot be amended in the normal course of events because it apparently involves money matters.

Mr. Chairman: The hon. member for Parkdale.

Mr. Trotter: Now that we unfortunately cannot amend this bill, or have the opportunity of speaking to an amendment, thanks for the legal advice from the NDP to the government. The government got a bonus break there from the NDP, because I do not think—

Mr. J. Renwick: On a point of order, if I may.

Mr. F. Young (Yorkview): We have a Chairman who knows his own job.

Mr. J. Renwick: Mr. Chairman, I want to ask the Chairman a question which is of great concern to me. This is a section which provides for the premium. If, as a matter of procedures and rules of this House, this can be categorized as a tax or an impost—if it falls within either of those categories—I question whether it is, because it may or may not be an obligatory assessment on citizens of the province—

Mr. Nixon: Are you questioning or making a speech?

Mr. J. Renwick: Now, wait just a minute.

Mr. Nixon: Make a point.

Mr. J. Renwick: Either you are interested or not interested.

Interjections by hon. members.

Mr. J. Renwick: It is for the purpose of imposing a tax or impost that is not universally levied. But, it is for the purpose of buying services. I say on the one hand, if it is a tax or impost it should be imposed in the statute; if on the other hand it is not a tax or impost, then it is permissible to impose it by regulation. Now, I therefore ask the Chairman whether the government in bringing in this bill should not have specified in the Act itself the precise premiums which are to be charged for the services.

Mr. Chairman: I would say to the hon. member that the matter of the premiums, the amounts as set forth in the regulations under the Act, was the subject of the ruling I had made previously. I had made that ruling and no member challenged the ruling. The hon. member now rises on a point of order, and he has gained the floor from another member. I do not believe it is quite proper for him to have done so.

Mr. J. Renwick: Mr. Chairman, that was not the reason.

Mr. Chairman: I will take under consideration the points raised by the hon. member for Riverdale in connection with my ruling. I will consider the point he has raised, if that is what he is now seeking. In my opinion, the debate that has been taking place on section 13, since I made the ruling, is quite in order. I have not seen anything or heard anything that is out of order.

Mr. J. Renwick: Mr. Chairman, first of all I want to say that I did not do it for the purpose of interrupting the member for Parkdale. I wanted to ask you the question which I gave you as notice a few minutes in advance of asking the question. If this premium is a tax or impost, as you have ruled, should it be imposed directly by statute and authority not given to impose it by regulations passed by the government in council?

Mr. Chairman: It seems to me that permission is granted by virtue of the Act, mentioning the regulation when it can probably be regulated by regulations. I see no restriction in that respect, nor did I see any reason why it must be particularly recited in the Act, because the Act says by regulation. That is my opinion off the cuff. The hon. member for Parkdale.

Mr. Trotter: We did not challenge your ruling because we realize that your rulings are technically quite correct. The only purpose we have in discussing this bill, and why we move the amendments, was more or less to discuss the particular section and try to express our views. Our views can still be expressed but certainly not in the manner in which we would wish to do so.

I do not want to get into any legalistic arguments because what we are interested in in this House, and particularly in the Liberal Party, is the principle of medical health care. This is what is the essence of it.

Mrs. M. Renwick (Scarborough Centre): Based upon law.

Mr. Trotter: Well, it is based upon law and there is no question in my mind, whether I disagree with the government or not, that what they are doing is perfectly within the law and perfectly legal. I do not think there can be any question about it.

What we are concerned about, of course, is premiums. There is no question they are legal, but they are too high. I certainly agree with the member for Scarborough West when he talked about the premium situation in the province of Ontario. Whether a premium is technically a tax it is, in effect, insofar as it hits the pocketbook. It is a regressive form of taxation, and we in this party have on occasion said that we should treat the premiums for health insurance, or medical expenses, the same way as the premiums for the Canada Pension Plan are treated.

It should be according to your taxable income. If that day comes then there may no question that legally premiums are taxes. Insofar as the average man is concerned, it hits his pocketbook, particularly hits the group of people who are just over and above the $4,500 limit. They are usually the ones that are hit with the full force of the premiums that we have to pay here in this province. As is so often the case, it is the person just above the poverty line, or the individual, the so-called middle class and the lower middle class, that seems to be the backbone of the country who are hit the hardest when it comes to taxation.

This, of course, is why I disagree with the federal government's two per cent social security tax. I think in principle it is wrong; there is no question it is wrong. Of course, the way we are conducting the premium system in this province, we are not doing anything to improve the situation.

We would do it here if we were over on that side, and that is what we are trying to do. One of the fortunate things in this province, Mr. Chairman, is that the government is over there and we are over here. Those who want to bring about the reforms offer the

kind of stupid arguments we had in trying to shoot down our amendment over a lot of legalisms which, as I said, was a bonus from the NDP to the government.

Mr. M. Makarchuk (Brantford): You just said it was perfectly legal.

Mr. Trotter: It was perfectly legal, certainly.

Mr. J. Renwick: It is the guts of the parliamentary system and you know it.

Mr. Trotter: You can strangle any system on technicalities, and you should be lawyer enough to know the technicalities can strangle anything.

What we on this side of the House, and particularly within the Liberal Party, wish to emphasize is that it is of utmost importance to see to it that the premiums are kept as low as possible. I believe they can be much lower.

One thing that I have learned from the Ontario hospital scheme—and from some schemes that have been essentially based on a voluntary basis—is that they can work. I have always advocated that there should be a government controlled compulsory plan. Probably the only way to get 100 per cent of the people into a plan is to make it absolutely compulsory. British Columbia, when it introduced hospitalization, said that everyone must pay the premiums; it must be compulsory. They had a number of court cases that became so embarrassing that they wiped out the premium system.

We in this province have used the premium system. There are many things I do not like about it, but despite the fact that it has been a voluntary system we have got approximately 97 to 98 per cent of the people covered by hospitalization. It speaks well for the knowledge of the people in this province that they need hospitalization. It speaks well also for the general prosperity of the people, but keep this in mind, Mr. Chairman, the advantages of the voluntary system will be lost if the premiums are too high.

People will not be able to afford the scheme, when you remember that they are already paying for the hospitalization premiums, they often have their dental bills and drug bills. When they have an added impost, such as the premiums for medical insurance, that is too high they will not be voluntarily joining, unless of course they are within the group of 15 where they have to.

There are many people, outside of the compulsory segment, that do join voluntarily and this is a good thing. I would far rather see that retained than to have it 100 per cent compulsory and then be faced with the unhappy situation of going after people who are genuinely conscientious objectors. There are a few, not too many, but their conscientious objection should be respected.

I do say to you, Mr. Chairman, that there is a great danger of the premiums becoming too high. I think this government has allowed them to get out of control at the present time. I want to emphasize that all the moneys received from the government of Canada as a result of this legislation should be used to reduce premiums or, I would hope, with the general prosperity of the country and of the province, they can extend services because there are many services that should be extended.

I do not intend to repeat what we said in regard to the chiropractors and osteopaths or the need for dental care. This is going to be the next great move that this department will have in the future, in health care—the bringing in of dental services. We are going to see in the next few years—and I predict this—a tremendous expansion.

This is where the money should go, keeping in mind the importance of low premiums and good services, because, Mr. Chairman, there is no greater important asset in this country than having healthy people. It is legislation such as this that is a step forward in making possible the health services that are required. But, we certainly have to see to it that it is made available to all of the people and it does depend on a low premium.

Mr. Chairman: The hon. member for Brantford.

Mr. Makarchuk: Just a few brief remarks regarding premiums: There is definitely a good possibility that this government can cut the premiums. All one has to do is look at the experience of the private insurance companies in the last four years. The statistics which are provided by the report of the superintendant of insurance of Ontario indicate that in 1967, the insurance companies took in—in accident and sickness insurance—$180 million plus, and they spent $141 million. In 1966, they took in $161 million; they spent $127 million. This is the money that went out to pay losses or sickness expenses. In 1965 they took in $137 million; they spent $106 million.

The point in all these figures, Mr. Chairman, is the fact that at no time in the years of experience did the companies spend any more than 80 per cent of their net premiums.

Not more than 80 per cent of their premiums went out to pay for medical costs. In fact, the percentages are rather lower. In 1967 they only spent 78 per cent of their premiums for medical costs. In 1966 79 per cent; 1965, 77 per cent; it is only in 1964 where they had an 81.3 per cent.

The other point that should be taken into account in this, Mr. Chairman: This does not include the investment income which did accrue to these particular insurance companies from the money that they collected on the premiums and invested.

Now if we look at the OMSIP premiums right now of $177 a year—and take into account the experience provided by the private insurance companies, this implies that you can reduce the Ontario premiums by 20 per cent because this will still leave about six or seven per cent to pay the cost of administration.

But, if you deduct 20 per cent off the cost of $177, this will give you an annual premium of $142. Now, if we add on to this the return on investment—and in this case we are not going to consider the amount we are going to get from the federal government—it is quite within the range of this government's ability to provide premiums for families in Ontario at around $120. This is going by the experience of not the most efficient Medicare plans, but private insurance plans with their multiplicity of various expenses.

I would suggest, Mr. Chairman—as was pointed out by the previous speaker, particularly the member for Scarborough West—the present cost of $177 per family is an outrageous figure to put on the people of Ontario, particularly the people in the low-income bracket. They do not, at the moment have medical coverage in Ontario. Under this particular plan they are not going to get medical coverage. So really, you do not have Medicare. You are operating against the whole principle of Medicare in this bill.

Mr. Chairman: Does the Minister wish to reply to the comments on section 13?

Hon. Mr. Dymond: Question!

Mr. Chairman: Shall section—

Mr. Lewis: Well, Mr. Chairman, I would like to know what this Provincial Treasurer—who feels it within his right to bludgeon the pocketbooks of the low-income earner at will, has to say about a premium of $177 for a family, which is higher than any premium cost across this country in any province for any plan of equal or greater coverage.

How can the province of Ontario justify a situation of that kind? Is the Provincial Treasurer, having already squandered $200 million within the last fiscal year, prepared to indicate why he will accept and maintain those exorbitant premium rates, or is he just going to opt out in this instance, as he has on discussions around these levels of taxation? It is a tax, an arbitrary tax—

Mr. Gisborn: Bankrupt government.

Mr. Lewis: —a foolish tax, a Tory tax. It is the way in which this government functions, Mr. Chairman. Not having been able to balance its Budget on the basis of the revenues which it projected, having found one Minister after another, bringing it into the vortex of Tory ineptitude, whether it be—

Mr. Chairman: The hon. member is straying from this section.

Mr. Lewis: —school consolidation or something else.

Mr. Chairman: The hon. member is straying considerably from this section.

Mr. Lewis: I am not straying, Mr. Chairman. This clause says, "—shall be such amounts as are prescribed by the regulations." I am simply arguing, Mr. Chairman, that the amount of the premium to be prescribed by the regulation has nothing to do with ability to pay, has nothing to do with a tax-supported Medicare scheme, has nothing to do even with an actuarily sound scheme; but it has everything to do with providing the Provincial Treasurer with enough money to salvage his economic miseries. And he is surrounded by them. I would like the Provincial Treasurer to enter the debate.

Hon. Mr. Grossman: The money is for the taxpayers of the province.

Mr. Lewis: If the Provincial Treasurer will not enter it, then I would like to ask the Minister of Health amicably, with tranquility and moderation.

Mr. Chairman: The hon. Minister has indicated he has no comments to make on this debate.

Mr. Lewis: I have a particular question to ask. Can the Minister explain why the government has chosen to charge premiums so much in excess of those being levied by other provinces? There must be some reason for having taken this particular approach.

Hon. Mr. Dymond: In answer to this question I will just point out that there has been a great deal of speculation and this whole debate for nearly the last hour has been speculative, because the premium has not been announced. The Prime Minister said. There were certain negotiations yet to be conducted before the premium could be announced, but he said he would give it as his undertaking that it would be no more than is presently being charged for OMSIP, and which, in the great majority of cases, would represent a reduction of the premium now being charged for similar and even lesser services.

Mr. Lewis: With great respect, Mr. Chairman, we have no knowledge of the "majority of cases". That is yet to be determined. Might I point out, sir, if the Minister implies that the premium level is yet to be determined, can he tell us when he will make the announcement to the public of what the premium is to be, exactly? Has that been decided upon yet? Do you know when your negotiations will end?

Hon. Mr. Dymond: No, but I hope they will end very shortly, and as soon as they do, believe me, we will make the announcement.

I would point out, as I did to the House on second reading, I believe, Mr. Chairman, that the premiums that are now being charged are substantially higher. I will just take the family premium of other group programmes which are all documented—$19.40 a month, $17.00 a month, $17.75, $16.50, $16.75, $17.50, $17.70, $18.69. These are premiums now being charged for comparable or, in some instances, lesser protection.

Mr. Lewis: Right. This, Mr. Chairman, I would point out, happens to be a government scheme incorporating the entire population of the province of Ontario, and if you could not lower those premium rates which you have just read out, you would be an even more bankrupt government than you are.

Hon. Mr. Dymond: A lot of these are experience-rated.

Mr. Lewis: Experience-rated?

Hon. Mr. Dymond: Yes, experience-rated.

Mr. Lewis: How many subscribers?

Hon. Mr. Dymond: A very large number.

Mr. Lewis: You are going to have a subscription in excess of seven million. If the rating was distributed equitably across a population base of seven million, you could reduce premiums tomorrow morning to $120 per year per family and $60 per year for individuals. Then, if you move to a progressive funding of a plan, you could tax-support it out of the income tax and corporation tax and lower the premiums even further. Of that there is no question, Mr. Chairman.

May I ask the Minister one final question? In his considered opinion, or a considered guess, does he think there is better than a 50-50 chance, if I may put it to him that way, that the premiums will be lowered? Is that what he is implying to the House, that the premium levels for this scheme will likely be left in the OMSIP plan? Is that what he is anticipating?

Hon. Mr. Dymond: Mr. Chairman, I am not implying anything; I am not a gambling man so I am not prepared to say anything about 50-50 chances.

Mr. Lewis: Then I would like to suggest, Mr. Chairman, that we, on this side, not entirely clairvoyant perhaps, but we on this side read that to mean that your premium level will be precisely what it is under OMSIP—$177 per year per family. Indeed, Mr. Chairman, were it to be less, it would have been trumpeted with all the ardour in the world when this legislation was introduced. The Tories would have seen a great issue, a great achievement in lowering it even to $175, or by some such substantial amount.

You have certainly done it again, gentlemen, that is all one need say.

You have imposed a nefarious tax on the low-income earners of this province and they can no longer cope with the medical expenses in the province of Ontario. You have priced the capacity to pay for medical care right out of the pockets of the majority of income earners in this province, right out—$177 for premiums, $132 for OHSC, $100 social insurance tax, dental bills, drug bills, related nursing care, chiropractic services, most of the optometric range, all the related paramedical services. You are asking people to pay between 15 and 20 per cent of income for health insurance.

Hon. Mr. MacNaughton: Mr. Chairman, this is exaggeration.

Mr. Lewis: Not exaggeration at all.

Hon. Mr. MacNaughton: It is not even based on facts.

Mr. Lewis: Well, I will bring—

Hon. Mr. Dymond: Do not bother, his mind is made up.

Mr. Lewis: I will bring the Minister back to facts. If you are earning $4,100 a year, are you entitled to any subsidy under the present government plan?

Hon. Mr. MacNaughton: If you have a taxable income of less than $1,300.

Mr. Lewis: Precisely, which works out to $4,000. If you are earning roughly $4,100 a year in this province, you do not get a penny of premium assistance. Under health insurance, hospital insurance, and social development tax alone, you are paying $400. That is ten per cent of income right there and that does not include drug bills, dental bills, chiropractic bills, most optometrist services, and related nursing services. You are suggesting to me that a figure of 15 to 20 per cent is inflated. Any actuary would say that I were using rock bottom Tory estimates on that basis.

The fact of the matter is, Mr. Chairman, that this government has decided, for whatever reasons of its own, to put health care beyond the pocketbooks of the average citizen. This bill enshrines it and it enshrines it for the most iniquitous and devious purposes —to take the Tories out of a financial political jam. That is the only reason for this clause.

Mr. MacDonald: You know it is the case.

Mr. Chairman: The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, surely it is a shame that the single most salient fact in the legislation, the pivotal point upon which all the rest turns—which is the premium under the policy—is the thing that has been surreptitiously, with malice aforethought, I would think, from whatever devious device, the very information most secretly guarded or suppressed. I think my friend is right when he says that this is back-door legislation and that the heart of the creature is not in it, over there.

There was a bonanza to be gained at the end of the rainbow and this peculiar El Dorado that the Tories were seeking after was the main thrust, the lure that caused them to be caught up in Medicare. It happens to be the stick with which they are going to beat the federal government. They will not reveal to us, on the pretext of having further studies to do which is always of course the camouflage behind which one operates, what these premiums might be.

In area after area in this province, Mr. Chairman, we are being presented with the promise of equitable and non-regressive taxation—from mining tax to sales tax to the production machinery situation—and this is the last fell swoop that, as the sitting comes to and end, we face. The reality of the situation stands over against the pretensions in the Budget statement of a fair system of taxation.

These levies made upon the populace at large are straight tax measures. They are regressive tax measures in the most extreme form. The emphasis upon all the actual tax systems operative at the present time—and which has been introduced to this Legislature since we came into session last fall, in every instance—has been either maintaining the balance, the status quo, or has been regressive.

This is one of the most onerous, regressive measures thus far introduced by any stretch of the imagination. How can people who are making $4,100 be expected to contribute in excess of ten per cent of their income to this single facility in their lives, however necessary it may be? Surely, they could have staged it. Surely they could have notched the provisions. Surely they could have done something but bring an enormous weight of financial measures—half designed, one would suspect as has been intimated from over here, to undermine and destroy the potentialities of this most beneficial plan that has been waited for so long by the people of this country.

In effect, with the use of the $82 million and how it is to be subverted or diverted or whatever is to be done with it, this plan, we suspect over here, because of these high premiums, is being used to subsidize other areas of the economy. Far from that, a plan of this kind with the direct social impact that it has, particularly on lower income groups, should be a plan that might well be subsidized out of the Provincial Treasury and not the other way around.

It ought not to be utilized in the contrary direction of being divested, of being used as a lever, whereby other areas in education and elsewhere will be alleviated of the burdens that accrue to those particular divisions. These premiums must be kept at the very lowest level; $120 is adequate.

The Premier, I think, in his initial statement, talked about the plan being actuarily sound. In the upshot, when the day on which the hon. Minister tells us what his premium rates actually are going to be I trust that the term "actuarily sound" will mean what I

would think it should honestly mean. I trust it will not mean "actuarily sound," taking into consideration that $50 million has been diverted into another department, and not "actuarily sound" on the basis that a particular sum of money is being raised by a premium level predetermined in advance, over against the moneys coming from the federal government.

But it should mean "actuarily sound" considering a progressive concept of taxation actually operative, and with the total amount of moneys coming into the plan through the federal plan—the 44 per cent coming in—being utilized wholly and entirely within the confines of the plan. This would be the only way in which that term could have any resonance and any respectability.

We raise our voices at this stage, on this most crucial of all issues in this bill, in order to ask for the full divulgence of facts under this particular heading and the full disclosure of the actuarial soundness of the scheme as it comes into being.

Mr. Chairman: The hon. member for Oshawa.

Mr. Pilkey: Mr. Chairman, if we take the cost of the number of plans that the Minister alluded to, if my memory serves me correct, we could use a mean figure of $18 per month as the cost of the premium. If my mathematics are correct that would come to some $216 a month that the Minister is saying that the majority of the people pay in this province.

Well, if we take the present Medicare cost or OMSIP cost of $177, and if we add the $100 or $120 for many of the people that they will pay through the social development fund, that comes to $297 or $277. So, in effect there is going to be an increase in this plan of something in excess of $70 or $80 per year—that is, using those figures.

Hon. Mr. Dymond: They are paying the social development tax now.

Mr. Pilkey: But surely, the social development tax was to be reflected in a Medicare programme, and should reflect in a lesser premium for the people of this province. They are paying it, this is what it is all about, as I understood the social development fund initially as the federal government brought in the legislation.

I want to suggest to the Minister that back in 1964, in the Hall commission report, they said at that time that adequate health services shall be available to all Canadians wherever they reside and whatever their resources might be. I think that was a pretty good premise to work on.

Yet, as some of my colleagues have pointed out, this is going to create a hardship on a great number of people in this province. Obviously, this would be wrong and the method of financing is regressive.

As I said, it places an improper, unjust burden on those exposed to illness and particularly those least able to afford it.

I also want to make this observation to the Minister, through you Mr. Chairman, that for the well-to-do people in this province this is not going to affect them one bit in terms of paying the premiums.

The burden is going to fall on those who really can ill-afford it. I recall when Medicare was being discussed, there were Ministers of the federal government who said at that time that the cost of Medicare was going to be astronomical, and it was just going to cost everybody so much money that we could not afford it.

Those contentions were never substantiated by any facts. The facts are that we could have a Medicare programme in this province by using the specific moneys that were paid into prepaid plans, and we would have provided a government Medicare programme for the whole of this province.

So what I am really saying in effect is there was enough money being paid into prepaid plans prior to the introduction of the social development fund that would have properly funded a health care programme in this province. If that contention is correct then we ought to be able to reduce the premiums from the figures enunciated by the Minister by the amount that has been paid into the social development fund. If we got to that point, then, we could provide adequate medical attention in this province for every resident at an average cost of $100.

I think my colleagues who addressed themselves to $120 were providing more than adequate funds to carry this Medicare programme, and on that basis I think that we ought to know exactly what this government is talking about.

I would like to know what the Prime Minister was talking about when he said: "Today, through the bill, we will be able to provide basic medical health care service at minimum cost to every resident of Ontario"—at minimum cost. Now surely the government had

some idea as to what the cost of this programme was going to be? The Prime Minister said, "at the minimum cost" and I want to suggest to the Minister, through you Mr. Chairman, that the minimum cost of this plan could well be done within the framework of $100 per month.

An hon. member: Per year!

Mr. Pilkey: Per year, right!

And I suggest that we are overcharging. If we go to the OMSIP figure of $177 per year then every resident who pays that amount of premium is being overcharged in the amount of at least $77 a year. We are creating a tremendous hardship on the lower level of the economic ladder. I think it is a disgrace and it is shocking that we would find a government in this affluent province bringing in a Medicare bill that is overcharging those people who can ill-afford it.

I would hope that when this figure is finally announced it is a realistic one, and that it is within the ability to pay of those people who are on the lower level of the economic ladder. Unless we do that kind of a job in terms of this medical bill then we are serving an injustice on a great number of people in this province.

So it is evident, as my colleague from Lakeshore pointed out, that the premium of this Medicare plan is the very hub that is going to determine how meaningful the plan really is and what it really represents for the people of this province. This is so important that I would hope that the Prime Minister's words really meant something—"at a minimum cost" —and I would hope that the premiums are much less than the present OMSIP premium of $177 a year.

Mr. J. Renwick: Mr. Chairman, this is the section of the bill which imposes the tax on the people of the province. It is a mandatory tax with very few exceptions as to the number of people who can escape it if they want to. The tax problem with which you are engaged is one which runs counter to every principle of constitutional tax imposition that is available. There is not another taxing statute of this province that you cannot look at in terms of the words of the statute and either find out the amount of the tax or the method by which it is calculated and on what it is imposed.

I am suggesting to the Treasurer that what we are trying to do in this bill is to impose, in some way, either a limitation, or to get some information from the government other than the statement made by the Prime Minister, and repeated by the Minister of Health, that it is not going to exceed the premiums charged under OMSIP. When you go back to what the Prime Minister said about the relative merits of the two types of programmes in his remarks on February 27 in this House, he puts the case very clearly. But he does not answer and provide the information on which he says that this method is the least expensive method of providing for Medicare. He said on that date that:

> Perhaps the most rigorous debate with regard to Medicare revolves around the cost involved.
>
> People want to know whether it will be less costly to participate in a government-operated universal Medicare plan, than to continue the selective systems of OMSIP and private coverage which we now have in Ontario.

I interpose, in parenthesis, that you are continuing in substance this selective system of OMSIP and private coverage which you have in Ontario. To go on, the Prime Minister says:

> Under compulsory universal Medicare the entire cost would be met through a combination of tax revenues and premiums with the provincial government operating the entire plan.
>
> Under our present selective system, both private and government plans function side by side. Coverage under the government OMSIP plan is voluntary, the premiums are actuarily sound. At the same time, financial assistance, either partial, full or temporary, is available.
>
> The government of Ontario is convinced that the selective system best meets the requirements of the people of Ontario. Our studies also show that the selective system is less costly on a *per capita* basis than under the federal Medicare scheme as now constituted.

What I take that to mean is that in the amalgam of the federal Medicare scheme as it was then propounded, with the adjustments which have now been made, which led to the introduction of this bill, the government is prepared to say that this is the least expensive way in which Medicare can be made available to the people in the province. Therefore, that the premiums are going to be lower than they could be under any other scheme.

There has been no information from the Minister, or indeed from the Treasurer, on the question of whether or not this is so. My colleagues have pointed out very clearly that what you have done by maintaining the actuarial soundness of the scheme—which I presume is the principle on which you are still operating—is in fact to impose a flat-rate regressive tax, the same kind of tax which the Liberal government imposed in Ottawa in the two-per-cent social development tax.

At least, that had a cutoff, but in this particular case your premium is a flat-rate regressive tax without, so far as we can tell, any support for the plan from the general revenues of the province which are collected under the progressive tax system.

The important thing, as far as we are concerned, is that you must have a lower premium supported by revenues from the progressive tax system. Otherwise it has all the consequences that my colleagues have pointed out in the House time and time again, and which is the fundamental reason why we opposed the bill on second reading, and why we are going to oppose this particular clause in the bill.

Hon. Mr. Grossman moves that the committee of the whole House rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report progress and asks for leave to sit again.

Report agreed to.

Mr. S. Lewis (Scarborough West): On a point of order, Mr. Speaker, before you recess the House until 8.00, might the Minister of Correctional Services indicate what is on the agenda tonight?

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, the Minister of Health (Mr. Dymond) has a commitment of long standing so he will not be back tonight. We will go to Bill 174, the Niagara bill, and any other bills which are in committee and which are ready.

Mr. Lewis: Thank you.

Mr. Speaker: I do now leave the Chair and we will resume at 8.00 o'clock.

It being 6.00 o'clock, p.m., the House took recess.

No. 162



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Wednesday, June 25, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Wednesday, June 25, 1969

Regional Municipality of Niagara, bill to establish, in committee, continued 6183

Motion that the committee of the whole House rise and report to Mr. Speaker on a breach of the rules by Mr. Shulman, Mr. Grossman, agreed to 6225

Mr. Speaker's ruling on a breach of the rules by Mr. Shulman 6228

Regional municipality of Niagara, bill to establish, reported 6229

City of Kitchener, bill respecting reported 6245

Raising of money on the credit of the consolidated revenue fund, bill to authorize, reported 6246

Tile Drainage Act, bill to amend, reported 6250

Local Improvement Act, bill to amend, reported 6250

Public Parks Act, bill to amend, reported 6250

Municipal Corporations Quieting Orders Act, bill to amend, reported 6250

Planning Act, bill to amend, reported 6250

Motion to adjourn, Mr. Grossman, agreed to 6251

LEGISLATIVE ASSEMBLY OF ONTARIO

The House resumed at 8.00 o'clock, p.m.

Clerk of the House: The 2nd order, committee of the whole House; Mr. A. E. Reuter in the chair.

REGIONAL MUNICIPALITY OF NIAGARA
(Continued)

House in committee on Bill 174, An Act to establish The Regional Municipality of Niagara.

Mr. Chairman: The hon. member for Niagara Falls.

Mr. G. Bukator (Niagara Falls): Mr. Chairman, I would like to take part in the discussion on this bill as we come to part 2, incorporation and council of regional areas. With the indulgence of the House, I would like to read part 2, section 6. I would like to read into the record, with your approval, some of my reasons for bringing in the amendment. I am hoping, Mr. Chairman, you will be tolerant with me because I think it is pertinent to the problem and most important to the people of the Niagara regional council, to know the attitudes of members on both sides of the House.

With your consent, I shall read this brief statement into the record: Niagara Regional Government Debate; and my opening comments on Bill 174.

In rising to speak to part 2 of the bill before us, the part concerned with the representation of the people of Niagara, I suppose that I might call upon my head to cry, "The Premier had bruited about Medicare". But, I am an agent of Machiavelli for wanting to prolong the debate on the future of that part of Ontario that I love so dearly and that I have tried to serve to the best of my ability over many years and in various capacities.

I pride myself in being a conscientious man and so it might seem strange that I should turn to Machiavelli to see what in fact he did say about power situations like the one that now confronts us.

I opened the book and the first phrase that caught my eye were these words, which might form my advice to the Minister:

> It is not possible for me to make a better gift than to offer you the opportunity of understanding, in the shortest time, all that I have learned in so many years and with so many troubles and dangers.

So, if tonight I seem to labour the point I intend to make, it is from a sense of deep conviction that this is indeed the occasion when things must be said before they are forgotten, for to quote once more from the prince:

> In the duration, the memories and motives which made for change, are lost.

It is clear that the Minister is banking on the inertia and the summer recess to get this bill through without the kind of careful examination that it deserves. He will be disappointed. This bill will receive the attention it merits from this side of the House. We will be expeditious, but we will not be stampeded. Of course the stampeding tactics are becoming the Minister's trademark. People are beginning to ask, "What makes Darcy run?"

The headlong plunge into the situation in what were the twin cities of Port Arthur and Fort William even went so far as to cause the editors of the *New Economic Atlas of Ontario* to anticipate the referendum on the name. Consequently on plate 13 and 17 of that atlas you will find the coligual name Lakehead engraved on the plates, complete with inverted commas.

Since the total votes cast for Lakehead exceeded those cast for Thunder Bay, and since Thunder Bay will lead to endless confusion with another district, whose representative sits in this House, it would probably be more democratic and cost a good deal less, to have a run-off vote, rather than to remake the atlas or allow it to stand in error for all the world to see. I cite this as an early example of the kind of arrogant thrust that can be expected from this Minister. It will happen again in regard to Beamsville.

To return to my source, and here permit me to paraphrase a little, the Minister will make enemies of those he will injure and he will not be able to keep those friends who have so unduly accelerated the process of

bringing those municipalities into being, because in the end he will be unable to satisfy them in the way they expected. I admit I have taken a little liberty with Machiavelli, but there, too, I make my point, that he also stated:

> Men change, hoping to better themselves wherein they are deceived because they afterwards find from experience that they have gone from bad to worse.

If I may make one final quotation from the prince before relating all this to the Niagara situation, it is this:

> In entering a province, one has always need of the goodwill of the natives. He who wishes to hold them has only to bear in mind that neither their laws nor their taxes are altered, and those whom he offends, remaining poor and scattered, are never able to injure him, while the rest being uninjured are anxious not to err for fear it should happen to them.

The Minister of Municipal Affairs was preempted in the tax field by the Minister of Education, and the rumblings from the skyline Hotel show that he is indeed about to reap the whirlwind for the hasty action of his colleagues in bringing in this Bill 44.

The whole question of regional government was resolved—or better, outmoded—by technical advance. I am told—and I do not know whether it is true—that when the Minister of Education and his deputy saw the Smith report calling for the divided administration of elementary and secondary education at the different levels in this province, knowing that this was a direct contradiction to the way the members of the Hall-Dennis committee were thinking and expressing themselves. Even in advance of the publication of the report, they immediately decided to bring all possible pressure to bear on the Premier and his Cabinet to push through Bill 44, and the county board system, even though the actual announcement in Galt may have come as something of a surprise to the Minister of Education. As to his timing, he was, in fact, fully aware that such an announcement was imminent, because he had engineered it.

The Minister of Municipal Affairs has had the backlash of that premature action. He has consolidated the representatives of the municipal level into solid opposition to his policy.

The amendment I shall propose in this part of the bill will therefore relate to the elevation of the dignity of the offices associated with the government that the Minister is imposing on this part of Ontario, because I am inclined to agree with him on one matter, and that is that it is the weakest municipalities that are more likely to be pushed around by bureaucrats in high places.

We have to assure ourselves that effective control of the representative and democratic functions of the peninsula remains to the people of Niagara, and to do that we have to create an environment of local pride if this new government is to be accepted by those people.

Twenty-nine men and women will sit on the regional council and they will have only reports of the limited and quite different experience of the Ottawa area to serve as a sort of guide. What manner of men will they be, these people on whom so much responsibility must rest to assume many of the functions—certainly the key function formerly carried out by the 27 municipalities? Twelve of them we know will be the mayors of the municipalities that will be created; this number will include the reeve of the township of Wainfleet. Sixteen members of the council will be elected at large. The first chairman will be appointed by the Lieutenant-Governor-in-Council and his salary set and paid out of the Consolidated Revenue Fund.

It is with the method of the election of the chairman that I am concerned initially. I shall then be concerned with the setting of the remuneration of the 16 at large, so that they will know what they are getting into before, and not after, the election. These matters, then, will form the material of my first two amendments.

I have before me an amendment that I would like to read into the record.

> That Bill 174, An Act to establish the regional Municipality of Niagara, section 8, subsection 3, be amended to read as follows:

Mr. Chairman: We are dealing with section 6, is this amendment to deal with section 6?

Mr. Bukator: I have gone beyond that, Mr. Chairman.

Mr. Chairman: Well, does section 6 stand as part of the bill?

Section 6 agreed to.

Mr. Chairman: Does the hon. member have an amendment to section 7?

Mr. Bukator: No, section 8, subsection 3.

Mr. E. R. Good (Waterloo North): I have a question on section 7.

Mr. Chairman: I believe the hon. member indicated he had an amendment and he did have the floor.

Mr. Bukator: I will let my colleague have the floor.

Mr. Chairman: The hon. member for Waterloo North.

Mr. Good: On section 7, Mr. Chairman, I would like to ask the Minister the relevancy of subsection 3 of section 7. This is a clause which has been in The Municipal Act before 1937 and I am wondering what is the purpose of it, what is the relevancy of it.

Hon. W. D. McKeough (Minister of Municipal Affairs): Actually, it has been in the Act since 1913. I am told it is necessary; it prevents frivolous actions against the council, who presumably do act in good faith. I understand it is a normal section which should be in and it assumes that a council acts in good faith and protects them from attack of a frivolous sort.

Mr. Good: Is the Minister aware of any cases where someone's rights have been denied because of this section being in there?

Section 7 agreed to.

On section 8:

Mr. Bukator: I have an amendment to section 8, that subsection 3, be amended to read as follows:

> That at the September meeting of the regional council of the year 1972, and at the September meeting of every second year thereafter, at which a quorum is present, the regional council shall organize as a council and elect as chairman, one of the members of the regional council or any other person to hold office for the following two years commencing the next January 1 and until his successor is appointed or elected in accordance with this Act.
>
> At such meeting the officer appointed under section 20 shall preside over the actual period of the election. At the conclusion of the election the current chairman shall assume the chair for the balance of his term of office.

I would like to speak to this amendment.

Mr. Chairman: Does the committee wish me to re-read the amendment?

Hon. Mr. McKeough: Could I have a copy—

Mr. Chairman: I will read the amendment to the committee.

Mr. Bukator moves that section 8, subsection 3, be amended to read as follows:

> At the September meeting of the regional council in the year 1972, and at the September meeting of every second year thereafter at which a quorum is present, the regional council shall organize as a council and elect as chairman, one of the members of the regional council or any other person to hold office for the following two years commencing the next January 1 and until his successor is appointed or elected in accordance with this Act.
>
> At such meeting the officer appointed under section 20 shall preside during the actual period of the election. At the conclusion of the election the current chairman shall resume the chair for the balance of his term of office.

The hon. member for Niagara Falls.

Mr. Bukator: Mr. Chairman, just to clarify the point. This is to replace subsection 3 and I would read that to you just to make my point clear:

> The first meeting of the regional council in the year 1973, and in every second year thereafter, at which a quorum is present, the regional council shall organize as a council and elect as chairman, one of the members of the regional council or any other person to hold office for the year and the following year and until his successor is appointed or elected in accordance with this Act. And at such meeting the officer appointed under section 20 shall preside under the chairman as elected.

Now subsection 4—

Mr. E. W. Sopha (Sudbury): Mr. Chairman, is the member proposing that the present subsection 3 be deleted?

Mr. Chairman: That is right.

Mr. Sopha: And this, substituted therefor?

Mr. Chairman: Perhaps we should get this clear.

Is it the intention of the hon. member for Niagara Falls that the present subsection 3 be deleted and that his motion, as presented to the Chair, be used as a substitute for the section 3 now in the bill?

Mr. Bukator: That is right.

Mr. Chairman: All right. The hon. member for Niagara Falls.

Mr. Bukator: Yes, as a matter of fact, if I were to file section 4 also, it would perhaps make the picture much clearer. Would that be in order?

Mr. Chairman: No, I think we would get a little confused if we did that.

Mr. Bukator: All right then, I will speak to that.

Mr. M. Shulman (High Park): It is tough enough as it is.

Mr. Bukator: Yes, I will speak to the section that I want deleted.

In this statute, if a mayor elected to one of the 12 municipalities, Mr. Chairman, was elected as chairman of that council—because after the first term is served by one who is appointed by this government, then the second chairman will be appointed by the regional council after January 1, 1973—now, if he happened to be the mayor of one of the 12 municipalities then the next section clearly states that he is considered to have resigned his position as mayor and there would be a by-election which does not appear to be good business to me.

I would not think that a new city, with new boundaries encompassing two or three municipalities, should have to go through an additional election within a month of the previous one. That is why this will fit into the general pattern as we get into my next amendment. But I thought I should clarify this point at this time.

I find no reason whatsoever to see two elections within a very short period of time if a mayor was appointed to that office, and this bill clearly states that the first term of office will be held by a chairman appointed by this government or by the Lieutenant-Governor-in-Council. And in the following election, Mr. Chairman, there will be elections for the whole council, 12 mayors, 16 at large and the chairman appointed by this government. Then they will pick their chairman from among the ones that are elected.

It appears to me that you are just imposing on the people of that particular city an unnecessary election to replace the mayor who is appointed as chairman of the regional council. For that purpose I thought this amendment would help clarify the situation and not bring about an election on a group of people who, just a month before, went through an election that I do not think was necessary.

Mr. Chairman: Is there any discussion on the amendment? Does the hon. Minister have any comments?

Hon. Mr. McKeough: Mr. Chairman, there is merit in what the member is suggesting. The amendment which he suggests is not unlike what is presently happening here in Metropolitan Toronto at the present time, in which Chairman Allen for his own reasons—but I assume this may be part of the reason he is resigning or has announced his intention to resign in September, and a new Chairman at that time will be elected. So the situation which the member describes as of January 1 will not happen. On the other hand, I have not had the chance to consider this. We create a situation with this amendment where there would be a lame-duck period when the new chairman could not act and the old chairman would still be in office. I can see great perils in that.

I think this is the sort of thing which we are going to have to look at in relation to Metropolitan Toronto and Ottawa-Carleton and this bill. And in particular, of course, for this bill, we have until 1972 to consider. There will undoubtedly be amendments before that time and I would be glad to take this amendment under consideration and have a look at it, but I do not feel that it should form part of the bill at this point.

Mr. Chairman: The hon. member for Waterloo North.

Mr. Good: I would just like to add a few words in support of this amendment.

I would ask that the Minister look very closely at this. I think the situation as described under the bill leaves a lot to be desired. I am sure they must have wrestled with the idea and realized that this is not a desirable situation, where an election is held immediately after the first meeting. The chances are one of the mayors of the lower-area municipalities will become the regional mayor, and there will have to be a by-election a month after the beginning of a new year.

There has to be a better way of doing it and I think the amendment that the member for Niagara Falls has put forth makes a lot of sense.

Now I do not think you can apply the arguments of the Metro situation to Niagara. I think they are two different situations entirely; and this I believe is the only way in which a new chairman could be appointed without disrupting the whole machinery of an election which has just taken place.

So I would ask the Minister to consider this very seriously before he refuses to accept this amendment.

Mr. R. F. Ruston (Essex-Kent): Mr. Chairman, I would like to speak on this for a moment.

It does seem rather odd that after having an election in a municipality that you then appoint one of these people to act as their head for the next two years and then have to call an election back in that municipality. I just cannot see that it should be set up that way to begin with.

I am speaking now of the one that we are attempting to amend. It says "regional council or any other person". So I take it the council could appoint someone not elected as their head.

Is this right, Mr. Minister?

Mr. Chairman: Those in favour of Mr. Bukator's motion will please say "aye".

Those opposed will please say "nay".

In my opinion the "nays" have it.

I declare the motion lost.

Mr. Bukator: Mr. Chairman, I have another amendment to subsection 4 of the same section 8 that I think would further clarify and maybe get on the record—something for the Minister to look at in the next year or two if he intends to follow up on that particular way of approaching this problem. So I would move a second amendment.

Subsection 4 of section 8 be amended to read as follows—now I am going to delete subsection 4 from the bill and read therein:

> The head of the council of an area in a municipality of elected—

Mr. Chairman: The motion would then be that subsection 4 of section 8 be deleted and this substituted therefor.

Mr. Bukator: Would you take this copy over to the Minister please. Thank you.

> Where the head of the council of an area municipality is elected as the next chairman of the regional council at its September meeting to serve from the following January 1, he shall immediately notify the municipality of his intention not to seek office at the next municipal election and shall also resign from the municipal council effective December 31. The election for head of council of the affected area municipality shall take place at the normal time, and in accordance with the procedures for municipal elections as laid down in The Municipal Act.

Mr. Chairman: I will place the motion before the committee.

Mr. Bukator moves that subsection 4 of section 8 be deleted and the following substituted therefor:

> Where the head of the council of an area municipality is elected next chairman of the regional council at its September meeting to serve from the following January 1, he shall immediately notify the municipality of his intention not to seek office at the next municipal election and shall also resign from the municipal council effective December 31. The election for head of council of the affected area municipality shall take place at the normal time of and in accordance with the procedures for municipal elections as laid down in The Municipal Act.

The hon. member for Niagara Falls.

Mr. Bukator: This is just a follow-up on my previous amendment to delete subsection 3 of 8, and to clarify I read into the record subsection 4 that would replace the present subsection 4, resignation from area council.

It strikes me rather odd, and I would like to elaborate on this Mr. Chairman, that if a man is elected three years hence as a mayor of a municipality, one of the 12, and at his first meeting in the following year he finds himself appointed by the regional council to be the chairman of that governing body, then he is deemed to have resigned his office and they will call a by-election.

Now it strikes me again as odd, as I have said previously, to have two elections in the same area for the purpose of filling one job. There might be another approach, the Minister may take a look at where an area council is elected they may consider a deputy mayor. And if that be the case, when the mayor takes the position, the deputy could step up into the mayor's office.

It could be the runner-up with the highest vote, but I doubt very much whether that would be a good approach. Often a very popular man will be elected to an office, but he just does not have the municipal know-how to maintain that office and do it properly, because you are now designing much larger units and it should be a man of some experience.

However, I cannot see that this bill is reasonable in this regard. I know the Minister's experts have looked at every possible

angle, and I would like a comment from the Minister to tell me Mr. Chairman—if he would be so inclined—to tell me if they have explored other avenues, and why this method that I speak of could not fill the bill for him very nicely.

Hon. Mr. McKeough: I think this amendment stands with the other one and I will be glad to consider it with the first amendment.

I am not happy with what we have in the "Metro Act," and I am not particularly happy with what we have come up with here. I would hope some day we would move to a position where the chairman in Ottawa, in Metro or in Niagara would have to be a member of the council.

On the other hand, I think it is a point of putting a very heavy load on a person, for example, to be—well, in the case of Metropolitan Toronto he could be the mayor of Toronto and the chairman of the Metropolitan council as well—I doubt whether that is possible.

The situation is somewhat different here. I do not know how it will evolve, but there are, of course, the 16 directly elected people. Without having any knowledge of the calibre of those 16 directly elected people or their capabilities, whoever they may be, I have some feeling that those 16 may well be the work horses of the regional council. Twelve heads of council will be there for liaison purposes, and the 16 who will be there—remembering that they have no other job, no other elected job, no other municipal job—will be the people, I think, who will be called on to take committee jobs, to chair committees. It may well be that it will be normally out of those 16 that a chairman may well be elected.

Then of course you do not have the situation to worry about at all.

I have no idea whether that is going to happen or not, and I do not suppose any of us do. As I say, we are looking somewhat into the future. I will take the amendment and we will have a serious look at it. I do not think any of us are particularly happy with the present situation. On the other hand I do not want to hamstring them either.

Mr. Chairman: Is there any more discussion on the motion? The hon. member for Niagara Falls.

Mr. Bukator: If I could comment further: I can see a man who is elected as the mayor of a municipality in the coming election on October 6, taking office on October 15, becoming a very knowledgeable man in the next two years. Certainly among the members of the council who sit with him, with the 16 at large, with the chairman that you appoint and with the 12 elected mayors, confined within their group, within their council, is a very capable man who does his homework, who knows the area very well—such as the Niagara Peninsula, the two counties. They may consider this man for chairmanship. It would be exceptionally good for the Minister to take more than a good look at this alternative.

I have weighed this thing up and my knowledge of the counties of Lincoln and Welland have put me in the position to know. Often you come up with an individual who really knows his business and ought to have that chairmanship, and if the council would indicate in September, as my resolution indicates to you, or my amendment does, that he would be the man to take that office for two years, the continuity in the job, the very fact that he is acquainted and has the experience of the last three years and a half, would make him an exceptionally good man for that position.

If he was picked by the people who sat with him, knowing the business, because it is big business, and they are dealing with the purse of the public, then it would make—as my friend from Downsview said—abundant common sense to hire this man immediately and say to him:"Do not run for office because we would like to have their chairman, and you would not have to contend with another election within that short period of time." So I just give you that, Mr. Chairman, for what it is worth.

Mr. Chairman: All those in favour of Mr. Bukator's motion please say "aye". Those opposed will please say "nay". In my opinion the "nays" have it, I declare the motion lost.

Section 8 agreed to.

On section 9:

Mr. Chairman: The hon. member for Niagara Falls.

Mr. Bukator: Mr. Chairman, I would like to amend section 9 by adding the following subsection:

> Section 9(5): "The Lieutenant-Governor-in-Council shall establish a scale of remuneration for the members of the first regional council, both indirectly elected

and elected at large and the Minister shall cause the scale of remuneration to be published in the Ontario *Gazette*, and be advertised in the St. Catharines *Standard*, the Niagara Falls *Evening Review*, the Welland *Tribune* and all other daily and weekly newspapers in the counties of Lincoln and Welland by September 1, 1969."

Mr. Sopha: A very useful suggestion.

Mr. Chairman: Mr. Bukator has moved that section 9 be amended by adding thereto the following subsection:

Section 9, subsection 5: "The Lieutenant-Governor-in-Council shall establish a scale of remuneration for the members of the first regional council, both indirectly elected and elected at large, and the Minister shall cause the scale of remuneration to be published in the Ontario *Gazette*, and be advertised in the St. Catharines *Standard*, the Niagara Falls *Evening Review*, the Welland *Tribune*, and all the other daily and weekly newspapers in the counties of Lincoln and Welland by September 1, 1969."

The hon. member for Niagara Falls.

Mr. Bukator: Mr. Chairman – I want to compliment the Minister on the fact that he has kept this one a secret to himself if he knows by now who is going to take the job. But if he is going to appoint a chairman to the high office of the Chairman of the Regional Council of the municipality of Niagara, I am sure that by this day he knows that he is going to pay him. I realize that 12 municipalities will elect mayors, and I know, too, that the councils of those municipalities will set a wage for their mayors because they will be full-time jobs. They just have to be. There cannot be anything else. Yet you have 16 members at large who will be elected also. And I would think capable men, men that are knowledgeable in the business world, ought to know what they would be paid. I do not think they should be left to the mercy of the 29-man council that is elected and of which they are part, to establish their own pay. Since the government will, I know, bring in a bill, before this bill gets Royal Assent, to establish the wages of the chairman, I would think that the Minister ought to spell out a scale of wages that would be paid to those mayors because if they are paid in their own municipalities –and I realize the problem the Minister has to wrestle with–the mayors of the cities will be well paid. But if they form a part of the regional government there is a chance they should get their expenses at least.

Further on in the bill there will be some mention made of this particular fact.

But the 16 members at large, men of good calibre, capable in the business world and in the municipal world, ought to know what they are competing for in the election. And I think that this Minister should set a scale because he has brought about the statute. I think he should set down how much they are going to be paid.

We in the Legislature are not in a position to tell you, the world, what we are going to get in the way of wages. The Cabinet will decide that eventually, if ever they do. I think the Cabinet should decide what these men will get and I only use this argument because on the school boards, for example, it is left entirely up to the members, and the Ministers of this government are not getting as much money by way of pay. Not that I think they are not getting enough. In some instances, you may get too much–just to sound a little bit mean. However, I have not been that way so far this evening and I do not want to spoil a good record.

Mr. Sopha: The appropriate ones are blushing over there.

Mr. Bukator: But I would believe then, these Ministers who will determine our course, by way of finances. Most men who come to this House certainly did not come here because of the wages. They came through some idea of rendering a service to their people; through some circumstances, they came about being small town councillors and reeves and deputy reeves and mayors and finally, in many cases, they come directly here. I am only feeling sorry for them. They have missed a great experience.

Interjection by an hon. member.

Mr. Bukator: If I thought that were the case, I would be only too happy to sit down. But I am glad that I am impressing the new Minister of Energy and Resources Management. If this man would get up and speak on my behalf, I am sure the amendment would carry.

One of my colleagues said that the municipalities are the preachers of this province, and if they are, this province ought to say, if they are going to be elected to these offices, this is the amount of money that they ought to be paid, in the first term anyhow.

Then, leave it to them after they have had their two years' experience.

I am not fearful of the fact that they may overpay themselves. I do not think men of that calibre would do that. But I would say too, that if I was running for one of those offices I would like to know what I would be getting for my services to this province and for that reason, I move this amendment. I hope that I have the good fortune that my friend for Humber had this afternoon. There was an amendment made on his suggestion.

Mr. Sopha: Mr. Chairman, it strikes me that it is a very novel and useful suggestion advanced by my colleague for Niagara Falls and indeed, of such a nature that it might lend itself to a widespread adoption in many areas of the public service.

My first reaction when I listened to his persuasive argument about it, was that it would have been very helpful to the ratepayers of this province, if the salary scales of people participating in the regional educational system, had been made public before they were adopted. I daresay that that publication would have had a very salutory effect and would have largely obviated much of the synicism that has arisen after the fact, with the implementation of that very highly paid bureaucracy that we find redounding on all parts of the horizon in Ontario.

Notwithstanding that verbiage I commend this device to the Minister and since it does get to the pith and substance of his bill, you might very well accede to my friend from Niagara Falls who, in this case, as he says, with great validity and impressing all corners of the House from a person who has a very deep love for that beautiful and productive area of this province.

Mr. Chairman: The hon. member for Waterloo North.

Mr. Good: Mr. Speaker, I would like to add to this amendment from this point of view; I think we know that the councils in the area will be looking to the department for guidance. Rather than have the guidance go out in the form of guidelines, as went out from The Department of Education on the salary scales of the administrative staff on the county school board, I would sooner have it come out in the open where people know what is going on. This would avoid the tremendous reaction which is now taking place across the province, such as happened in my own riding last Thursday night, when 400 people gathered protesting the salary scales which were sent out as guidelines by The Department of Education, unbeknown to anyone in the county.

We have business executives now pointing out to the county board that they have given raises of $8,500 in one year, something unheard of in the industrial field, and to preclude the possibility of such a situation happening in this new area of consolidated municipalities into a large region, I think that the department will have to give more than guidelines as to salary scales, and I would support this amendment wholeheartedly.

Mr. Chairman: The hon. member for Scarborough East.

Mr. T. Reid (Scarborough East): Mr. Chairman, I just want to say that I understand how a market for this type of employee can be set up in Ontario—

Hon. Mr. McKeough: Mr. Chairman, that is not fair, we are not talking about employees.

Mr. T. Reid: Mr. Chairman, I have not finished my remarks. Unless the Minister is rising on a point of order, I have the floor.

Hon. Mr. McKeough: We are not talking about employees, we are talking about members of the council.

Mr. T. Reid: Oh, well thank you. I will leave my remarks until we get to the full-time employees.

Mr. Chairman: Does the Minister wish to comment?

Hon. Mr. McKeough: Yes, Mr. Chairman. I would have to reject this amendment. We spent some time at the last session of the Legislature amending The Municipal Act, and in every section where it was applicable—boards of control, aldermen, members of police villages—we took out each one of the sections of The Municipal Act which specified rates which councils of a certain size might pay themselves. We took all those out a year ago, and in fact, said that members of councils, being elected people, can set the salary scale which they think is appropriate. And I can tell you that, as Minister responsible for bringing in that legislation, I had a little bit of trepidation in doing so; and I can tell you we have hardly had a murmur since. It has worked very well.

I am quite confident that the good people of Niagara are going to elect 28 people who will decide what they will pay themselves as they have done in Ottawa-Carleton. They will

know the appropriate figure, what it should be. That, Mr. Chairman, is what local autonomy is all about. They will make this decision, not the Minister of Municipal Affairs, and if they make the wrong decision they will hear it from their ratepayers in exactly the same way as we, as members of this Legislature, will hear from our electorate if, at some point in the not-too-distant future one would hope, we see fit to collectively pass an Act having something to do with our remuneration.

Mr. Sopha: He can say that with the Premier away. Nobody should tell him.

Hon. Mr. McKeough: The Treasurer is here.

An hon. member: We do not trust him.

Mr. W. G. Pitman (Peterborough): Do not let us get into a debate on that tonight.

Mr. Chairman: Order, or the Minister may retract his statement.

Hon. Mr. McKeough: I might retract my statement, but not the sentiments.

Mr. Bukator: I, for the life of me, cannot understand, Mr. Chairman, the workings of government as long as I have served the public, and that is over 22 years. However, we say that we leave it to them, that they are capable and they will do a good job for you. I would be the first to admit that. They would have been capable of briniging in a bill much better than this one if you had given them the chance to do so.

Hon. A. Grossman (Minister of Correctional Services): That is not very nice.

Mr. Bukator: No, I guess not, but after all, before the evening is out—

Hon. Mr. Grossman: In that case they are able to justify themselves.

Mr. Bukator: We bring about a statute and we tell them what they will be governed by. This is fine, this is not a dictatorial attitude, this is an attitude of a government that thinks the people need that. And yet, while we say on one hand, "We will impose this on you, and you must accept this proposal; you will form this government as of October 6, and you will meet on October 15, and you will do certain things for us, in the province." On the other hand we say, "Set your own wages because this is a democracy." What a peculiar attitude. Where do we draw the line? Where do we start and where do we finish?

If you believe that regional government would have been the answer to this problem —and I go along with that kind of reasoning. We have no one on this side of the House who has said, "We do not want an improvement on what we have." But you, in spelling out in this bill what you are going to impose on the people of the Niagara Peninsula—and I say to you, Mr. Chairman, that after reading the morning paper about Port Arthur, about many of the criticisms that have come to you and your government, you certainly cannot throw up your hands and say to me that they, the honest people, the good people of Niagara Falls will determine it. I know they can, but I know that this has been forced on them and this is something that I do not buy entirely because I believe that your PR people and the Minister could have done a much better job of getting the people to agree to this.

I read in the papers where you say that they have accepted this, and I can assure you that as I read it from the other side of the table—and I do not think that we are here to question the Minister's integrity any more than he can question mine—but I have talked to these elected people, the grass roots government, and they did not want any part of it. All I am trying to do is to say to the Minister, if he is going to impose something on them to a point, he should take it a little further and say, "This is what we will pay you if you will do the job for us." And this is where you have come short of the mark.

Mr. Chairman: Those in favour of Mr. Bukator's motion will please say "aye".

Those opposed will please say "nay".

In my opinion the "nays" have it. The motion is defeated and section 9 will stand as part of the bill.

Sections 9 to 12 agreed to.

On section 13:

Mr. Good: Mr. Chairman, I wonder if the Minister would comment on subsection 4, that is, the appointment of a successor to fill a vacancy on the area municipality. The appointment made could be from anyone. I wonder if the Minister has considered the idea of appointing the one with the next highest votes in the previous election.

Hon. Mr. McKeough: No, that is an amendment I think would run against the principle of The Municipal Act too, because we have amended the Act a year ago again, so that in no situation must the council appoint a runner-up, and I would not want to put it

in here. They now can appoint anybody they want, including the runner-up.

Section 13 agreed to.

On section 14:

Mr. Bukator: I would like to speak to section 14. Members of the regional council —and I will read that section:

> —other than the chairman, may be paid on and after January 1, 1970, such annual and other remuneration as the regional council may determine.

There is a section in this bill somewhere, where you will set the wages of the chairman; and the very point that I was trying to make a few minutes ago, is that section 14 clearly spells it out. It appears that these men will sit in office from October 15 to the end of the year, a new council with no pay whatsoever, until they decide what they are going to pay themselves. This is a great game. I would like to run for that office. We have an inflated opinion of what we are worth. I would pay myself exceptionally well. I will read that again to you:

> Members of the regional council, other than the chairman, may be paid on and after January 1, 1970, such annual and other remuneration as the regional council may determine.

Now then, they will pay themselves after they have sat in the House, and I suppose they will maybe look back over their experience, Mr. Chairman, and say, "Well, they can pay me what I am worth". And some of them may have to work pretty cheap.

But this is the peculiar thing, Mr. Chairman, for this Minister to again allow a group of people—because they may have an inflated opinion of what they are worth, and who can take that privilege from them? They will determine an amount of money, and they will be responsible to the people who elect them. If they get too much, and pay themselves too much then the people can get at them three years after that—three full years in which they can pay their own wages, and say, "It was worth it because we worked so hard for it". Again, I do not approve of this, but I do not have an amendment; I just wanted to record what I had in mind.

Mr. Chairman: The hon. member for Humber.

Mr. G. Ben (Humber): Yes, Mr. Chairman, I have a question on this particular section. With the hon. member for Niagara Falls I prepared a proposed amendment. We did, however, have one difficulty and that was filling two essential blanks. First of all, it seemed absolutely ridiculous to us to put the people of this region into the position of electing officials to govern their activities from day to day without knowing what salaries those officials would pay themselves. Here we have a situation in section 14, Mr. Chairman, where on the day that they assume office—and the Act specifies when the first meeting shall be held—they can, before having done a lick of work, determine that they earn $15,000, $20,000, $25,000 or $30,000 a year.

Mr. L. C. Henderson (Lambton): They are not all Liberals, George.

Mr. Ben: All right, all right. Now look, the sums of $15,000, $20,000 and $25,000 are exaggerated for the effect that they would produce, because I do hope that at the outset they shall have a more modest appraisal of their work. But the fact still remains, Mr. Chairman, that the electors, the people of the Niagara region are entitled to have the people who ask for their vote on election day, say to them, "We are prepared to do this work for so many dollars per annum over this three-year term".

It may transpire, Mr. Chairman, that there will be much more demanded of these members than they first thought. They may be entitled to an increase, and with that we will not quarrel. For instance, we ourselves have come to the conclusion that perhaps we ought to be paid more than what we are receiving, considering we are going about 14 hours a day, and a session, instead of running three months, now seems to be running 14 months in a 12-month year.

Nevertheless, this section permits people to set their own salaries immediately after they assume office. One could understand the section reading that they shall be paid such and such a specific amount, and subsection 2 providing that after January 1, 1970, the chairman and the members of the regional council may determine what salary they shall receive, but to take effect on and after January 1, 1973. In other words, setting the salary of councils that will succeed them. But to give them a *carte blanche*, as this section does, is difficult for me to accept.

Hon. Mr. McKeough: The same principle.

Hon. A. F. Lawrence (Minister of Mines): Who decides our salary?

Mr. Ben: Now, there is an echo from the Minister of Mines, and he is the same as ourselves.

Well, I do not recall ever having passed judgment on what I was to receive—

Hon. A. F. Lawrence: No, but hope springs eternal.

Mr. Ben: The people who elected me knew what I expected to receive. It is true that we, as a Legislature, be paramount in many fields including our own remuneration; we can increase our salary. But the fact remains that the people who voted for George Ben or who voted for his opponent or who voted for any other member of this House, knew in 1967, during the election, how much we would receive when we came into this House. I think that the people of the Niagara region also ought to know the value that is put on their services. The difficult part, and the difficulty that faced both the member for Niagara Falls and myself, is that we were not prepared, in all honesty, to insert the sums that should be paid. We looked to the hon. Minister for guidance, and I am afraid—

Hon. Mr. Grossman: Want some guidance, George? Sit down.

Mr. Ben: —that there just was not any guidance coming for it—

Mr. Ruston: His experts are not very expert.

Mr. Henderson: What was the sum, George?

Mr. Ben: We have expressed our opinion.

Section 14 agreed to.

On section 15:

Mr. Bukator: This is a similar problem, only now we are dealing with,

> The regional council may from time to time establish such standing or other committees and assign them such duties as it deems expedient.

And so it says,

> Pay of the chairman; remuneration of committee chairmen—The regional council may, by bylaw, provide for paying an annual allowance to each chairman of the standing committee, except where such chairman is also chairman of the regional council.

This is not altogether confusing because if he is a chairman of a regional council, he will not be paid. But if he is a member of the regional council, other than a chairman, there will be expenses paid to him, but they say for what service or the amount again. I only argued, Mr. Chairman—and the Minister will confirm this; I am sure he is an honest man—the reason I did not like this legislation was because we did not know what it was going to cost the people affected. Now I think this is a sound argument. No one will hire a group of directors in any company, or a chairman, such as clause 15 indicated, without saying to that chairman and the people who will work under him, that this is the amount of money you are paid for this operation. And again the Minister brings about a statute and he does not spell that out, and he expects these people—and I say they are honest people —but at least they should have some kind of a guideline. And now the chairmen, through the regional council, can set their own wages and their own expense account. And if a group of people, who may be of the affluent society, feel that this is the amount of money they ought to have, they may be overpaid.

I say to you, Mr. Chairman, just by what we have passed already in this bill, this regional government is going to cost that area a tremendous sum of money, similar to what it is going to cost the school board. We just cannot buy a pig in a poke.

Mr. Chairman: The member for Waterloo North.

Mr. Good: Mr. Chairman, on section 15, I would like to make a few comments. There is no limit on the number of standing committees that can be appointed; there are no guidelines as to the salary scale set on these chairmen who will head these committees. I am wondering if there is within The Municipal Act, or if the Minister can give any outline of committees that can be established. Here we have a wide-open forum, in which committees may be established. Well now, in Ottawa-Carleton amendments the other day, I understand there is one section that I looked at where they are precluding the members of the regional council from being paid for sitting on health committees. Would he comment on the connection here? Why are members here allowed to establish as many committees as they want and to establish the pay for the chairmen of those committees while we are filling in loopholes in the Ottawa-Carleton area to preclude the payment of the chairman of that committee?

Hon. Mr. McKeough: Well, this section is exactly as it is, I believe, in The Metropolitan Toronto Act, exactly the same as it is in

The Ottawa-Carleton Act. And quite often councils see fit perhaps to pay chairmen of standing committees, although the appropriate figure often seems to be a couple of hundred dollars for being the chairman. That is all this section does. And they may decide not to pay anything at all, or they may decide to pay much more than $200; but this is within their discretion.

Section 15 agreed to.

On section 16:

Mr. Ben: Mr. Chairman, I have an amendment to propose to this particular section, and it is one that is technical. Section 16: The regional council may pass bylaws for governing the proceedings. I can hardly visualize—or I visualize with great difficulty —a regional council of this nature operating without bylaws, and I move that section be amended by substituting the word "shall" for the word "may" in the first line thereof, so that the section shall read:

> The regional council shall pass bylaws for governing the proceedings of the regional council and of its committees, the conduct of its members and the calling of meetings.

It is a simple, straightforward amendment which requires the regional council to have bylaws governing the activities of council and of its members, and I trust it will be unanimously passed without any more being said.

Mr. Chairman: Mr. Ben moves that section 16 be amended by substituting the word "shall" for the word "may" in the first line thereof.

The hon. Minister.

Hon. Mr. McKeough: They are sending me a note here. I take it this is normal legislation; I do not know why they would not pass a bylaw. On the other hand, the Attorney General says "may" is interpreted as "shall", which I do not understand. The Deputy Minister has sent a note saying all bylaw authority is permissive and this would be too rigid, and I think that is probably true.

Off hand, I can visualize that for the first six months, or the first year, they may operate without a procedural by-law; they may not want one until they decide what their procedures are going to be. If you put in the word shall" it means that at the first meeting, before they can do anything, I suppose, they have to pass a procedural by-law. I do not think it is necessary. If they decide they want one, they will pass one. If they do not, I do not think there is anything in The Municipal Act which says that a council shall pass it. They may; most of them do. I can tell you honestly that the city of Chatham has not looked at its procedural by-law for about 20 years and the council ran very well without one.

Mr. Ben: Now, that is a strange statement, Mr. Chairman. It is quite possible that the city of Chatham has not looked at its procedural by-law for 20 years, but it is difficult to accept the Minister's statement that the council has run very well without it. Obviously, they have not.

It could be that everybody recognizes the by-laws, and they are that rigid that they have not had to look at them, because they are adequate enough for the purpose. For the Minister to tell me that the Attorney General advises him that the meaning of the word "may" is the same as the meaning of the word "shall", I am afraid causes me to try to stretch credulity too far.

Mr. Chairman, by changing the word "may" to "shall" it does not put a time limit on it. The fact is it just makes it compulsory for the regional council to pass by-laws to govern its activities, and as the Minister himself said, he cannot visualize the council operating without procedural by-laws. It is a technical amendment and I cannot see why we should spend time to discuss it here.

Hon. Mr. Grossman: The chief law officer of the Crown says "may" is interpreted as "shall".

Mr. Ben: Well, with all due respect to the chief law officer, and I do have respect for him, I am afraid in this particular instance I must question his interpretation of the word.

Mr. S. Lewis (Scarborough West): I hope we divide the House on this.

Mr. Chairman: Those in favour of the motion will please say "aye".

Those opposed will please say "nay".

Mr. Chairman: In my opinion, the "nays" have it. I declare the motion lost.

Section 16 agreed to.

On section 17:

Hon. Mr. McKeough: Mr. Chairman, on section 17, I move that section 17 be amended as follows:

> (a) by striking out "subject to subsection 2" in the second line of subsection 1,

(b) by striking out "executive" in the second line of subsection 2 and substituting therefor "administrative",

(c) by striking out "executive" in the second line of subsection 3 and substituting "administrative" and by striking out "one" in the third line of subsection 3 and substituting 2,

All of which I am sure is as clear as mud. Let me read it to you as it will read as amended:

The regional council may by by-law appoint a chief officer—

I am sorry, going back to 17 (1):

The chairman is the head of the regional council and is the chief executive officer of the regional corporation.

We take out "subject to subsection 2". And then the second one is:

The regional council may by by-law appoint a chief administrative officer who—

and so on down to the end. And then 3:

Subsection 2 of section 239 of The Municipal Act applies to a chief administrative officer appointed under subsection 2.

Now this is something new; this is not in Metro nor is it in Ottawa-Carleton.

I suppose in part it arises because two of the four cities and both counties operate under either the clerk administrator system, or the city manager system—call it whatever you want—and they felt, as we felt, that there should be provision in the Act for a chief administrative officer.

I think perhaps in our haste to draw the section, we made it a bit contradictory and it was drawn to our attention by one of the solicitors for one of the municipalities in the last few days. So we are saying that the chairman is the head of the regional council, he is the chief executive officer. Secondly, the regional council may appoint a chief administrative officer.

One can argue over terminology at great length. I think my friend, the member for Niagara Falls, would recognize how little The Municipal Act says about what the duties and powers of a head of council are. It says practically nothing. It is assumed that the head of council is the chief executive officer. We are groping for words here, but we wanted to make it clear that there could be a chairman and then a chief administrator. And we think this makes it a little bit clearer, although I would be the first to say the wording is not nearly as clear as we would like to have it; we are still groping for the right words.

Mr. Chairman: The hon. member for Niagara Falls.

Mr. Bukator: This amendment to section 17, subsection 2, where you take out "executive" and insert therein "administrative officer", I am wondering whether he too will be able to come down to dollars and cents; whether he would be as I understand some of our Deputy Ministers are, and it is perfectly justified, they are better paid than the Ministers themselves because of the experience and work that they do. Are we coming up with a Deputy Minister or an executive administrative officer here, who will no doubt be better paid than the chairman? Will the Minister spell it out in his bill when he appoints that chairman; will he tell us what it is going to cost? Again it is a cost factor and nothing else.

Hon. Mr. McKeough: Yes, of course there are a number of administrative officers in the Peninsula now, as there are in many municipalities, who are paid much more than the mayor. I think of the city of Windsor, for example, where I think the mayor receives about $14,000 or $15,000, or a little more, and the chief administrative officer—city manager in that case—receives, I think, $28,000. And this may well be the case here. When we appoint the chairman, he may or may not feel there should be a chief administrative officer and subject to what the council has to say that may well have something to do with determining his remuneration.

Mr. Bukator: Figures will come out eventually if we talk long enough. The mayor of Windsor, $14,000 or better, and his administrative officer, $28,000. You can multiply that by 12 in the Niagara Peninsula. We are getting into a pretty fancy amount of money. I am sure that a man who would fill the bill would have to be paid well, I realize that; but again I would have liked to have had some kind of a guideline on these people so they could not just go overboard, because of their importance to themselves; and this is where you should have put a ceiling, on the amount.

Mr. Chairman: Shall Mr. McKeough's motion carry?

Section 17, as amended, agreed to.

Sections 18 and 19 agreed to.

On section 20:

Mr. Bukator: Mr. Chairman, again we come into the high-priced staff. The regional council shall appoint an officer whose duty it is to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the regional council. Now you call for an appointment of an officer, and his duties, and then you read—

Hon. Mr. McKeough: I wonder if the member would let me interrupt for a minute and explain this section, because it comes up again.

What we are doing here—and this is word for word I guess from the general legislation in Metro, and Ottawa, Carleton—we are appointing the clerk and somewhere about half way through the drafting of this bill we decided we really believe in local autonomy. I think the inter-municipal committee suggested this—I do now know—it did not come up over the clerk, it came up over the water commissioner, or something.

They said now we may not want a water commissioner, we may want a water and sewer commissioner and we decided in our wisdom, although we went right back to the office of the clerk, to let the council call them what they want to call them; so we do not name the clerk. We do not name the treasurer—we say another officer—a financial officer, and the council will put the titles on them which they think are appropriate. This person we are talking about here is the clerk of the municipality.

Mr. Bukator: Now we are on familiar ground. In this section 20 you are going to appoint a clerk or better yet, we will stay with the bill and say what his position is, knowing that he is the clerk. Then down in subsection 2, you have a deputy officer, or deputy clerk, and then you have an acting clerk. Now I do not want to read to you the authorities that these people have, but my what a lot of responsibility you put on their shoulders.

I have just had handed to me a piece of paper that might appear to be a jingle, but to paraphrase the finance company: "before you sign on the dotted line, know what your help will cost". The Minister should have had this before he drafted this bill because the people again have sent me here and I have had, as I said, a lot of experience in municipal affairs. In every instance, when I took the job, I knew what they were going to pay me. Here you have just opened the book and said, "Boys, help yourselves, there is lots here for you."

Sections 20 to 25, inclusive, agreed to.

On section 26:

Mr. Ben: Chairman, I just want to make one comment. There is not enough protection in section 26—I am sorry I will pass for one.

Section 26 agreed to.

On section 27:

Mr. Chairman: The hon. Minister has an amendment.

Hon. Mr. McKeough: On subsection 9 of section 27, I move that section 27 be amended as follows:

By inserting after municipality in the fourth line of subsection 9, "who are employed by such local municipality or local board on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969" and

(b) by adding thereto the following subsection which will be 12—"nothing in this section prevents any employer from terminating the employment of an employee for cause".

Both of these amendments were suggested at the three meetings in the peninsula.

Mr. Chairman: Shall Mr. McKeough's motion carry? Shall section 27, as amended, form part of the bill?

Mr. Ben: Mr. Chairman, there is one weakness in this particular section and that is with reference to the employees who will be made employees of the regional council.

The section protects any vested rights or interests that the employees may have, but only until the 31st day of December, 1970. The various subsections under section 27 assure that such employees will be entitled to the same rates of pay, the same sick leave credits, the same holidays, the same pension rights, but as I say these rights extend only to the 31st day of December, 1970.

Mr. Chairman, I firmly believe that because this bill is passed, employees of the area municipalities who have given long and faithful service, ought not to be penalized or prejudiced. And I do believe that this section should contain a proviso that none of the employees who are transferred from any area municipality to the regional council will receive less by way of salary, or holidays, or sick leave credits, or penson rights than they were receiving on the first day of April, 1969. I think equity and good conscience demands

that we protect the interests of those particular employees. I do not have a suggested amendment here, Mr. Chairman, but—

Mr. Chairman: Did I understand the hon. member to say he wanted to suggest an amendment?

Mr. Ben: I said I do not have a suggested amendment, but I do strongly recommend to this House that we request the Minister to rise and give his assurance to the House that he will forthwith bring forth an amendment which will protect the rights which have been acquired by the employees of the various area municipalities, which employees will now become employees of the regional council, not just to the 31st day of December, 1970, but henceforth.

Mr. Chairman: Do you have a reply, Mr. Minister?

Hon. Mr. McKeough: I might just comment briefly. I do not know how you guarantee something for ever when you are talking about employment. We think this is a good section, it is taken from the Ottawa-Carleton bill. It ensures first of all that everybody must be offered employment at the same rate of pay as they are receiving now and that holds for a year and with the other things which are necessary. It was well accepted in Ottawa-Carleton. I may say we had the greatest co-operation from the Canadian Union of Public Employees. I think Canadian Union of Public Employees was generally satisfied with these provisions here, perhaps with a couple of exceptions, but not related to what you have said.

I am sure the member for Oshawa (Mr. Pilkey) will tell us that if General Motors amalgamates with Ford tomorrow, or are taken over, these people can be put out of work. That is not the intention here. We guarantee them employment for at least a year. We got criticism quite frankly—there was some criticism at the Lakehead for putting these provisions in because they said you are not going to get the immediate economies which you should get. I suppose there is some worry about that except in an area this large, or even at the Lakehead, through retirement and attrition, and normal health reasons, it will come to the size that it should be very quickly. I think frankly this is a good step and I do not think we need go any further than this section goes.

Mr. Ben: If I just may echo the words of the Minister in that he wished the member for Oshawa was here, for I do believe that if the member for Oshawa was here, he would inform the Minister that if General Motors were taken over by Ford, Ford would have to be bound by all the labour contracts that General Motors had negotiated with its employees. All we are asking is that you follow the same principle here.

Hon. Mr. McKeough: All the contracts which are in effect now must be carried on by the new municipalities, that is part of The Labour Relations Act.

Mr. Ben: But only to December 31, 1970.

Mr. B. Newman (Windsor-Walkerville): That did not happen with the jail employees though.

Mr. Chairman: Shall the Minister's amendment stand as part of the bill?

Mr. Bukator: Mr. Chairman, is this on the amendment? If you are just talking to the amendment I have nothing to say on it but I do not want section 26 passed entirely. There are many sections of the bill that I would like to talk about.

Mr. Chairman: The amendment has been carried.

Mr. Bukator: I would like to follow up on what my colleague from Humber said—sick leave credits apparently—

Mr. Chairman: Section 27.

Mr. Bukator: Yes, I hope so—sick leave credits will continue. The employees, as I gather it in this bill, if they have accumulated some credits for sick leave, they continue with the job. But again, as my colleague said, maybe only for a year. Then the people who are in power will do whatever they please with their employees, when they find they have to streamline or let people go. So, even if they have a contract I guess it is not really binding on the new regional council. That is definite is it, Mr. Chairman?

Hon. Mr. McKeough: Any contract is going to run out at some point in time. I suppose if they were covered by a contract, an average might be a year.

Mr. Bukator: Yes and sometimes they are longer than that; they will continue as long as—

Hon. Mr. McKeough: But one year may have gone by, that is what I am saying.

Mr. Bukator: The employees' holidays — many municipalities have this in their contracts—others do not have any contracts at all in the smaller municipalities. They do not have any statutory holidays except what the small town council, in their discretion, see fit to give them. That is a problem I suppose that the local regional government or the local municipality will have to contend with. That is no concern of yours. You have inserted in this bill what they may do and beyond that point, there is nothing you can do to dictate to them; I suppose that is the attitude of the Minister.

I was speaking of the employees' holidays.

Hon. Mr. McKeough: Yes, except that, I think, if in 1969 a person working for Crystal Beach is entitled to two weeks holidays, it simply means that in 1970 he must have at least two weeks holidays. I hardly think that it is likely that in 1971, his employer is going to say, "You are going to revert to one week's holidays," I mean it just does not happen that way, nor does it happen with sick-leave credits. I do not know how you could take them away. Certainly, you could not with pension benefits.

Mr. Bukator: You can fire him; let the man go.

Mr. Chairman: Shall section 27 form part of the bill?

Mr. Bukator: Again, I made notes where my colleague made notes. What happens after the first year? But I guess no one can predict the future to that extent. The salary problem is what I would like to discuss with the Minister for a little while, Mr. Chairman. They will find it rather peculiar when they become a part of a larger city and they find that their employees in the waterworks department, or wherever they happen to be—that will be the next section—find that they are working shoulder to shoulder with other employees with quite a differential in their wages.

Again that would be the problem of the new area council. You are getting out from there very nicely. I do not know how you wrestle with that one. It strikes me so odd that they both will go to the bank and cash their cheques and have to pay the same amount for that bottle of liquor, if they buy liquor, or a loaf of bread. Anyhow, we will have good people on those councils. No doubt they will know how to handle it.

Mr. Chairman: Does section 27, as amended, form part of the bill?

Section 27, as amended, agreed to.

Section 28 agreed to.

On section 29:

Mr. Bukator: Not so fast. That is a very important part of this bill.

Mr. Chairman, the establishment of a waterworks system—the Minister did receive some correspondence on that. I guess the Minister has talked with people who are affected. I would like to put some of the history of the area that I represent on the record, and I would like very much to find out what the Minister and his experts have found in their research and what they intend to do about these problems. There are certain questions that are bothering me.

First of all, the village in which I live, the village of Chippawa, for a long time maintained their own waterworks plant. They found it easier and cheaper to purchase water from a waterworks plant and this waterworks distribution system in the village of Chippawa belonged to the city of Niagara Falls. When our contract ran out and we were providing water to the neighbouring township through our system, they decided then that they, the city of Niagara Falls, would renew their contract with us for 25 years, providing we did not sell water to the neighbouring township.

So we had a pretty good rate. We found it was cheaper to eliminate our plant. We turned the plant over to the Niagara Parks Commission. They do not filter the waters but they have put an irrigation system through their parks where they use that plant. Crystal Beach has a waterworks plant. It has been there for a long time. It is adequate to take care of their own village of some 2,000 people or a few more in the winter months. But in the summer they have to contend with providing water for some 25,000 people a day. Their plant is not adequate to provide the necessary filtration system and yet their people enjoy, as I have read into the record before, a rate of something like $12.75 a year for the residents.

The neighbouring township, Bertie, has had a lot of difficulty because it is a large township with a water works plant that they have contracted with the Ontario Water Resources Commission.

I have heard the Minister explain this before but I find—I am only speaking, Mr.

Chairman, of one section of this bill, the establishment of waterworks. And now I am wondering just how his people—and again, I suppose I could guess what the answer to this is. When utilities commissions as they are today in some municipalities will be done away with, then the hydro will continue as the Hydro Commission. The waterworks committee will then be appointed by the regional government. The are municipalities will provide the water within that city or town or township. The trunk lines will become the responsibility of the regional government. There are no major plants. Yes, the major plants administration of the plants will come under the regional government. The only portion that the area municipalities will have to do with is to bill—or will the billing come from the regional government? I am not sure.

Hon. Mr. McKeough: From the local municipalities.

Mr. Bukator: From the local municipalities. I realize that there will a tapering off, a leveling off of rates and why not? If the people become the members of one municipality, Mr. Chairman, then even though Crystal Beach does enjoy the preferred rate, and I think Chippawa does too, the city Niagara Falls not only provides the water for the city itself but sells water down as far as Niagara-on-the-Lake. They have a reservoir on top of the Queenston monument there. They fill that tank through the night and in the daytime they provide it through gravity, down to historic Niagara-on-the-Lake. They have a paying proposition. They are making money from their plant and when they have a surplus they naturally apply it to the lowering of their mill rate. They add it as revenue. I believe and I think Crystal Beach does that also.

But now the money that will be vested, if there is a surplus of money in the municipalities that have the plants now— as I read the bill it will be vested—put in trust and credited to that municipality; but I do not know for what. What would they need that money for? Yes, maybe we should get an answer now and then I can go on.

Hon. Mr. McKeough: Of course, in theory any water commission does not make a profit. If they make a profit, in theory—and a hydro commission is the same thing—they are supposed to turn it over to their municipality. But many municipalities have been maybe waiting for years for that return and have never received it. Now what has happened historically to this money in many municipalities? By our bookkeeping terms we would say they have operated at a profit. But that profit perhaps as depreciation is set aside and then re-invested in replacements to lines or additional lines or new plant and so on.

For instance, I guess you could—again I hate to use Chatham as an example, but they have had a surplus in the water commission for the last two or three years of several hundred thousand dollars. They doubled the rates deliberately to achieve that surplus and they propose to build a new filtration plant. You and I would say that they operated at a profit. But in utilities language they have not. The only difference is, I assume, that they will still do this, except that the money will not be earmarked in a waterworks account for that kind of replacement. It may be in another account for different reasons. But the responsibility will be the council's to provide those facilities in the same way as it has been the water commission's responsibility.

Mr. Bukator: Mr. Chairman, I know what the Act is supposed to do eventually, to provide all the services that this province can provide for all the citizens of the province of Ontario. And they should all be treated the same. They should not have one in a favoured position where others do not have any services at all. But I am sure the Minister has said this in my travels, as I followed him from Beamsville to Niagara Falls to Welland, that there will be municipalities that will have to bear a larger rate to help. The haves will have to provide for the have nots. I do not know just how this is going to be put into effect except the Minister can say again, "When we appoint that new commission, whom we do not know what we are going to pay, a group of people whom we do not know what we are going to pay, are going to determine what others are going to pay." It is a little bit confusing.

Again, that could have been worked out, I think, because we are dealing with an asset. We are dealing with buildings. We are dealing with the amount of revenue coming in. I think this could have been spelled out a lot better in this bill than it is now. And I think here is where we have come short of the mark again. Section by section this Minister can say to me that when the councils are elected they can handle this. But I believe he is shirking his duties here, because he has the research people, he has capable men, he has the statute, he has the blue book that gives you the costs, the population, the gallonage that is consumed. All of this is given

in statistics that I have seen on many occasions. So you could have sat down with these people in the municipalities and spelled this out a little better than you have done in this bill.

Section 29 agreed to.

Sections 30 to 32, inclusive, agreed to.

On section 33:

Mr. D. M. Deacon (York Centre): I missed something under 30. I can catch it the next time because the principle comes up in another section, but I did want to talk about this matter in section 30.

Mr. Chairman: Well, we passed that quite a while ago. Could you discuss it the next time it comes up?

Mr. Sopha: We did not pass it a while ago, we passed it 45 seconds ago.

Mr. Deacon: Mr. Chairman, I will catch it later, but the principle is that the present rates of interest make this clause, sub-clause 6, quite impractical. It would certainly pay the regional corporation to hang on to its money as long as it could, because it cannot borrow money at the bank at six per cent, which this works out to. I would appreciate the Minister's view on changing the rate to three-quarters of one per cent per month instead of half of one per cent in view of bank interest rates. The prime rate has been very close to that amount.

Hon. Mr. McKeough: There is a proposed amendment to The Municipal Act and when it comes in, and the rate is increased, this section will be done at the same time.

Sections 33 to 35, inclusive, agreed to.

On section 36:

Mr. Good: Section 36 has to do with the fixation of the rates throughout the area. Would it be the intention over a period of time to have a standard rate for the whole region through the regional water commission, or will there always be a differential of rates?

Hon. Mr. McKeough: Yes, a standard rate would be our hope. One of the purposes of regional government is to bring about an equalization of rates over the area. There may eventually be one rate, not one water supply, but it will be operated by the one government. This means eventually I suppose that some water rates will go up, others will come down. But there will be other adjustments in various costs. I do not know how quickly this is going to happen. Crystal Beach, for example, as the hon. member has pointed out, enjoys a very low water rate. I would imagine that the regional council in its wisdom would not want to equalize that in a great hurry. My guess would be that it may take 20 years before water rates, sewer rates, are applied generally right across the whole area.

Section 36 agreed to.

On section 37:

Mr. Deacon: On 37, the question of sale to outside municipalities, the subsection 2 states: "The regional corporation may enter into a contract for the supply of water to any local or regional municipality outside the regional area."

On the western boundaries there might be a municipality which requires water for a school or some other thing and the region might say: "No, we don't want to supply it." Is there not a responsibility here that we should funnel up through to the province to direct where water shall be supplied? We should not think of these regional water and sewage systems as being absolutely isolated. Topographical conditions could make it quite difficult for a specific region to supply a certain area and much better for another one to do so, yet due to personality differences or some other reason, lack of co operation could force a very impractical and expensive solution upon a neighbouring region or municipality. I would appreciate the Minister's view on that.

Hon. Mr. McKeough: We do not say to any municipality in the province in the general legislation that "you shall sell water" to a neighbouring municipality. It is their option. Now, mind you, the Ontario Water Resources Commission has some—

Mr. Deacon: What about the case where the Ontario Water Resources Commission has the right to buy?

Hon. Mr. McKeough: Right. Well, the Ontario Water Resources Commission has a certain amount of leverage in this area; they may have some direct control. I do not know whether under their Act they can order municipalities to sell water to another municipality or not. They can certainly put on a great deal of pressure.

Mr. Deacon: Mr. Chairman, the Ontario Water Resources Commission does have the right to build its own separate works and

supply the neighbouring municipalities. But it seems to me there should be some clear understanding as to the obligation to serve on an overall provincial plan of water supply, and it will come up later in respect to sewage plants as well. This is a problem I see in this basic approach, according to this Act, of leaving the responsibility of supplying water and sewage purely in the hands of the region.

I believe there should be some provision in here where, in the interest of the overall inter-regional service and planning, that it is clearly understood the Ontario Water Resources Commission would settle any dispute.

It is similar to the situation last year where garbage was disposed of outside one region, and a fight developed between two regions. It is not necessary for any dispute to develop if the province takes upon itself the prime role of integrating the two neighbouring regions where the problem arises.

I think we should not leave it where there could be quite costly works introduced because a region says there is no provision here and there is nothing to state the Water Resources Commission has any rights and, as far as we are concerned, this is our system, we paid for it and under no conditions are we going to be serving the neighbouring region.

Sections 37 to 41, inclusive, agreed to.

On section 42:

Mr. Good: Mr. Chairman, on section 42 I have a question I would like to ask the Minister on the relationship of the OWRC to this section.

Here we see that the regional council may pass by-laws establishing standards for the small communities regarding the construction of their distribution systems. Distribution systems are under the management of the area community, but we have the regional council setting their standards of equipment for distribution. Now, what about the OWRC standards, do they supersede that, or what is the connection there?

Hon. Mr. McKeough: I do not have the OWRC Act here, but I think their Act gives them really general authority across the province to set certain standards and this would not supersede it.

Mr. Good: Would this be the same as section 59? Is the answer the same there?

Hon. Mr. McKeough: Yes.

Mr. Good: Well, does the Minister know why this is in? Why would not OWRC standards be sufficient? Why has he allowed the regional municipalities to tell the area municipalities what standards of distribution they have within their own municipality?

Hon. Mr. McKeough: Remember that the region is going to own the waterworks in this instance.

Mr. Good: Not the distribution systems.

Hon. Mr. McKeough: Well, they are going to own the trunk distribution systems so they are going to have a great interest in the design and construction and how the local system is maintained to make sure there are no leaks. They may have different kinds of concern from those of the Ontario Water Resources Commission, which I think would be chiefly with the quality of water and that sort of thing.

Section 42 agreed to.

On section 43:

Mr. Bukator: Mr. Chairman, there will be disputes. Apparently, that is why this section is in. And they can appeal to the Municipal Board for a decision.

The Ontario Water Resources Commission is doing some work in that area—will they be phased out eventually if the new town takes over? I realize that if there is an indebtedness, the regional council will bill the municipality because they assume their debt—they pay the bill and then they collect from the area municipality, and if they do not pay there is something like one half of one per cent interest charge, six per cent a year on the unpaid balance on any part of a month. If you could arrange that in my business I would like it at six per cent a year.

Sections 43 to 49, inclusive, agreed to.

On section 50:

Mr. Bukator: That is going to be a difficult one. I would like some information on this. There was a lot of discussion as we travelled the circuit on this issue. There are municipalities that have the necessary disposal plants. Some are primary treatments; one or two, I believe, have primary and secondary treatments. The extension of the line will be determined by the regional council. Maybe some of my colleagues have studied this section of the bill more than I have, but one

portion of this section was brought up by my colleague from Welland South.

He suggested that where you have both storm sewer water and sewage treatment plant running into one plant, the city believes that they ought to separate the storm water from the sewer, and I think that is a good idea. The complaint was, and I would like to record it now, that townships that have no interest in the matter at all, and which are far removed from the urban areas, may have to pay 25 per cent of the cost of that separation and benefit very little or not at all from the expenditure. That was the point I wanted to make with you. It would appear that the Minister is imposing an added cost to a municipality that will not benefit from the service.

Sections 50 to 52, inclusive, agreed to.

On section 53:

Mr. Deacon: On section 53, I just did not get up soon enough on the previous one to raise this point about compensation.

The fact that no compensation is paid, quite different from the system that was provided for in the schools when various school sections were taken over, means that the municipality which has done a good job in paying off debts quickly so that there is not much interest charge going on the water rates or the sewer rates, the municipality which has provided generously for expansion of its system, that is looking well to the future and has over-built, so to speak, over-designed to provide for future expansion, is being penalized. It is getting no credit at all.

What is the reason the Minister has decided on this programme of only having the municipalities pay their debt charges on the debt still outstanding on the works rather than getting any credit for the value of the works going into the central system?

Hon. Mr. McKeough: Presumably this will be in both the case of water and sewers. This will be taken into account in the setting of the area rates, and until those things are equalized that is probably why there will be area rates. A municipality may have a sewage system bought and paid for, with no debt on it; and they may not even have a sewer rate. I do not think there are any like that in the peninsula, incidentally; but this is the reason for area rates and why it is impossible to say that there should be no area rates.

Mr. Deacon: So that the plan is to have each municipality pay, in effect, what it had been paying and then if there are works required for the overall region, there will be a regional rate on top of the area rate. Thank you.

Sections 53 to 57, inclusive, agreed to.

On section 58:

Mr. Deacon: On section 58, Mr. Chairman, in subsection 2, the clause reads in the fifth line, "such terms and conditions in the borrowing for any period not exceeding 20 years."

Now in view of the fact that sewage works are usually good for 40 years or so, and that sometimes it is advantageous to borrow over a longer period of time, should that not be changed to a longer period of time? Why restrict them if they can borrow more advantageously at a longer term.

Mr. Chairman: Does the hon. Minister have any comments?

Hon. Mr. McKeough: I do not know why 20 years was chosen. I think the sections pretty well follow from the Metropolitan Toronto bill and that was the appropriate figure.

I can see no reason why this should not be changed. The OWRC may have some feeling that 20 years is long enough.

I will be glad to take a look at it. We will question them and if it can be for a longer period we will change it the next time around.

Mr. Deacon: Mr. Chairman, I hope the Minister will take a look at the agreements with the OWRC. I think you will find many at 30 years, and 40 years. Let us give them the advantage here since this is, of course, subject to Municipal Board approval.

Sections 58 to 61, inclusive, agreed to.

On section 62:

Mr. Bukator: Mr. Chairman, this is the section I made reference to a while back.

> The regional council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after January 1, 1969, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof, to the area municipality.

I made reference to the fact that many municipalities do not have any connection to these

sewers at all and they will be bound by this section of the Act to bear 25 per cent of the cost. It does not appear to be a proper imposition of a cost to a group of municipalities which are not getting the benefit of that sewer.

Hon. Mr. McKeough: Well, this is a section which comes from the Metro Act; many of these do.

My point on the last section was that I do not think it has ever been used, therefore the Metro Act has never been amended to change it from 20 years to what is now more appropriate, 30 or 40 years. Use of this section has been talked about in the city of Toronto. Welland requested this section and thought it should be in; the other municipalities in the intermunicipal committee did not disagree.

It is part of the arsenal, of the armoury if you can put it that way. The theory behind it is that it may be a good thing for the region as a whole, which is going to assume a certain liability to assist.

It is purely optional and may be a good thing, because Welland has a number of combined sewers. It may be a good thing for the region as a whole, to assist Welland at a point in time in separating their sewers because: (a) they need the help—it is an expensive proposition and this is the kind of help that perhaps Welland can use at a point in time or some other municipality; and (b) of course, by separating the sewage presumably the size of the treatment plant can be smaller and this saves money too.

It is a good idea to separate. Money is saved because the treatment plant is smaller and the storm water can be discharged, probably, right into the stream.

So this is part of arsenal. I recognize the member's fears, but I would have to say they are not worried about it. They may lose out at some point or another, as part of a package to do something in terms of what is one of the most pressing problems in the peninsula; and I think the member would agree with this. I think one of the great reasons for regional government is to regionally plan the treatment of sewage in the Niagara peninsula because there is a great deal of it to be done.

Mr. Good: Mr. Chairman, on this section there are two things that concern me. One is the Minister's statement of a differential tax base for services rendered, and this was the strong point that was made in the Niagara presentation. It deals mainly with sewer and water. So here we have a clause which is going to throw financial liability on areas.

Hon. Mr. McKeough: No, no!

The member should read the clause, it says "may contribute".

Mr. Good: All right, "may".

Hon. Mr. McKeough: The regional council may contribute.

Mr. Good: All right, which would throw—I am sorry, not which would, which could throw financial liability on areas which would receive no service. This was the point which most people were concerned at your presentation at Niagara-on-the-Lake.

Now the other question. I want to ask on this clause is, I do not know if there is anyone here tonight from OWRC, but I understand that there is a new philosophy emanating from OWRC, that in new areas it should be a one pipe system to get rid of both sewage and storm water. Now here you are reverting back to a dual system which would be a tremendous cost for a city such as St. Catharines and I am asking if you have heard any—

Mr. J. Root (Wellington-Dufferin): Point of order, Mr. Chairman.

Mr. Chairman: State the point of order.

Mr. Root: Mr. Chairman, I just want to say the policy of OWRC is to separate storm water from sewage because the storm water overloads the treatment facilities.

Mr. Good: Thank you for the information. I will check out the source of my information since it is supposed to have come from OWRC, relating to new areas being put into cities. It was a cost factor involved and I will check it out very much further.

Mr. Bukator: That is exactly the argument that I am trying to make, Mr. Chairman. As the vice-chairman of the Ontario Water Resources Commission just said to you, their purpose is to separate. It would appear to me that when you separate this, it is going to cost somebody money, somebody that does not get the benefit of it at all. Now I realize that the Minister has made the point they may build smaller units, because they are not putting the storm water into it, but I say this—

Hon. Mr. McKeough: The existing unit may last longer.

Mr. Bukator: That is another argument, yes. But if the Ontario Water Resources Commission are going about and insisting, as in many cases they ought, that they separate the storm water from the sanitary sewers, because they flood, and the overflow puts the effluent into the streams and it is not properly treated because of the storm water. So I go along with what the Minister says; they do that.

But I say to the Minister, Mr. Chairman, that municipalities will have to pay part of the bill. Then again, I suppose we could argue that they use the streams, and they are cleared up for their benefit, and therefore they should pay. I do not know—except there should be some protection for some municipalities that do not benefit at all and this is my argument.

Sections 62 to 66, inclusive, agreed to.

On section 67:

Mr. Deacon: Mr. Chairman, the principle of county roads or even regional roads in urban areas is a question that has been getting a lot of study by those who are now considering regional government. Many are wondering whether we should not absolutely abandon the principle of these regional roads and leave arterial roads completely in the hands of The Department of Highways. There is a—

Mr. Chairman: Is the hon. member speaking to section 67?

Mr. Deacon: That is right; it is to do with regional road system, and it is to do with the—

Mr. Chairman: Well 67 is the interpretation section of the entire part.

Mr. Deacon: Well, I will leave it to 68 then.

Section 67 agreed to.

On section 68:

Mr. Deacon: The principle of regional roads, county roads, in almost every case they are really connecting provincial highways and these arterial roads, when they are under the county, not getting the very large provincial grant yet. They are really carrying, you might say, provincial highway traffic. They are through, arterial routes and rather than get into this continuous hassle of what is going to be an arterial road, particularly in a region like Niagara which has a tremendous amount of highway carrying really provincial traffic, we should give the matter consideration. I would like to get the Minister's view on this whole principle of forgetting about county roads, or regional roads, and leaving it where the regional municipality and the area municipalities have responsibility only for the local roads. The county roads as presently constituted are taken over by The Department of Highways.

Mr. Chairman: Does the hon. Minister have any comments?

Hon. Mr. McKeough: No, in the initial sense the regional roads system will probably be the existing county system, with certain changes, and of course the great advantage will be that the regional roads will extend into the cities and separated towns which they do not at the present time.

I think what the member is saying would more properly be discussed under the estimates of The Department of Highways because he is really talking about the philosophy of subsidies to municipal roads and what constitutes a King's Highway and what does not. I do not think it is particularly applicable here.

Mr. Deacon: Well, Mr. Chairman, the problem is we just do not get at it in The Department of Highways; we cannot consider it there. It is when you are setting up these regions that we have to do it and the Minister did make some statement in regard to the future handling of grants with these regional roads, certainly in the York county presentation. I feel that this is the time to get into it. The Minister and the Minister of Highways and actually, the Cabinet, should be taking hold of this problem and considering a new way of looking at it—a new approach to it.

We are getting into dispute after dispute between The Department of Highways and the municipalities as to who is looking after what. It is well illustrated in the Metro Toronto area where the Metropolitan roads commission is saying it will not do anything about the extension of the Don Valley Parkway until The Department of Highways changes its position with regard to county road grants. And even though there is really a provincial highway extension needed there, it is full of provincial traffic—it is going to be serving an extension of the Parkway—we have nothing happening.

This is going to happen in the Niagara region when you have so much traffic—not traffic within the region itself but traffic that is going through the region—and there is

going to be continual pressure from the municipalities and the region, to have The Department of Highways take over these regional roads; and I think they should take them over because there is provincial traffic running on them. I just do not feel we can expect to have this issue decided in the estimates of The Department of Highways because it will not be decided there. It will be decided by this Minister working it out with the Minister of Highways in the setting up of these regions. And I do not think we should forget the issue today.

Mr. Bukator: The Minister made an attempt at saying that this is not the problem of the Minister, but it spells out the problem quite well in this bill—at section 68. Is that what we are dealing with now, Mr. Chairman, 68?

Mr. Chairman: Section 68.

Mr. Bukator: In section 68, subsection 4, it says:

> In transfer of provincial highways to regional corporation, the Lieutenant-Governor-in-Council may transfer any highways under the jurisdiction and control of the department within the regional area to the regional corporation, and the highway shall, for all purposes, be deemed to be part of the regional road system on such date as is designed by the Lieutenant-Governor-in-Council, and has been transferred under section 29 of The Highway Improvement Act.

I wonder just how much study has been done on this. In this bill somewhere you are doing away with suburban road commissions. But could I ask the Minister, Mr. Chairman, about the purpose of setting up cities, towns and townships. There are towns now that could very easily have been called a city, and I think that is because of the grant structure; it it?

Hon. Mr. McKeough: This is the only reason, and the decision to call Fort Erie, for example, a town, was predicted on the existing highways grant structure which is going to be changed beginning next year. So that there will be nothing to prevent, after a year or so, calling it a city.

As far as I know, only the highway grant structure made any difference at all in so far as we are able to find out. Mind you The Assessment Act says all sorts of things. In cities the rate of business taxes is one thing, and in towns it is something else, which is completely irrelevant today, and in the amendments to The Assessment Act we are removing those things. A business is being assessed as a business, regardless of where it is. We do not think there are many other places where it matters what you call yourself, whether it is a town, or a township, or a city or a borough for that matter, but the big thing was the highway grant structure.

Mr. Bukator: The school costs are the same way, but we are not dealing with schools in this bill. For instance, a township would get 60 per cent grant for their school purposes, and sometimes more than that in certain areas, but the cities would get a much smaller percentage.

Hon. Mr. McKeough: I think that is all related to their equalized assessment. I do not think it matters what kind of a municipality they are. I could be wrong about that though.

Mr. Bukator: It still applies here where you would build a bridge, for instance, in the city of Niagara Falls. According to this statute you would give them something like 33⅓ per cent towards that bridge. If it were built in a township or village, although you are doing away with the village now, it would get 80 per cent under the grant structure.

I do not know where the suburban road commission is going to be done away with here.

Hon. Mr. McKeough: Right near the end. In the general section.

Mr. Bukator: Right near the end. Well, you are going to eliminate them eventually.

Hon. Mr. McKeough: In section 175.

Mr. Bukator: We will be a little while getting to that, but the reasoning again of setting them up as cities, towns and townships is because of the grant structure. You would want them to continue because that was one of the main arguments of some of the municipalities.

What happens when a village and a township are taken into a city, and you call it a city? The grant structure there will affect them. But you have provided that where they would have an unnecessary burden of cost imposed on them, they should be allowed to phase out, some place in this statute. Let us say there was a differential of about 15 mills. You would allow them to maintain or hold for five years, and then phase out at three mills a year until it is equalized, if in

the discretion of the Minister it was an unfair burden. It makes it quite a load for the Minister to carry, because it could be in the discretion of the Minister that that municipality has not been paying enough. But he believes that they are being unfairly treated in this cost then you could determine, by this formula that you have, to phase out that debt and you do not hurt them too hard for five years. I would like you to explain that to us.

Hon. Mr. McKeough: The member is quite right except that it starts in the first year and at five years the hurt is complete. It does not start after five years. It is from years one to five or it could be years one to three, or one to four, or one to two for that matter. I think the longest the municipal board has ever ordered has been five years. In the case of Metro I believe it is four years, and the particular instance of Leaside and Forest Hill, Bill 81 called for four years.

I think what the member is referring to is the provision for highways, and there are some townships in the peninsula which, for example, are receiving a 60 per cent rate of grant, who will be absorbed into something else. The member's own village of Chippawa is receiving 50 per cent presently. Now if there were not the change in the highway grant structure the new city of Niagara Falls, or that area of Niagara Falls which was old Chippawa, would receive that 50 per cent for five years, and then for the following five years it would be reduced from 50 per cent down to 33⅓ per cent.

The new highway grant structure is going to meet that in about year three, so it will not be necessary. But I think the five and five years is what the member is referring to.

Mr. Bukator: When I make reference to subsection 4 of section 68 "the Lieutenant-Governor-in-Council may transfer highways", or it could be the other way round, why did you not spell out—for instance, the suburban roads, and I do not want to bring it in at this point but it fits into the general picture as suburban roads are usually connections between highways—why could not the Minister have spelled out that all suburban roads automatically become links of highways and they would be borne by The Department of Highways?

Hon. Mr. McKeough: I think the reason is that a suburban road must be a county road to begin with. Am I not right on that? It is declared a county road and then made into a suburban road, but you have to go through that transition.

Mr. Bukator: I can give you a bit of history on the suburban roads and how they came about.

Originally when there was the village and no roads at all, if a man coming in by team to sell his produce to the store on the corner got bogged down, the man in the store had to go out and help push the wagon out of the ditch. So he decided that since the produce was coming to him, and he did not want to go out in the mud to clear the situation up, he would pay for the stone that was put in that ditch on a 50-50 basis.

So that is why from that day to this you have a half a mill borne by the municipalities. The former Minister of Highways knows exactly what I am talking about. So if the city of Niagara Falls or some place in that neighbourhood has a $110 million assessment, they pay $55 thousand towards maintaining these roads that were originally set up for the very purpose I mentioned to you.

Hon. C. S. MacNaughton (Treasurer): They do not necessarily pay it all.

Mr. Bukator: No, half a mill. And this figure can be determined immediately the value of that city is assessed. So they would pay $55 thousand. The county meets them equally, so that is another $55 thousand and the province picks up the tab for 25 per cent of the county's portion.

Hon. Mr. McKeough: The member was telling us the history of suburban road commissions. If he would tell us some way as to how they might be gotten rid of it might be very helpful. Suburban roads are a great bone of contention with the urban municipalities in the province today, as we well know, and of course in regional governments we get rid of them.

Mr. Bukator: That is right. And they are thrown on the shoulders of the regional government instead of where they belong, which is on the shoulders of The Department of Highways—because they are definitely links between highways. We will show you the map some day.

Sections 68 to 85, inclusive, agreed to.

On section 86:

Mr. Bukator: Let us get back to boundary bridges. I just cannot let you get on with this. What do you mean in this section by boundary bridges? What is a boundary bridge?

Hon. Mr. McKeough: Well, presumably, the river forms a boundary between two municipalities and therefore the bridge which crosses it is a boundary bridge.

Mr. Bukator: Well, that is a logical deduction. We have a bridge—now it will be all in the city; they will have to bear the whole portion of it again—a bridge along the Queen Elizabeth Way, crossing into a township from the city. We were trying to persuade—I am sorry the Minister of Highways is not here—but we were trying to persuade this government to go along with building a service road along by the Montrose Hotel.

When you come on the city portion side of it, they would have had to build that bridge and only get 33⅓ per cent grant. But on the other side, to the middle of that creek, the township would have got 80 per cent. We tried hard to get this Minister of Highways to build this bridge and pay the whole shot, because one day it will be their problem and they will have to put that service road in.

The bridge has never been built and now it looks like we are stuck for, well, 66⅔ per cent—one more added cost.

Sections 86 to 95, inclusive, agreed to.

Mr. Bukator: On and after the 1st day of January, 1970, the regional area defined as, and shall continue to be, a joint-planning area under The Planning Act—

Mr. Chairman: Is this section 96? Ninety-five has been carried. We are dealing with 96.

Mr. Bukator: Mr. Chairman, I think that is hardly fair; we have been moving a little too fast. I would like to—

Mr. Chairman: If I was a little to fast for the hon. member, we will retract it and we will go back to 95.

Mr. Bukator: Planning is an important part of this bill, I think, and we should discuss it a little further.

I have heard some talk about the planning and it says:

> On and after the 1st day of January, 1970, the regional area defined as, and shall continue to be a joint-planning area under The Planning Act, to be known as The Niagara Planning Area.

The Planning Areas, subsection 3:

> All Planning Areas and subsidiary Planning Areas that are included in the Niagara Planning Area, together with the Boards thereof, are hereby dissolved on the 31st of December, 1969.

You are doing away with all of the planning boards of the two counties, and I am wondering how you are going to implement—I think I know but I would like the Minister to tell us how he is going to implement and co-ordinate all of the boards?

It is quite all right; I can repeat what I have said.

We are at subsection 3 and I want to know, Mr. Chairman, why they have dissolved the planning boards. As I have said to this Minister and before his experts, in some areas there are an exceptionally good body and doing a good job.

Hon. Mr. McKeough: Right. There will be one planning area, an over-all planning area, the region itself. For example—I think the Niagara Falls planning area covers about four or five municipalities. Some of those disappear anyway, but there will be one planning area for the whole municipality. Those subsidiary planning areas could be dissolved by the Minister. It is easier to do it in the Act in one fell swoop. We do away with the joint-planning boards and create one over-all planning board for the whole peninsula with 12 subsidiary boards.

Mr. Bukator: There will now be a planning board made up of the regional council; there will be members of that board who will be appointed, and they will phase this one out; they are not going to eliminate the boards immediately. At least, they will eliminate the boards but they are not going to eliminate their staffs or their offices—

Hon. Mr. McKeough: No.

Mr. Bukator: —and the equipment that they have in those offices. Can you tell me without my looking into the Act here, how big a board that is going to be? Did you spell that out?

Hon. Mr. McKeough: Legally it will be the regional council which is the 29 people, but we would suspect they may appoint a committee. You know, 29 is pretty big. For planning matters, they will appoint a committee of the council. How big will it be? Any size it wants to be, I guess. They will be responsible to the council, and the whole council will ultimately have to pass on something. But I do not know how many—seven or eight or ten, something like that, I guess.

Mr. Bukator: The assets and liabilities will be borne by the regional council again. If they have a new plant in some area—and I do not know whether they do have or not in the two counties, where they are paying a debt now—that municipality, that area, will own the establishment in that city. The debts will be paid by the city to the regional council and they in turn will pay the bill, but all the assets and liabilities will become the problem of the regional planning board, at the regional level. And the municipality? What part will they play? Will the cities not have something to say about the plans approved in those areas?

Hon. Mr. McKeough: Oh yes, in fact, for a number of years until there is a regional plan, things will carry on much as they are really, because it is going to take a while before there is an official plan for the whole region.

The local official plans, of course, carry on in any case until such time as they are amended. I presume at some point they will be amended when the regional plan is drawn up and approved, and then the local official plans will fit into it.

Section 95 agreed to.

On section 96:

Mr. Pitman: I thought possibly, Mr. Chairman, I should break up the dialogue.

Mr. Chairman, subsection 2 of section 96, states:

> The regional council, for the 31st day of December, 1973, shall prepare an official plan for the regional area.

We would like to move that section 96, subsection 2, of Bill 174, An Act to Establish the Regional Municipality of Niagara, be amended by inserting, after the word "prepare", in the second line, the words, "adopt and forward to the Minister for approval." So subsection 2 will now read:

> The regional council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister for approval, an official plan for the regional area.

The purpose of this amendment is to move the Niagara region much more quickly than it appears it would be moved, by the present subsection. As the Minister is well aware, the preparation of an official plan is only one stage. There are several stages beyond this.

Our feeling is that—particularly in view of the complexity of this situation—it could be a number of months or even years before this official plan was actually accepted, both by the people, with the public hearings which must take place after the official plan has been prepared. On top of that, of course, are all the complexities of bringing in official plans through The Department of Municipal Affairs and referring it to all the various boards, and commissions, and so on, who have to play a part in this.

Our reason for desiring a more speedy development of an official plan, its acceptance, and indeed added to its final placing in the hands of the Minister, is, of course, the same as the Minister's concern in bringing in this bill.

This is a critical area in the province of Ontario—

Hon. Mr. Grossman: I think you sold him.

Mr. Pitman: —it is building up very quickly. We feel there are a great many problems. If the Minister is sold on this amendment, I will now sit down and we can save a great deal of time, otherwise I shall continue to try to convince the Minister.

Mr. Chairman: Before the hon. Minister replies I think there were some members of the committee who did not hear the motion as expressed by the hon. member for Peterborough. In any event, the Chairman should read it to the committee first. I will do that now, if I may.

Mr. Pitman: I do not have a copy; the Chairman will have to read the amendment.

Mr. Chairman: Motion for the amendment. Mr. Pitman has moved that section 96, subsection 2, of the Act, be amended by inserting, after the word "prepare" in the second line, the words "adopt and forward to the Minister for approval", so that the subsection will now read:

> The regional council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister for approval an official plan for the regional area.

The hon. Minister.

Hon. Mr. McKeough: I am persuaded and sold. I think these were the words of the member for Peterborough, but "persuaded" is perhaps a nicer word.

I would be glad to accept that amendment and urge that it be put in. The member realizes, of course, Mr. Chairman, that

this is really a statement of hope. The member has brought the hope forward. This is what they should do, and we are spelling it out but, of course, there is no penalty so it is a statement rather than a law, if I could put it that way.

I am not sure that my friend, the member for Sudbury, would say that it is the kind of thing which should be in legislation but I think the members will realize that section 96, in total, describes a series of events of what we hope will happen, culminating in, when it does happen, the Minister being able to delegate or the Lieutenant-Governor-in-Council being able to delegate to the regional council, any of the Minister's powers of approval under The Planning Act. It is a timetable, it is a sequence that tells a story, rather than being terribly legalistic legislation. However, I like the hon. member's suggestion because I think it ties it down a little bit more. I am happy to accept it.

Mr. Chairman: All those in favour of Mr. Pitman's motion, will please say "aye."

Those opposed, pleased say "nay."

I declare the motion carried.

Mr. Shulman: Mr. Chairman, on a point of order, would it be proper for you, sir, to express congratulations to the new Premier of Manitoba in consideration of the great results which have come through from that progressive province, which will be the second apparently in this great country to precede Ontario in going in the correct direction.

Mr. Chairman: I do not know whether it would be proper or not, but I do not hesitate in doing so.

Mr. Shulman: Thank you very much.

Mr. Lewis: May we also note the almost total passing out of existence of the Liberal Party?

Mr. Chairman: I rule the hon. member out of order.

Mr. Lewis: I said nothing that would offend you, Mr. Chairman.

Mr. Good: Mr. Chairman, under subsection 9 of 96, this section I think is the crux of the whole reason for establishment of regional government from a planning point of view. We have heard over the years many arguments of the problems that exist on subsection 9 of 96, that there is no authority within the local planning boards or the local areas as far as approvals. This section states that, upon the recommendations of the Minister, he may delegate to the regional council any of the Minister's powers of approval under The Planning Act. Now, I would like to ask the Minister what type of timetable he considers might be reasonable to expect here. The section simply states that this power may be delegated to the regional authority.

A few sections back he was telling me that "may" meant that it probably would not happen when we were talking about separation of storm drain and sewage. Now we have the same word, "may", here, and I am wondering if there would be a timetable established whereby some powers that now rest with the Minister and with the OMB would be returned to the region from a planning point of view for approval of plans, zone changes and things of that nature.

I think this is something which many people in the local areas have been looking forward to with a great deal of anticipation, and I am wondering what the experience has been in the Ottawa-Carleton area, whether any powers have been returned to the municipality in that area—

Hon. Mr. McKeough: Well, I cannot give the member a timetable. This whole section depends on a number of things. The preparation of an official plan—I do not say the official plan has to be fully prepared—

Mr. Good: —relating to an official plan.

Hon. Mr. McKeough: Well, if you want to relate it specifically to the official plan, then when an official plan is approved we will delegate the powers, but it may well be possible that some of the powers will be delegated beforehand. I think there are several things: an official plan, adequate staff, experience, attitudes—a number of things will go into making this decision, I would say, when the Minister recommends to the Lieutenant-Governor-in-Council. In the case of Metropolitan Toronto, I think it would be fair to say there are only two things now standing in the way before we could introduce an amendment like this: (a) they do not have an official plan, but they are in the process of preparing one, and (b) there is the conflict of the planning area with the political jurisdiction, which I think can be straightened away.

Mr. Good: Mr. Chairman, under the amendment which we passed a few minutes ago, the Minister now has in fact put a timetable and has forced a regional government to prepare and adopt and present an official plan. The Minister realizes he has probably set a

precedent here. What does he intend to do in other areas of the province?

Hon. Mr. McKeough: This is in the Ottawa-Carleton bill as well, and we have indicated to Metropolitan Toronto that we would be prepared to put it in their bill; we are having staff discussions about it now. It will come about first, I would think, in Metropolitan Toronto.

Section 96, as amended, agreed to.

Section 97 to 100, inclusive, agreed to.

On section 101:

Mr. M. Gaunt (Huron-Bruce): Mr. Chairman, on section 101, I had some difficulty in finding a section under which I could address my remarks, and with the help of my friend, the member for Sudbury, we decided that perhaps this would be the appropriate section.

I am speaking of the Niagara District Health Unit, which I am sure will be employing a number of people. I notice in this particular section that the employees are not dealt with in any special way. I compare that to the next section, the police section, in which the employees are certainly dealt with in a special way insofar as benefits are concerned—retirement age, sick leave credits; it even goes so far as to indicate that any policeman without his consent cannot be placed more than five miles from the area municipality by which he was formerly employed.

I am wondering why, for instance, these details are spelled out in relation to the police but are not spelled out in relation to the health and welfare section. Is there any particular reason for that? I would think that for the sake of uniformity and conformity it should have been done and dealt with in an equal fashion in both instances.

Hon. Mr. McKeough: The only particular difference is the mileage business, and the reason for this is that in some police forces in the peninsula there was a requirement that policemen lived within the municipality in which they were employed. This has been a requirement in other municipalities across the province as well for policemen. It has not been a requirement for health and welfare people, for example, at least not that we know of. But it is, in the case of several municipalities in the peninsula, for policemen. Therefore, in effect, they were required to buy a house within that municipality. And because they will be becoming part of something bigger, perhaps they have some vested interested in staying in that municipality. That was the reason.

Mr. Gaunt: Well, Mr. Chairman, I want to make sure that I understand the Minister correctly. He is saying to me that the only difference in the treatment of the employees is that business about mileage. But I do not see anything in this section dealing with health and welfare services pertaining to sick leave credits and retirement age and so on.

Hon. Mr. McKeough: They are brought in under the general section, which we discussed some time ago.

Mr. Gaunt: Back at the beginning?

Hon. Mr. McKeough: Yes.

Mr. Gaunt: But my point—

Hon. Mr. McKeough: The police are a little bit different because they are in effect employees of the board of police commissioners rather than direct employees of the municipality. There is a distinction there.

Mr. Gaunt: Right! So that in effect both types of employees are being dealt with in exactly the same fashion?

Hon. Mr. McKeough: With that one distinction.

Mr. Gaunt: With the distance provision?

Hon. Mr. McKeough: Yes.

Mr. Gaunt: With the exception of that.

Section 101 agreed to.

On section 102:

Hon. Mr. McKeough: Mr. Chairman, I do not think you have this, the Niagara District Health Unit request. The Department of Health or ourselves have no objection to section 102 being amended to read "seven members of the regional council" rather than six members. This ties in more with their present composition. So I move that clause (a) of subsection 1 of section 102 be amended by striking out the word "six" and substituting the word "seven".

Mr. Chairman: Mr. McKeough moves that clause (a) of subsection 1 of section 102 be amended by striking out the word "six" and substituting the word "seven".

Motion agreed to.

Mr. Deacon: Mr. Chairman, the principle of subsection 1, clause (b):

Not more than three persons appointed by the Lieutenant-Governor-in-Council upon the recommendation of the Minister of Health.

We have this type of appointment coming up time and time again, and we feel a lot of these people stay on for almost indefinite periods as appointees because it is embarrassing to remove them. I think it would be helpful to have a term here for such appointments, and maybe the term should be a period of three years. And there should be a gap of one year before re-appointment, because in that way you can recall those who you find to be of great value. But there is just this continuation of the same face in there year in and year out, and it is embarrassing to the Minister to change it.

Hon. Mr. McKeough: I think—and I am not positive; the Minister of Health, of course, is not here—appointments that have been made to the district health units, to local health units by the Lieutenant-Governor-in-Council for the most part—and I am not sure of this—but I believe they have been on a staggered basis and on a fixed term. There is a general government policy, as a matter of fact, for appointments which are made by the Lieutenant-Governor-in-Council. They used to be made during pleasure, and there has been a deliberate move within the last two years on the part of the government to put them on a three-year basis, or a two-year basis, for the reasons mentioned by the member.

Mr. Deacon: Mr. Chairman, is there a gap between these appointments so that if a person has served for a three-year, or a five-year period he may not be re-appointed until after an intervening gap? Because without that if you do not have a set period the same person tends to be appointed.

Hon. Mr. McKeough: No, there is not. That is, not normally. And I do not know the situation with regard to health units; you would have to question the Minister of Health on that. It is usually within the discretion of the Minister, recommending the appointments to Cabinet as to how he wants to do it. But there is a government policy that they shall be for a fixed period of years.

Mr. Bukator: Mr. Chairman, I propose to move an amendment to clause (a), to insert the figure seven, rather than six. Dr. Sturgeon of the health unit also suggested that clause (b) be amended to two rather than three. You recall his request saying that no doubt one would be appointed from Lincoln and one from Welland and they would kind of equalize it. Do you have that amendment? Did you consider it?

Hon. Mr. McKeough: When he phoned me the next day, on the Wednesday, he said that the board of health had just moved that it be changed from six to seven, and I said what about clause (b) and he said, they had left that as it was, but they might feel inclined to make representations to the Minister of Health.

I think the Minister of Health feels that six to three is in proportion to what is being done in other health units. He had no objection to seven to three. But I checked this with him and I think he would want to think about seven to two, but it says not more than three, so he could appoint one for that matter, or two, or three.

Mr. Bukator: Dr. Sturgeon was going to take the matter up with you and he just did not feel too strongly about clause (b).

Section 102, as amended, agreed to.

Sections 103 to 114, inclusive, agreed to.

On section 115:

Hon. Mr. McKeough: I move that subsection 3, of section 115, be amended.

Mr. Sopha: I have one, too.

Mr. Chairman: I think the hon. Minister's amendment should come first.

Mr. Sopha: Well, for the sake of euphony I have one to subsection 1.

Hon. Mr. McKeough: All right, go ahead.

Mr. Chairman: Subsection 1?

Mr. Sopha: Yes.

Mr. Chairman: I will accept your motion, sir.

Mr. Sopha: I move that subsection 1 be deleted and the following substituted:

Notwithstanding The Police Act, on the 1st day of January 1970 a board of commissioners of police shall be constituted to be known as the Niagara Regional Board of Commissioners of Police, which shall consist of,

(a) three members of the Regional Council appointed by resolution of the Regional Council; and

(b) two persons appointed by the Lieutenant-Governor-in-Council.

Mr. Chairman: Mr. Sopha moves that section 115 subsection 1 be amended to read as follows:

Notwithstanding The Police Act, on the 1st day of January 1970 a board of commissioners of police shall be constituted to be known as the Niagara Regional Board of Commissioners of Police, which shall consist of,

(a) three members of the Regional Council appointed by resolution of the Regional Council; and

(b) two persons appointed by the Lieutenant-Governor-in-Council.

Mr. Chairman: The hon. member for Sudbury.

Mr. Sopha: The first thing to be observed about the amendment is the deletion of the inclusion of one of the county judges, and I want to say in that connection, first off, that I doubt very much whether the province of Ontario has the right under the constitution of this country to continue to impose duties and responsibilities upon the county court bench.

It is well known that a very well directed Minister of Justice at Ottawa, a few years ago, indicated to the county court bench that they had, to a large extent, strayed from their primary responsibility to the people of this country, and that is in the use of their talents and energies in the occupancy of, and attention to, the judicial bench. And let it be said, in passing, that the Minister of Justice, in doing that, called upon legislative authority which has been on the statute books of this country for a long time, and he simply drew the attention of the judicial bench to the words of the statute, particularly the phrases in it that indicated it was improper and, indeed, illegal, for county judges to accept remuneration for the carrying out of other duties.

I think I am correct in saying that that statute had been the same ever since Confederation.

That had a very prophylactic effect, of course, upon the activities of the county bench, and has been reflected in the re-ordering of the affairs, which I am not going to dwell upon tonight.

I only say that at the outset of my remarks to indicate that it is a matter of good principle and sound constitution of the judicial section of our constitution that the judges be required to be judges. That is their pre-eminent duty, to decide disputes between Her Majesty's subjects, and to administer, to play the part in the administration of the criminal law. It ill behoves any Minister of the Crown, any one that occupies the Treasury benches over there, any time to impose any extra judicial duties upon one of Her Majesty's judges appointed by another government.

I question that in this bill the Minister of Municipal Affairs has the right to say that one of the judges, Niagara South or Niagara North as designated by the Lieutenant-Governor-in-Council, shall be one of the statutory member of the police commission. Indeed, the only statutory member.

Now the second thing that ought to be said about the deletion of the judge is that for far too long a time judges have been put in very invidious positions by their occupation of a place on the police commission. And many times in this House it has been pointed out that the judge on one given day is required to administer and regulate the police forces in the municipality and on the same afternoon or the next day, he is called upon to decide a case in court in which he must weigh the evidence of one of his employees, and I use that in the very real sense.

I always thought that if a citizen had a complaint against a police officer the very first place he could enunciate his complaint was in Her Majesty's courts. But how many times have I stood in one of her Majesty's courts and heard a citizen begin to make complaints about his treatment by the police authorities to which the occupant of the bench has replied that is not relevant to the issue here; make your complaint to the police commission, make your complaint at some other time. Yet that is what the Queen's courts are for. Being the traditional monarchist that I am, I emphasize that it is the Queen's court he is in—

Mr. J. E. Bullbrook (Sarnia): He is so right. He is so right. It is tragic, really.

Mr. Sopha: —and she is the fountain of justice. He comes to the foot of the Throne and he makes his complaint to the Monarch and the occupant of the bench is the servant and agent of the Monarch. To put it another way, how many times do you hear one of the lesser judges, the former magistrates talk about "my court," that will not be done in "my court" and invariably I say to them, "It is not your court, it is the Queen's court and you are here as her servant and agent".

When a citizen makes his complaint to the judge on the police commission occupying the bench, you see immediately the position he is in. He is there to adjudicate on the case at bar, and he is there in a vicarious sense—I am glad I found the word—he is there in a vicarious sense, to answer for his employee. The policeman who is accused of brutality is the employee of the occupant of the bench. Now it immediately becomes apparent how invidious his position is, but of course he cannot occupy both positions, he cannot, with an attitude of intellectual honesty and objectivity, occupy the two positions. So the Minister of Municipal Affairs in requiring a judge to be a member of the police commission is actually putting the judge in that invidious position.

Now, the Attorney General sweeps into the House and I am delighted, my enthusiasm grows, as I see him approach his seat. The essential intellectual outlet of the occupant of the bench is his independence and objectivity; that is the quality we treasure. That is the attitude of mind that we compel as well as we can, in the ordering of our system, in the inhabitant, the incumbent of the judicial bench. The Minister of Municipal Affairs in this section detracts and derogates from that attitude of objectivity and independence of approach. There is no question about it because he imposes duties on the judge that cannot be consistent and compatible with the treasured non-involvement of the occupant of the bench.

Those are two compelling reasons that do not need to be elaborated further. It took us a long time in this House to get the magistrates off the police commission. Our appetites are whetted, having met with success. It is like having a taste of victory. It took us about six or seven years to do that, but we finally got them off. We must never forget the incredible story of Windsor. You know who was on the police commission in Windsor?

Hon. Mr. Grossman: Who was on the police commission in Windsor?

Mr. Sopha: I will tell you privately. The judge of Essex, the magistrate and the Crown attorney.

An hon. member: Closed corporation!

Mr. Sopha: They really had it locked up. They had it locked up. We argued for years and years and we finally got the magistrates off; now we cannot rest content until we get the judges off because we, on this side, my friend from Sarnia, my friend from Downsview and others—the lawyers, wherein we are supported by our colleagues here—value so highly that judicial independence that we do not want to sully it at all. We do not want to expose them to opprobrium. We do not want to put them in that invidious position. We want them to be solely judges and that is all, nothing more. All right, I will leave that.

The other thing about our amendment that will readily become apparent is its consistency with the magnificent fight that has been carried on in the past few weeks by the member for Sarnia. I delight and am enthused at the public acknowledgment that he has had of his efforts in this House, in his insistence upon political control of the police forces, political control. Let us underline that. Control by those who are answerable to the people where all sovereignty resides.

You notice our amendment: Three members of the regional council, appointed by that body, by resolution, and two persons appointed by the Lieutenant-Governor-in-Council and finally, the Attorney General will take the responsibility for those two, in the selection of able and estimable men from the community recommended to him, no doubt, by the good people of Niagara.

I have been long waiting for the day when perhaps we have a dentist—I select a profession—a veterinarian, a doctor, chiropractor, school teacher, somebody esteemed among his fellows for the orderliness of his mind, his integrity, his sense of responsibility, his fairness; all those qualities that postulate a person to be an outstanding member of his community and highly regarded by his peers. Those are all the qualities that he needs to have.

Yes indeed, well regarded by his peers for his sense of responsibility and orderliness of his mind and his interest in his community; that is all he needs. They can rely upon him. He has an assemblage of those qualities that mark him as a civilized person. He will bring to the table, where the control of the police force is, the necessary perquisites to ensure that the police forces are well ordered and subject to the sovereign control.

To that end, we do not need judges. We do not need judges. If some appeal, if the judge's participation from an attitude of independence and objectivity was desired, by way of some giving of advice or some appeal procedure—because judicial matters come up, legal matters, matters of jurisprudence come up in relation to the operation of the police forces—then with the appropriate mechanisms,

perhaps, the judge could play some part as an appellate person. I am going to pass that by, but I have in mind, of course, the matters of discipline that have very involved legal considerations about them. But somebody in The Attorney General's Department can spend his weekend figuring that out.

In the daily administration of the police forces, the employment, terms of working conditions, fringe benefits, and all those things that go to a system of orderly labour relations, then the political control exercised by the three members of the regional council who ultimately must be responsible for finances, assisted by the two persons appointed by the Lieutenant-Governor, I am satisfied, I have great faith that that mechanism will be entirely adequate for the good governance of the police forces in the Niagara region.

I hope the Minister will not get up and say this is the way it was in the Ottawa-Carleton bill. I hope he does not say that because the answer will be, "We do not care." We do not care. We are going to make a start somewhere. We are going to make a start and we would like to make the start in the Niagara bill, toward the reorganization of these police commissions; also to ensure that we make a new beginning in Ontario to bring the quasi-military structure under political control where finally in a democracy it must be. It cannot be anywhere else but under the control of those responsible to the people, over whom and toward which the police forces exercise such an intimate relationship in the conduct of their daily lives. I would think that the police forces would want it that way. Certainly that was the opinion I formulated having listened to those very articulate members of the police forces the other day in the legal bills committee; I came to the irresistible conclusion that they would want to deal with those who have sovereign powers, the politicians, rather than deal with appointees of the Minister of Municipal Affairs.

Really, when it comes down to this, is the Minister of Municipal Affairs, I ask rhetorically, more qualified to say who shall be the personnel that shall govern the police forces of Niagara? Is he more qualified than the elected representatives of the Niagara region? To ask the question is to answer it. It invites the answer, leaves it not open to dispute. The answer is that he is not, sitting in Toronto. The good people of Niagara can order the regulation of the police forces. That is what they wil do under our amendment. They will have the right to appoint three. The Attorney General will, I suppose, recommend to the Cabinet the other two. It does not matter. One would sincerely hope that at an early time we would come to a termination of the appointment of defeated Conservative candidates to police commissions. For that matter, the termination of the appointment of defeated Liberal candidates, or NDP or any other type of defeated person.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Why not start in Ottawa?

Mr. Sopha: Yes. We would hope that we are becoming more enlightened as we approach 1970, and that what was acceptable a decade ago is no longer acceptable in the enlightened society. It does not command the allegiance of youth. It turns them off. It makes them cynical. One would hope that as we age, we would address our intellectual powers to a more satisfactory method of appointments.

I, of course, am not making something out of whole cloth, I am referring to a very real example which I do not want to bother to stop to mention, of an appointment of a defeated Conservative candidate to a police authority. He still occupies the position on that police authority.

Those are the reasons. My friend from Sarnia and others, no doubt, will add more to it but I merely wanted to put it in the framework which will imply that we treat this as a very serious matter; a matter of principle in this bill, a place of new and fresh beginning. Maybe I am expending too much energy. Perhaps the Minister is going to get up and say, "This is acceptable". I hope so. I hope he does.

Mr. B. Newman: He will.

Mr. Sopha: I do not want to flatter him now. I am trying to persuade him because it will be to his great benefit if he will initiate this beginning. Perhaps we could hear from the Attorney General also. We surely need to be persuaded that it is necessary to keep the judge on there.

Just let me reiterate that argument. Before the Attorney General came in, I was arguing—

Hon. Mr. McKeough: I filled him in.

Mr. Sopha: You filled him in? That I questioned whether the province had the right to disturb the working pattern of judges?

You know, a funny thing how many times you run into the circumstance. You try to get a date from the judge, and the judge tells you he is busy at some meeting of the police commission. In a small parochial community that is a fact. That is a fact, the judge is tied up with the police commission. That is all I wanted to say at this time.

Hon. Mr. McKeough: Mr. Chairman, the member has asked me to reply and I will very briefly.

Mr. P. D. Lawlor (Lakeshore): I have some remarks—

Hon. Mr. McKeough: Perhaps if you would allow me to reply and then you would know the position. It may be that I am going to accept the proposition and the amendment put forward, and then perhaps your words will alter. That is not the case. We do not propose—

Mr. Lawlor: It is not going to stop me from saying anything.

Hon. Mr. McKeough: Right. I cannot accept the amendment of the hon. member. I am not going to go into the reasons. It strikes me that the number of reasons and the philosophy behind the appointment of police commissions in their present form was gone into rather well, I thought, by the Attorney General on Friday morning last on the second reading of the police bill. He went on at some length and at some pains to explain how police commissions were appointed and the composition of them. I do not know, Mr. Chairman, whether we should be repeating all that debate again so soon. Without any attempt to limit the debate, it does seem that we did go through this on Thursday and Friday morning last and we are into it awfully quickly again.

I would have to say this, and I am sure the hon. member for Sudbury would agree, that if there is to be a change in principle and if the hon. member for Sudbury is right and judges for example shall not sit on police commissions, and if, for example, the member for Sudbury is right and there should be a control by the political people on a three-to-two basis, or a two-to-one basis, then surely the place to do that is in The Police Act as a matter of principle, a terribly important principle for the province to follow. And when that change is made in The Police Act, then of course subsequent legislation which carries out that intent, will be amended accordingly.

But it surely would put the cart before the horse to amend this legislation in the manner which is suggested by the member for Sudbury in this amendment, and not really go to the root of the problem, if it is a problem and if it is wrong—and I do not say that it is. The Attorney General will speak to that, which is The Police Act itself where police commissions are established along the traditional lines and have been for many years.

I want to correct one other impression, perhaps, which I got from the remarks of the member for Sudbury. The Minister of Municipal Affairs is not going to be appointing members to the police commission, they are appointed by the Lieutenant-Governor-in-Council presumably on the recommendation of the Attorney General, whether it is this police commission or any other.

Mr. Chairman: The hon. member for Lakeshore.

Mr. Bullbrook: What about the Attorney General, he was on his feet first?

Mr. Chairman: I actually recognized the hon. member for Lakeshore, who did in fact yield, I believe, to the hon. Minister. If the committee wishes to hear from the Attorney General first it will be satisfactory to the chair. However, the member for Lakeshore has the floor.

Mr. Lawlor: I think that the remarks that my friend from Sarnia and myself have to make are directed to the same point. Perhaps the Attorney General would reply in this regard, because, Mr. Chairman—if I may continue?

Mr. Chairman: Yes, the hon. member has the floor.

Mr. Lawlor: Because this is a moot point that has grown up among us, or between us. The matter has not been very closely explored thus far. It is a curious thing that under this particular section we are going to apparently hang our hat on the arguments pro and con the positions of county court judges. I think it is as good a time to do it as any. It is not a salient point in our law, but it is important enough, and consequential enough, to explore a little bit even so late at night. It will save ground when we get to the police bill, I suspect, although under that head the Attorney General was good enough, and was generous enough to recognize certain defects of already sitting county court judges, sitting on local police commissions, being appointed

to the role of arbitrators in disputes with the associations.

That is only the first step in the direction, and I see no reason why we should not try to give a reflective dissertation upon our position in this regard. You know, as a young man going to law school, when one first entered the school, one had the impression that the law itself, and all its panoply, all its officers, was something permanent that had been set up forever. It had come down as a fabric from on high; it existed in the abstract, was impervious to change, was impermeable to anybody seeking to do much with it; it was somewhow sacrosanct, etched into the canvas of the universe, and it was a sort of blasphemy to really question it deeply, and to say it was transformed.

Under Cecil Wright the whole sociological concept of law came very much to the fore: that the law, far from being an immaculate shining entity sitting in some empyrean was, on the contrary, very susceptible to change, and forever in the process of change, and something partially in the process of change, as a result of what Cardoze had taught us, in the United States, particularly in tort law which is only 50 years old after all, it was in this area—

Interjection by an hon. member.

Mr. Lawlor: Well, not much longer in its embodiment, and the theory of negligence is judge-made law coming down from about 50 years, largely from the Palsgraf case, receiving its centrality, its core of meaning. In any event we will argue about this some other time. I am trying to get to the central issue here that law came to be seen as a product of the minds of judges, and judges came to be seen again as not something aloof and abstract, but as real human beings, susceptible to all the currents of change in our society, and being the instruments of that change, mostly not realizing it themselves in the process. And so a kind of psychoanalytic technique took place where you spent your time analyzing the motivations of judges, and you found them to be profoundly and at the same time unconsciously, moved in case after case in certain directions accepting certain assumptions in a society, and so on.

Now we will go on in another occasion as to the development of the law and the deeper insights of the evolutions, and just how much of a shifting sand, all law presently is, and who better than us here who change laws day after day ought to be aware of this. We know its fallibility; we know the elements of human insouciance that go into it, and the pretence of certainty, and the pretence of impartiality, and the pretence of impersonality, are just that—pretences.

Mr. Chairman: Is the hon. member speaking to this motion for the amendment?

Mr. Lawlor: Yes, yes.

Mr. Chairman: Because I cannot tell.

Mr. Lawlor: This is the major premise; you are coming to the minor premise. The minor premise has to do with county court judges being themselves subject to all the repercussions of their time, and their sitting on police commissions being very sensitive antennae to all the winds that blow, and to picking up in their operations and in their offices the various economic things, depending on the station of life from which they come; depending upon the station of life into which they grow; depending upon their knowledge of, and identification with, the man on the beat in the police. But they are set in a multiple capacity, their sitting on the bench is a completely distinct and separate function from that of sitting on a police commission.

If the Attorney General thinks that some elements of judicial or of legal wisdom ought to be present on police commissions by all means let us have it so. The heritage of the law, the sense of sitting on a commission, the sense of what is just according to the norms of our law, is something which is picked up only through habituation, through long practice in the courts, and which the man in the street finds rather strange, and which we who have fallen into the tenor of mind, find to be on the whole beneficent. If he wants such people then there is plenty of room under this bill to appoint such people. If they are going to be two people, the citizenry appointed by the Lieutenant-Governor, let one of them or both of them for that matter—I prefer one—be a member of the legal profession; but the county court judges are in too many capacities.

Consider the business of the Stewart case, the case where he ruled Garth Moore, judge of the county court, out of the position of an arbitrator and the chief arbitrator, the chairman of the board of arbitration for the Oakville Police Department, pointing out that Garth Moore was sitting on three police commissions at that time—Richmond Hill and two others in that vicinity—and was being called in in a conflicting capacity.

Now, the Attorney General seems in these regards, Mr. Chairman, to resist the concept

that that role in itself has something wrong with it. His faith in the integrity of county court judges, apparently, in many functions that they can perform, and particularly in the functions on police commissions, seems to be almost unlimited. We question that faith, not the county court judges in their own integrity and in their own sphere. They are, in my opinion, in our province and in our city here, largely superior to the supreme court judges in integrity, in erudition, in their handing down of judgments, but we will not invidiously compare the two ranks of the judiciary.

The fact of the matter is that there are men of great quality on that bench, but their qualities are poorly exercised outside that area, and need I raise any greater head of authority—and it has been brought before McRuer under his head.

The Attorney General may say, Mr. Chairman, that McRuer does not rule out county court judges sitting in extra judicial or extra county court capacities all over the place. He gives detailed statistics. I have not got it before me. I did not think the matter would come up, but some of them apparently were sitting 190 days a year on the basis of the fees and the emoluments that they were deriving from these extra judicial sittings. He did not rule it out completely. He said that by leave of the chief judge, having allocated his calendar and having set the various jobs up within the judicial office itself, seeing that some judges were not being treated arbitrarily and being given an onerous task to do while another man, deriving his pay here, picked up extra increment over here.

True, that has been wiped out too. But they cannot receive the extra emolument over there. But the fact is, if they are absent from what is their judicial duty under The Judges Act, under section 31 of The Judges Act of Canada, they are inevitably going to bring an extra load to bear upon their brother judges.

That is the first thing and that was the thing that McRuer was deeply moved and even incensed about. But it goes beyond that, on to the sociological aspect that I mentioned at the beginning of what I had to say, that these—their role—the way of modes of judgment, what not, as a county court judge is not all at fours with the kind of task that they are performing, the sociological role that they have to play as arbitrators or as members of local police commissions. That is a wholly distinct and separate kind of thing. We are now evolving, Mr. Chairman, to the point, it must be recognized because the pressures are all on the Attorney General these days; the pressures are increasingly on him, coming from all directions. We must be evolving towards either of two things: either on the one side that these police commissions are going to have to be publicly elected—and I would trust that the effluvia coming from the United States might not leave a stench in our nostrils under this possibility. But you and I are elected, and I do not think that it is that—all the perfumes of Arabia might not be able to wipe that out—but the fact is that they may be subject to this too. As long as the judges are not elected, I would not think there would be too much harm in it.

Thought should be given to the possibility, the business of popular control over this kind of an apparatus, the police apparatus. The fear of a police state has been with us since the days of the Nazis, from the long experience that we derived from the European experience of the past few years. In a highly intricate society, it is the ever-overpowering presence; it is the thing they write books about that cannot happen here, and yet as you know the struggle is eternal vigilance.

To see the way some of the police chiefs are operating even today, unbeholden apparently to anyone but their own arbitrary whims. That they will do and will not do such a thing, wishing to have bills of attainder or bills of assistance—this sort of thing must be stemmed, because it is the inbreeding of the very thing all of us fear the most.

So popular representation—I mean, by way of voting to these police commissions—may be in the bill. But if it is not, then certainly the county court judgeship sitting on the police commissions is not the answer either. First of all, as I said, they have got their job to do elsewhere. Second, they are not peculiarly well equipped, in my opinion, to sit in this particular body, because of what is happening internally in our society, touching the role and function of the police, of which we will have a debate later on—possibly during the Attorney General's estimates or maybe even in the next day or two.

Well, fine, this is then compounded and made mischievous by the fact that they have been permitted to sit in various capacities which are to any trained eye—and even to the untrained eye—eternally conflicting.

Granted that we got rid of that again, the matter simply cannot end there. He still remains the county court judge invidiously and, quite apart from anything he may wish and however good-willed he may be on the matter, in a position of conflict *vis-à-vis* the

police. He sit on the assizes of the peace. He sits as a county court's criminal court. He has to accommodate himself to one way or the other, *vis-à-vis* the police officers and the police force, on the administration and enforcement of law every day of the week. And to be associated with police commissions, he is not just an administrator very often; it is an enforcing capacity. To be in both positions at once seems to me to unduly riddle your system with an anomaly. You do not have to do it. I am suggesting you may in some cases get superior quality in men, but can you not make up for that superior quality by way of the appointment, through the Lieutenant-Governor, of the civilian representative to the board, without having to go over to the judiciary to fulfill these functions?

Third, under our constitution and under The Judges Act—the Minister of Justice and as far back even as 1944, I think it was, Harkner gave a speech—the Minister of Justice in the federal government saying that this must come to an end. It has gone on long enough; no longer will the judiciary be extracted from its proper role and function and given extracurricular responsibilities which art intruding on that function. And why, oh why, at this late hour and at this late day, you continue to insist upon the appointment of this body of people to these boards, passes my understanding. I say again, the quality of men is high, but they are not exclusive in this regard nor is there training such as to make them pre-eminent over others who are equally qualified and who you do not draw upon in order to sit on these boards of police commissions.

So I think that our party will take the same position as the Liberals in this regard and support this amendment because it is well advised; it is contemporary; it is aware of the currents of the time, as apparently you are not. And this hangback, this atavism on your part, of sticking to some queer attachment to county court judges as being a race elected apart, seems to be quite beside the point.

Mr. Good: Mr. Chairman, as one who sat on the legal bills committee and listened to all the debate on the police bill, I feel compelled to say a word in support of this amendment.

Now, about the government and the county court judges, this bill was purposely drafted to leave the door open and make it more palatable. If they felt they had to put a county court judge on there, they could through their two appointments.

The main purpose here, as I see it, is the balance of responsibility. The balance of power on the police commission must rest within a municipality where the police are operating. Why should an appointed group of three have sway over two of the regional councillors of the area? The way the bill is now drafted the two regional councillors could sit there and be outweighed and outvoted on every occasion, and two appointments from anywhere in the province plus the county court judge could run the complete police commission.

So I would like to suggest to the Minister of Municipal Affairs that his theory of local autonomy which he has been parading up and down the province in the past months regarding regional government, should begin right here in the Niagara bill. Give the people of the area control over their own regional police force. This is the important thing that I see in this amendment.

There are, I think, also the concerns that have been expressed by the Toronto newspapers in recent weeks over the similar situation which has been resulting in the police bill. These are things which I feel are most important, that the people of Niagara have three members on this police commission so that they can, in effect, have the control of the regional police force in their own hands and not in appointed officials.

Mr. Ben: Well, Mr. Chairman, I am grateful that the hon. member for Waterloo North rose to point out what the principle of this particular amendment actually is. When police commissions were originally conceived, they were composed of magistrates, justices of the peace or judges. Why? Well, predominantly because they were the most educated men in the community and they were thought to be unbiased and beyond reproach. They were classed as such, Mr. Chairman, because, in all honesty, the British judiciary has kept itself—I say "has", even at the present—kept itself out of politics. The British lawyer had the ability, upon being elevated to the bench, of divorcing himself from his previous political beliefs and acting as a judge. In truth, in Britain, justice was blinded to the prejudices that would be inherited in many weaker judges, especially in a place like the United States or elsewhere.

But circumstances have changed. Illiteracy in this country is almost nonexistent except among perhaps some Eskimos, some Indians and some of the recent immigrants. There are all kinds of responsible individuals in this

community that can now form the police commissions. And I do suggest that one of the most farcical acts of this government was when they made Mr. C. O. Bick, who is the chairman of the Toronto Police Commission, a magistrate, simply to comply with the definition of who may sit on the police commission. He had no legal experience whatsoever; he was not a lawyer; he was an optometrist. I believe that to this day he has not heard a case. I think he did sit one time as an observer with another magistrate, so that he could say he did sit in a court of law, but I do not believe he ever tried a case. And he was made a magistrate, as I say, just because the Act required that the person who occupied that position had the title "magistrate".

I think it is time, Mr. Chairman, that all that kind of window-dressing be torn down, thrown in the ashcan and the lid put on. But, more important, Mr. Chairman, is that it is time that the police, and the control of the police, be returned to the general public.

When the police were originally constituted as such in Great Britain, by Robert Peel, they were deemed to be servants of the people. They never had to carry firearms because they always had the support of the public. Even now, after the public in Britain have been, to a considerable degree, corrupted by the presence of the Americans and their form of violence—

Mr. T. P. Reid (Rainy River): And the Labour governments.

Mr. Chairman: What in the world does this have to do with this section?

Mr. Ben: Well, we were talking about police. Even now, though they have been corrupted by television, there is still respect of the police by the general public, and the general public will come to the assistance of the police, and the police need not carry firearms. The police still belong to the people.

This is what we have to have here, Mr. Chairman. This to me is the purport and intent of this amendment, that the control of the police be returned to the general public through their elected representatives. Some people will be pessimistic enough to say, "Well we cannot trust the public and the people that they elect." They say, "We do not want the police to be in the hip-pocket of the politicians." Well, those people would probably question the morality of their own mothers.

The fact remains, the people engage the police, they pay their salaries and they should be entitled to set the rules and regulations governing the conduct of the police *qua* the citizen.

This amendment will go a long way to achieving that. And I want to stress this, as I agree with the proposition put forth by the mover of this amendment, the hon. member for Sudbury, that a member of the judiciary should not sit on the police commission. In such a capacity he acts as the judge of his own conduct; and we may have a situation such as we have in Toronto, where a judge may, in fact, find himself on a bench passing judgment on a person who was before him, in his capacity as a member of the board of commissioners of police trying to preserve his licence or obtain a licence. That has happened. It has happend more than once in a most embarrassing situation with magistrates sitting on licensing commissions—and it happens with the police commission.

Much as I agree with the contentions of the hon. member for Sudbury and the hon. member for Lakeshore, with reference to the presence of judges on the police commission, the amendment, as submitted by the hon. member for Sudbury, still leaves it open for a judge to be appointed by the Lieutenant-Governor-in-Council. Mr. Chairman, knowing the hon. member for Sudbury, as the hon. members should know him, I would suggest that it was a generous act on his part to leave this amendment so worded that there was room, wide room, for the compromise that a judge could still be appointed by the Lieutenant-Governor-in-Council to satisfy any feelings or qualms which the government may have. At the same time it will return control of the police to the general public. And everyone here ought to support this amendment.

Mr. Chairman: Are there any others who wish to speak on Mr. Sopha's amendment?

Mr. Bullbrook: Is the Attorney General going to speak?

Hon. A. A Wishart (Minister of Justice): No, I was waiting for—

Mr. Bullbrook: Well, I was waiting for the Attorney General. I want to hear his remarks in this connection.

Mr. J. Renwick (Riverdale): And I was waiting for both of you.

Mr. Bullbrook: And I am waiting for the member for Riverdale too. We cannot keep this waiting game on; it is 11.35 p.m.

Hon. Mr. Wishart: Mr Chairman, I was just trying to be courteous. You had asked if anyone else wished to speak and I was waiting for someone to rise, and I thought the member for Niagara rose.

Mr. Bullbrook: Well, with respect, the hon. Attorney General had risen in this House at 11.20 p.m. to speak on this bill. Now, I, in deference to his position, in recognizing he had no carriage in connection with this bill, stayed in my seat. And I defer to the hon. Attorney General in this connection.

Hon. Mr. Wishart: Mr. Chairman, I do not understand whether I am being lectured or not.

Mr. Bullbrook: Surely not by me. On a point of order, I would never presume or endeavour. Now I want to say this—

Hon. Mr. McKeough: Come on, get on with it.

Mr. Chairman: Get on with this bill.

Mr. Bullbrook: Never would I lecture the Attorney General of this province. I want to hear him.

Mr. Chairman: There is no point of order.

Mr. Lewis: Well, you are immune from almost everything, even lectures.

Mr Chairman: The hon. Attorney General has the floor.

Hon. Mr. Wishart: I understood, Mr. Chairman, that when the hon. member for Lakeshore stood up, he mentioned the hon. member for Sarnia.

Mr. Lewis: Do not feel badly about it.

Hon. Mr. Wishart: And I understood, Mr Chairman, you to ask, "Does anyone else wish to speak?, and the member for Niagara stood up. Now, I am quite prepared to speak at this juncture or later or whatever you like.

Mr. L. M. Reilly (Eglinton): Well, he is a gentleman. He cannot help being a gentleman.

Hon. Mr. Wishart: Well, Mr. Chairman, let us go back first of all to The Judges Act, such as the appointment of judges, the revised statutes of Canada—I think it is chapter 152.

In appointing judges, that Act made some provision for the duties which the judges might perform, the course of primary duty, primary function of judges to perform judicial duties on the bench. I think we have no argument on that. Then the Act went on to provide:

> No judge shall either directly or indirectly as director or manager of any corporation, company or firm or in any other manner whatever for himself or others engage in any occupation or business other than his judicial duty, but every judge shall devote himself exclusively to his judicial duties—

and there are then some exceptions which are not relevant for discussion here. And then the following section, 38, said:

> Except as provided in subsection 2, no judge shall act as commissioner or arbitrator on any commission or inquiry without the consent of the Governor-in-Council.

And then subsection 2 is the exception:

> Every judge nominated for the purpose by the Governor-in-Council or the Lieutenant-Governor-in-Council may act as commissioner or arbitrator on any commission, inquiry or arbitration for which he may be appointed under any authority on that behalf exercisable by the Governor-in-Council or the Lieutenant-Governor-in-Council respectively.

Now, the Act goes on to provide that there shall be no extra remuneration, and there are a considerable number of sections devoted to the fact that a judge may act in that capacity as a commissioner particularly and may do these extra-judicial duties, but without remuneration. Mr. McRuer devotes a great deal of discussion to this in his study on civil rights, which will be found in volume 2 in the pages beginning with 681. He is greatly concerned with the extra remuneration; he spent a great deal of his time on that. And he does deal also with the impropriety of the arguments against judges doing extra-judicial things for two reasons, mainly because it may interfere, and perhaps in many cases, has interfered with their doing their judicial work, of letting cases pile up or not devoting themselves to the pursuit of the law as it relates to their duties on the bench. But he keeps coming strongly down on the argument that judges are not entitled to be moonlighting if they are going to get paid extra money.

He does, however, say—this I think is significant—at page 688, Mr. McRuer says this after discussing the arguments of judges performing extrajudicial duties. These are his words:

> There is, however, a recognition that there are other duties that judges may be suitable to perform under certain circumstances. These duties are of a very restricted nature, that is, to act as commissioners, to conduct judicial inquiries, or to act as arbitrators, to fix compensation or assess damages.

He goes on then to point out that in such cases judges must be appointed by order in council and he stresses again that they are not to get extra pay.

Mr. McRuer, as I say, makes that recognition. The Act which appoints judges, an Act of the federal Parliament which appoints judges, makes that exception and must have taken into contemplation that this was a proper function for a judge to perform and made provision for it.

Mr. Sopha: They are all *ad hoc* duties.

Hon. Mr. Wishart: They are *ad hoc* but they are permitted, they were contemplated, they are provided for, which I think is a strong argument why we might continue the practice.

If you read Mr. McRuer's recommendations on this whole matter, which begin at page 721, there are only four of them, he does not —three of them are concerned with how they are appointed by the Lieutenant-Governor-in-Council, the approval; and no judge shall be paid or permitted to receive remuneration other than his statutory salary and allowances. This is the only point in his recommendations; as far as possible, the regular judicial duties of judges should not be interefered with by their appointment to extrajudicial duties. And that is the only argument he gives, just to preserve the performance of the judge on the bench. As I say, he makes a clear distinction, recognition, that this is a duty that the judge might perform.

Now, I would just like very briefly to say this: the hon. member for Humber started to give us some history of the appointment of boards of police commissioners. I did say something about this earlier this week; I do not want to take long and I do not want to reiterate what I said there, but the reason why boards of commissioners of police were established was because there grew up in the politically appointed committees of council or government of police forces by municipal councils, the very reprehensible thing that politics got into the police forces; the arm of politics got into the field of promotion in the force, appointment to the force and in many other ways.

And to clear that situation, to give us a clean government of police forces which would not be tainted with that sort of thing, we went to the board of police commissioners, and every municipality, almost without exception—there are a few—has followed that procedure. I admit that we have had considerable protest against the appointment of a magistrate to the board of police commissioners. There are a number of complaints that come in from time to time.

We have many boards of police commissioners where magistrates still serve and serve in a most exemplary and useful fashion. And I have two or three in the riding—perhaps I should say the riding I used to represent; I still have a tendency with respect to that riding to think of it as my own. But I have never received a solitary argument in my five and some years of this office. I have never received a solitary complaint about a judge being on a board of police commissioners. On the contrary, any sentiment I have received has been that it is a great thing that the judges see fit to serve.

I say to you that the boards of police commissioners as presently constituted under The Police Act work—that is the best argument I can give you—they work, they do a good job, they keep the police out of politics. And the judge particularly—and I should devote my remarks to the judge—the judge brings to that board the judicial quality, his legal training, his independence, which is a great thing, his independence, his character, his knowledge particularly of police matters, because he sits in court, he sits in criminal courts as well as civil, where he observes the police performance.

I think he is a most valuable man. And I would say this to you, I say there has been no criticism of judges on these boards and I am not going to be carried away by this argument that the trend of the times is to let us elect everybody; and every board must be elected; we must have the right to govern our own police force. I say we moved from that a few years ago because of its failure. The weakness of it was that it became tainted with political interference. Now, I am not suggesting that would happen here at all if you put a citizen on it. I think you could find some good citizens; I am sure you could. But I am not going to have a judge dismissed from this position or downgraded from accepting this appointment unless you can give me some more cogent and solid reason for not appointing him. I say he will bring to that commission qualities

which are most valuable, which will be most useful—

Mr. Bullbrook: You can put any judge you want—

Hon. Mr. Wishart: That is right This amendment does not, by saying "citizens", prevent the appointment of a judge, but the implication is pretty clear when you take "judge" out, that you do not want him on there.

Mr. Bullbrook: It is a significant implication.

Mr. Sopha: That is the significance of it.

Hon. Mr Wishart: I get the significance. I do not believe we need to do that. I think that the judge will be very useful.

Mr. Sopha: You will have to be pushed and pummelled until you do.

Hon. Mr. Wishart: And let me say, The Police Act at present provides for a judge on every police commission in the province. You say to me, make the exception—

Interjections by hon. members.

Mr. Chairman: Order!

Hon. Mr. Wishart: I was just about to make one small point. I say: Do not accept this amendment. I do not feel recalcitrant about it, I am quite sure we can find good citizens to serve, but I take exception to the idea of removing the judge, I think we need him there. It is in conformity with our present Police Act. I know you say to me, "Well, make a break, make the start". I do not think this is quite the time to do it. If you want us to do that, let us do it when we bring The Police Act back next year and we will remove the judges, that is if you can convince us that this is the way to go. I do not know, I would need a little convincing, I must say.

You talk about judges, you say no one else is tried in this way, no one else is disciplined this way. A police force is a peculiar, perhaps I should rather say, unique organization and the judge, the board of police commissioners have some disciplinary powers, and this is a force which is unique; persons who serve on it are different from ordinary servants, civil servants, or employees of an industrial organization. They are a paramilitary force, to use the words of the hon. member for Sarnia, I think.

Mr. Bullbrook: *Quasi.*

Hon. Mr. Wishart: *Quasi-military,* the same thing, *la même chose.*

Mr. Lawlor: That is just what we deny.

Mr. Bullbrook: If the Minister starts being bilingual at this time of the night!

Hon. Mr. Wishart: And I think when you are dealing with a force which requires discipline, you need a particular type of body to exert it. In The Provincial Courts Act, which you passed last year, you provided for judges themselves, a panel of judges, to pass upon their discipline. This is nothing new, I say, the judge has qualities which we need on the police commission. Until we change The Police Act, let us not make the start now, let us leave it until then. I oppose the amendment.

Mr. Bullbrook: Mr. Chairman—

Mr. Ben: May I ask a question?

Mr. Chairman: The hon. member for Bullbrook, I mean for Sarnia, was on his feet first.

Mr. Bullbrook: I am very pleased to have a riding named after me.

If I might, just before I begin, and recognizing some great digression, but might I record in the records of this House, our happiness with the vicarious pleasure being enjoyed by our colleagues in the New Democratic Party tonight, on the election of their confrères in another province. I must say that one has to be happy for them.

Mr. MacDonald: It is genuine.

Mr. Bullbrook: It is a unique experience and one not to be enjoyed for a great deal of time.

Mr. Young: We were afraid you were going to say something like that.

Mr. Bullbrook: Election success is always a most enjoyable thing.

In connection with this bill, I want to again record a second thing in the journals of the House. That is in connection with the possibility, remote as it might be, that I lectured the Attorney General. Never, never would I presume to do that as long as I sit in this House. It would be like David lecturing Solomon, really.

But I wanted to hear the Attorney General first, in connection with this bill, because he is quite right in talking about a trend in the times—it is a most current problem, it is a

salient issue, and so important to the welfare of the people of Ontario. However, I am just wondering, really, whether it is as far out as he would think.

As I understand his position in the issues that have gone on between us on each side of the House in the last week or so, and as I understood his position yesterday in the legal bills committee relative to Bill 178, which we will have the opportunity of debating later, his reticence is founded upon the problem and the dilemma that he faces, as one responsible for the administration of justice in the province of Ontario, having taken upon himself the mantle that we wish to give him, and that is, to be responsible for the enforcement of law, within the province of Ontario.

I want to sit down now and say to the Attorney General, correct me if I am wrong. As I have understood what he said to us, really, and as I have chided him and respectfully chided him in this House, and in committee, he said:

> It is all well and good to philosophize about the rights of people. I accept your premise about civilian responsibility, but the problem is that I have a concurrent responsibility, and that is in connection with the administration of justice. At no time am I prepared to fetter in any way that responsibility with the responsibility involved in the enforcement of justice.

This is what I have understood, and I have gleaned, and I have accepted, and I made this most manifest yesterday, by changing the amendment that I proposed from the words, "Attorney General" to the words, "the Lieutenant-Governor-in-Council," because I am prepared to accept this.

I do not necessarily agree with it, and I doubt very much, frankly, if there is any other member in this House who would make me accept it, other than the Attorney General. I mean this sincerely, because of my attraction to his position, and his philosophy and his integrity, and if he says, "I am not prepared to do this," then my colleagues and I said, "Fine, when we have that responsibility, we will do it". The Attorney General then will do it. I have said it, it is a specious argument, but I am prepared to accept it whether it is specious or not.

But the thing that bothers me in connection with this section and with the amendment put forward by my colleague from Sudbury, and the counter thrust to that amendment by the Minister of Municipal Affairs, and the hon. Attorney General, is this, that every county court judge sitting on the police commission administers justice and enforces the law. The very two things that the Attorney General will not accept, Mr. Chairman. The very two things that the Attorney General will not accept, every county court judge does. If I am prepared to accept the argument of the hon. Attorney General, then it is equally applicable to every county court judge in the province of Ontario—and I am not going to—

Hon. Mr. Wishart: Oh no! The county court judge sits there. He does not run for office, he has no political pressures, they cannot even be applied to him. He sits there as a judicial person, a very different position than sitting in this chair as Attorney General.

Mr. Bullbrook: Let me say this. I have heard this argument so much, and I make no bones about this, I am not prepared to accept it. What is said, when you talk about political pressures, are partisan pressures, that is what you are talking about, because there is nothing reprehensible at all about political pressures.

Politics is nothing more than the science or the art of representing people. Surely to goodness, the highest calling of man as a social being, as Bacon said, is to be a politician. I have heard this said in my community by a member of the police commission. Let me say this, Mr. Chairman, and I hope I do not digress unduly, but I have said on my city council, and we have directed our mayor to go to the police commission and ask them something, and I have had one of the judicial appointees say, "We do not want politics involved."

And I will tell you what politics was. Politics was a question of the people to the police commission. This is what politics was. Partisanship should never be involved with the operation of the police force.

With this I entirely agree and I think everybody in this House agrees. Politics must be involved with the operation of the police force. Politics has to do with people, the representation of the people, and I am not going to go on any further in this connection because on Friday next, we are really going to debate this issue at length, essentially this issue. But this is the point in connection with this because I want to get back to the matter that really if we accept the position of the Attorney General, of the dilemma he faces in connection with the enforcement of the law and the administration of justice, in my mind it is equally applicable to the county court judge.

He is on one hand in one morning, dealing with the administration of justice and that very afternoon, dealing with the enforcement of law. So that if there is any weight to be given to the position of the Attorney General—and I am prepared to say there is some weight to be given to it—if there is any credence available to that philosophy and I am prepared to say, for the sake of argument that there is—it applies equally to the amendment put forward by my colleague.

The fact of the matter is this, whether I am right or wrong or wasting the time of the House at midnight, the Attorney General still has available to him the opportunity of appointing a judge to this commission. We are not for one moment, we are not for one moment taking away this opportunity because really the essential evaluation under this amendment is that there must be more elected people on the police commission than appointed.

The Attorney General said and the Minister of Municipal Affairs said, I made a note of what he said, he said: "Let us not put the cart before the horse." I recognize that it is a cliché of some consequence but I think it might be a cliché that we could accept in this respect: that if the cart is a good cart, why not? Really, why not? It might be trite, but why not?

I think the time is coming. The Attorney General says it is a sign of the times. Why should it not be a sign of the times, if finally we are coming to the conclusion that boards and commissions should be responsible to the people and elected as we are? Why not? Why can we not accept it? Is there something so unattractive in the proposition that boards and commissions should be elected? Some of them that I have dealt with over the past few years, I wish to high heaven they could be elected so that they could be substituted once in a while. Really!

So I say in closing, Mr. Chairman, first of all, I will not accept the argument put forward by the Attorney General in connection with the judge's position because I think it entirely concurrent with the position he takes. I do. I might be wrong but that is my opinion for what it is worth. Secondly, I really say let us begin making these boards and commissions, which exercise other than a purely administrative function—and those are the essential words—let us make them elective. If you are going to give them the power of making policy, let them be elected. If they are purely instruments of administration, fine. I support wholeheartedly the amendment put forward by my colleague.

Mr. Ben: Mr. Chairman, I wanted to rise to ask the Attorney General some questions because I was so surprised that he took so much of the time of this House discussing one item and that was the appointment of judges. It was made quite clear to him that the section does not preclude the appointment of judges to this board. The second part that he stressed was that at one time the police were in control of the politicians and that is why a police commission comprised in part of magistrates and judges came into being.

Now, if the Attorney General was to say that the police were corrupted by the politicians and therefore the police were removed from the control of politicians, then I would say that has happened. But I would draw the attention of this House to a fellow by the name of John Wintermeyer who at one time sat in this House and who drew to the attention of the people of this province the number of municipalities where the police were corrupt and controlled in this corruption by the politicians through corruptive police commissions or commissions that were not living up to their oath of office and which had the judiciary on them as members. So you cannot argue that commissions which have as their members, members of the judiciary, either magistrates or judges, are beyond corruption, any more than you can argue that commissions or boards which do not have judiciary as members, either magistrates or judges, are subject to corruption or are corrupt.

A prime example, Mr. Chairman—this is where I wanted to interrupt the Attorney General—are planning boards, committees of adjustment, library boards, public utilities, and various other Crown corporations and boards, of which there are approximately 101 in this province: provincial bodies that do not have on them members of the judiciary and yet are entrusted with the affairs of the people of this province. Why, all of a sudden, is it essential to have a judge on a board of police commissioners to keep it from going corrupt and it is not necessary to have judges on planning boards, committees of adjustment, library boards, public utility boards, and so on.

Hon. Mr. Grossman: The Attorney General explained that, but you just disagree with it.

Mr. Ben: I say that simply because at one time—

Hon. Mr. MacNaughton: Just repetitious.

Mr. Ben: —a commission that did not have to have a member of the judiciary on it was corrupted is no indication that all future

boards or commissions that do not have on them a judge are going to become corrupted and I think it is time we went back to the people or, as I said, to the governed controlling the elected governors.

Hon. Mr. Grossman: Question!

Mr. Sopha: No excuses need be offered for a full and uninhibited discussion of an important matter such as this. Really, Mr. Chairman, I believe that the small hours of the morning, a new day, is the most perfect environment that can be provided for such a discussion. In a sober atmosphere where we can have a frank exchange, we are not inhibited by the presence of the press which apparently work union hours and have departed for their beds. Really I do not agree with my friend from Sarnia that he has to make an apology.

There are a few things the Attorney General has said that must be answered. They have to be answered. One is compelled to assert what one believes about these things. The first answer I want to say to him is that the weakest part of the McRuer report—the very weakest part of a document that is not holy writ, it was not handed down from Mount Sinai—the weakest part is the part on judges.

Hon. J. Yaremko (Minister of Social and Family Service): Who says that?

Mr. Sopha: I say that.

I read the document very carefully. I went to Mr. McRuer and I told him so. I suggested that that was the weakest part of his report because it suffered from his own involvement and you can sum it up by saying that Mr. McRuer thought about the judiciary that God is in his heaven and all is right with the judicial world. My friend from Lakeshore agrees with that. That was the substance of his motion really—the very weakest part of his report.

The second thing I want to say is that in my belief it is a perversion of the democratic process what the Attorney General and Minister of Municipal Affairs do here, and they have no right to pervert the democratic process. The Attorney General furnished the answer to his own argument, his own question, when he read from The Judges Act Canada, and he listed all the things that judges are not permitted to do. But nowhere in it did it give permission to any person to involve the judiciary with the essential arm of the administration of justice—the police forces. I would put it another way that I would far prefer that the judge sat on a public utilities commission than that he sat on a police commision, because in the public utilities commission at least he is removed from the environment in which he is so intensely involved. And in a very real sense his occupancy of a place on the police commision involves him with the enforcement of the law.

Now, I illustrate by telling what really was a humorous—

Hon. Mr. Grossman: On a point of order.

Did I see the hon. member for High Park take a picture in this House of the member here?

Mr. Shulman: I did, that is quite correct.

Hon. Mr. Grossman: It is entirely out of order and I think you should seize the camera, Mr. Chairman.

Mr. Shulman: Try and seize it.

An hon. member: It should be seized.

Hon. Mr. Grossman: I think it should. It is entirely out of order

Mr. Shulman: The reason the picture was taken, Mr. Chairman, is that two members of the Conservative caucus have been sleeping here the whole evening, and I think it should be a matter of public record.

Mr. Chairman: I think the hon. member for High Park is thoroughly aware of the rules of this House that photos are not permitted to be taken while the session is in progress.

Mr. Lewis: On a point of order, does that extend to all members? Where in the rules does it extend to members of the House? It may, indeed, extend to people in the gallery; it may extend to visitors during the course—

Hon. Mr. Grossman: Do not try to defend that.

Mr. MacDonald: Can the hon. Minister point to the rule instead of pontificating?

Interjections by hon. members.

Mr. Chairman: The hon. Minister has the floor.

Hon. Mr. Grossman: The very fact, Mr. Chairman, that the hon. member admitted he took a picture—or attempted to take a picture of another hon. member in this House asleep, is in itself certainly a breach of the

privileges of the members of this House, and I say, sir—

Interjections by hon. members.

Hon. Mr. Grossman: Of course it is. Do you fellows not have any ethics at all? Yes I will talk about ethics. How about the things we have seen across the way there. Should we have taken a picture of the hon. member for High Park with his feet up on the desk? Should we have taken a picture of that?

Mr. Shulman: I should like to correct the hon. Minister. It was not a picture of one sleeping Tory; it was a picture of two sleeping Tories, Mr. Chairman.

Hon. Mr. Grossman: It is the most disgraceful thing that has ever happened.

Mr. Lewis: Mr. Chairman, on a point of order. It was a picture—

Hon. Mr. Grossman: You do not even belong in a Legislature.

Mr. Lewis: Oh, it was a picture of such solitude and such tranquillity it was worthy to have on film.

Mr. Chairman: Order! The point raised by the hon. Minister of Correctional Services is quite valid. The hon. member for High Park is fully aware of the fact that pictures should not be taken of the Legislature while it is in session and that applies to everyone. It would seem to me that the hon. member for High Park should take the film out of the camera and turn it over to the chair.

Hon. Mr. MacNaughton: He will then give complete evidence of how totally despicable he is.

Mr. Chairman: The hon. member for Sudbury.

Mr. Sopha: I want to speak to the point of order.

Hon. J. A. C. Auld (Minister of Tourism and Information): If I can quote a member of the House of Commons of Great Britain, the hon. member cannot see a belt without hitting below it.

Mr. Chairman: The hon. member for Sudbury.

Mr. Sopha: I am intimately involved here, because I was addressing remarks to a matter in a very important sector of the public domain. And my right to address those remarks on that issue before the House was interfered with by the mischievous activity of the member for High Park.

Interjections by hon. members.

Mr. Sopha: All right, I am going to make this point if it takes me all night, which stimulated the Minister of Correctional Services to get up and interrupt me and interfere with my right to address remarks on the matter before the House.

Now I want to suggest what I think should be done in this important and crucial event that has occurred as a result of this unjustified interference with another member's rights, quite apart from the broader question of whether he should take pictures. I think that the House Leader should move that this committee rise and the matter be reported to the Speaker immediately, and have the Speaker rule on this in order to determine what our rights are in respect of the activity of this hon. member. We have got rights. Now I want to make that suggestion.

Mr. Chairman: Speaking to the point of order raised by the hon. member for Sudbury, to my knowledge the committee may, upon motion, rise and report a matter to Mr. Speaker. It seems to me that this matter is of sufficient importance that it should, in fact, be reported to Mr. Speaker and that Mr. Speaker should deal with it in a proper manner, and I would entertain a motion so to rise and report.

Hon. Mr. Grossman moves that the committee rise and report to Mr. Speaker.

Motion agreed to.

Mr. Chairman: I would ask the attendant to call Mr. Speaker to the chair.

The House resumed, Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report the action of the hon. member for High Park contravening the rules and privileges and the procedures of this House by taking pictures of other hon. members.

Mr. Speaker: The committee of the whole House presents Mr. Speaker a report with respect to the actions of the hon. member for High Park.

Report received.

Mr. E. W. Sopha (Sudbury): On a point of order, Mr. Speaker, I want to make formal complaint to you that during your absence,

while the House was in committee of the whole, I was speaking to an amendment which I had proffered in relation to a section of the bill then before the House. At the time that I was speaking, I report that my observations were that the hon. member for High Park removed himself from his seat. He came over into the benches immediately behind me, which are normally occupied by the Liberal Party, with a camera. And I saw the hon. member for High Park hold the camera up in a position as if he were taking pictures. I am unable to say that he actually took pictures, but he had it in the customary position.

Mr. M. Shulman (High Park): The picture was taken from here, not from over there.

Mr. Sopha: At that point the Minister of Correctional Services drew the attention of the House to the activity of the member for High Park. The member for High Park was heard—I will let the record speak for itself—but he admitted that he had been taking pictures and he referred to the fact that two Conservative members were sleeping and that he was taking pictures of them.

The substance of my complaint, sir, is the interference with my rights to address remarks concerned with the public interest, without trespass on those rights by the member for High Park in engaging in the activities in which he engaged. I ask you, sir, to to take appropriate action in respect of this complaint.

Mr. E. W. Martel (Sudbury East): Mr. Speaker, on the point of order raised by the member for Sudbury. I think the member for Sudbury would have to have eyes in the back of his head at the time that he alleges that my colleague had his camera. I am not denying that the member took a picture, but the member for Sudbury got up and he misled the Speaker. The member for High Park took the picture from the seat and was in the process of walking out. Everything that the member for Sudbury has said is a distortion, pure and simple. And he could not see, when he was addressing his remarks to that side of the House, unless he has eyes in the back of his head—and I do not think he has, Mr. Speaker, and so he has distorted.

The point is the member for High Park took a picture and that is what you are going to deal with. But, the member has misled you completely.

Mr. T. P. Reid (Rainy River): Mr. Speaker, on that point of order—

Mr. Speaker: Perhaps it would be well now, having heard from the two parties on this side of the House, if the government House leader, at the time the occurrence took place, might give me his views, and then I will be glad to give the floor to the member for Rainy River.

Hon. A. Grossman (Minister of Correctional Services): Well, Mr. Speaker, it is quite simple. I saw the hon. member take some pictures and he—

Mr. Martel: From where?

Hon. Mr. Grossman: From where I am sitting right here, and he was taking them from his—

Mr. Martel: Where did the Minister—

Mr. Speaker: Order!

The hon. member will give the same courtesy to this Minister as he was accorded when he made his remarks and I understand—

Mr. D. C. MacDonald (York South): Mr. Speaker, if you wish to jump up in great anger, I trust that you will do so with impartiality.

Mr. Speaker: The hon. member will please retain his seat while the Speaker is on his feet and in due course he may be given the floor.

Mr. MacDonald: Right. We do not have to be subjected to such angry outbursts.

Mr. Speaker: I understand the feeling of the hon. members in the third party tonight. It is quite natural. It is quite natural that they should feel—

Mr. MacDonald: Mr. Speaker—

Mr. Speaker: —happy and able to take on Mr. Speaker or anyone else. But perhaps we could deal with what is before the House.

The hon. Minister of Correctional Services was on his feet, giving his explanation as requested by Mr. Speaker.

Hon. Mr. Grossman: Mr. Speaker, the matter is quite simple. While the hon. member for Sudbury was on his feet speaking, the hon. member for High Park was noticed to be taking a photograph—a picture with a camera, and I rose in my place, Mr. Speaker, to draw this to the attention of the Chairman. And at that time, the hon. member for High Park attempted to walk out of the House with the camera. He then admitted openly that he had been taking a picture of some

members in this House allegedly asleep and I rose on a matter of privilege, sir, as this is a breach of the privileges of the members of this House. That this is a breach not only of the rules of this House, but a breach of ethics and the member should get up in his—

Mr. S. Lewis (Scarborough West). The very mores and soul of the House.

Hon. Mr. Grossman: Mr. Speaker, I think, sir, you will agree this is conduct which is unbecoming of a member of this House and should not be permitted. I ask you, sir, to take whatever action you deem necessary, to discipline this member and to seize the camera from him.

Mr. MacDonald: The Minister's pomposity overwhelms me.

Mr. Speaker: The hon. member for Rainy River.

Mr. T. P. Reid: Mr. Speaker, I will waive my—

Mr. Lewis: It is all right for members of the OPP to take pictures of members on picket lines—

Mr. Speaker: Order!

I would think that perhaps the hon. member for High Park might wish to speak to the matter.

Mr. Shulman: Yes, sir, I would be delighted to speak, first of all to set the member for Sudbury straight and the member for St. Andrew-St. Patrick straight.

First, I confess. I took the picture.

Second, the member for Sudbury is wrong, I did not take the picture from the Liberal area. I would not intrude on their area for taking pictures. I took the picture while sitting in my seat.

I did not start to leave after the Minister began to complain. I was leaving with my camera when he rose to his feet and began to complain, so I immediately returned and I told him, yes, I had taken the picture and the reason I had taken the picture. I was overwhelmed by the sight of the two Tories snoring and I thought it would make a great picture for posterity as the last night before the avalanche began to fall upon them. And therefore, sir, this pastoral scene overtook me with its beauty—

Mr. MacDonald: Right!

Mr. Lewis: Its simplicity!

Mr. Shulman: Yes, the member is right. I thank the member.

And I took the picture, sir, but, I promise, sir, I will take no more pictures; and furthermore I will send a copy of the picture to every member of the House so we can all commemorate the occasion.

Mr. Speaker: It is unquestionably an intrusion on the rights of the members of this House for any member to take a picture. It is also against the customs and rules and procedures of this House for cameras to be used except on official occasions, of which all the members are aware. They have seen cameras seized in the galleries when pictures have been taken and I do not think that a member of this House has any more right to invade the privacy and the rights of other members of the House, even if that member had the permission of the other members, which obviously he did not have in this case.

Therefore it would appear to me that the hon. member for High Park who is in a very generous mood tonight might very well attend to the matter very briefly and very quickly because he has said that he will not take pictures again. So obviously he realizes that it is not the thing to do and he has offered to send everyone a copy of the picture so I would think that in that generous mood he would offer to send the camera to Mr. Speaker and Mr. Speaker would ensure that the film was removed from the camera and the camera returned to the hon. member.

Now since Mr. Speaker does not know anything about the insides of a camera I would be glad to have the hon. member whose camera it is come and give me the film and—

Mr. Shulman: Mr. Speaker you asked for the camera and I sent you the camera. But I have already dispatched the film.

Hon. Mr. Grossman: Mr. Speaker that is—

Mr. Speaker: I asked for the camera—

Interjections by hon. members.

Mr. Speaker: Order!

I asked for the camera with the film. So now might I ask the hon. member if he will take immediate steps to obtain the film before it is processed and return it to Mr. Speaker?

Mr. Shulman: I regret I cannot comply with that, Mr. Speaker.

Mr. Speaker: Give that to the Clerk. Well it is most regrettable that we have such matters to deal with. I would point out to the hon. members that on every side of the House there is a right to privacy and to have their personal rights observed.

It is quite obvious that the member for High Park does not wish to do so and as far as I am concerned, this is a matter which I am not in a position to deal with at the moment. As far as the personal privileges of the hon. member for High Park are concerned, I feel that some action needs to be taken. I also feel that it needs some consideration on my part and I would hope to deal with that when the House sits tomorrow.

In the meantime, I would think that the hon. member, if he is an honourable member, would ensure that the picture be not printed or, if it is printed, that the prints plus the negative are returned to Mr. Speaker with his assurance that there are no prints and no other negatives or copies anywhere else.

Mr. G. Ben (Humber): And that they have not been exposed to any unauthorized view.

An hon. member: The only way is to surrender the film now.

Mr. T. P. Reid: They have that application tonight?

Mr. Speaker: I have suggested that the hon. member for High Park might deal with the matter in a fairly satisfactory way so far as this morning's sitting is concerned, if he would give me that assurance with respect to the film. Because I am sure if it has happened within the time mentioned, it is quite within his power to reclaim it and take that action.

Mr. Shulman: I think that is a reasonable request.

Mr. T. P. Reid: Will the member comply?

Mr. Speaker: The hon. member has advised me that he thinks it reasonable. He has not advised me that he will do so. I would be glad—

Mr. Shulman: I will be happy to do so.

Mr. Speaker: Thank you.

Clerk of the House: The second order; committee of the whole House; Mr. A. E. Reuter in the chair.

REGIONAL MUNICIPALITY OF NIAGARA
(Concluded)

Mr. Chairman: We were dealing with an amendment moved by Mr. Sopha on section 115. The hon. member for Sudbury.

Mr. E. W. Sopha (Sudbury): Mr. Chairman, I had said by way of reply to the Attorney General that in my view, involvement of judges on the police commission is a perversion of the democratic process and indeed, I think the principle is beyond dispute that the public who have a right to the full application of judges' time and talents to the administration of justice without interference from any sector of the community at large much less from the government of the day.

I want to give an illustration in respect to the involvement with the enforcement of the law. I heard of a case one time where a judge member of the police commission was crossing a pedestrian crosswalk and the operator of a motor vehicle came quite close to him, whereupon as a pedestrian the judge member of the commission admonished the motorist and the motorist replied in an ill-mannered fashion. The result was that there was a tremendous upset in the community about the enforcement of traffic laws. Indeed it led to changes in the administrative structure of the police personnel. That incident set off a chain of circumstances and it leaves it open, you see, Mr. Chairman, to some activity in the enforcement of the law as the judge is disposed to use his position on the commission from the vantage point of the judicial bench.

These things illustrate what I think tend to be a perversion of the democratic process. The other point I wanted to make is that I do not see that there is any authority of any nature in the Treasury benches or in the Lieutenant-Governor-in-Council to interfere in any way to deprive the public of their rights to have uninterrupted judicial service. No government in the history of Canada, I abhor superlatives, but no government in the history of Canada, has distracted judges from their judicial duties more than that one that sits over there. No government has. They have taken judges off the bench helter-skelter and involved them in very detailed and complex and protracted duty that greatly interferes with the carrying out of their judicial duties.

The district of Manitoulin for years did not have a judge because this government had him down here occupying a position as chairman of the milk board. He was full-time

chairman of the milk board and there were years and years with no judge resident in the district of Manitoulin. Royal commissions, the national sport in Canada—this government has had a whole series of judges carrying on investigations into one thing or another.

My colleague from Downsview referred to one that for four years has been almost totally absorbed in looking into a matter of very great public concern.

Are judges, by reason of the office, singularly equipped with the qualities and the talents that are necessary to carry out such duties? I doubt it. Probably university professors, to name one group, could do it just as adequately. And the Attorney General errs when he marshalls the virtuous qualities. Did you hear him list them all? The virtuous qualities. Well, are they sequestered exclusively by the judicial bench? Is that the only section of our community that has them? Is it unlikely that people could be found in the Niagara region who would command all the qualities in the persons necessary to administer the police forces? I doubt it. His argument must remain unconvincing.

Hon. A. A. Wishart (Attorney General): I said that. Mr. Chairman, I said those very words. You can find plenty of citizens; I do not doubt that.

Mr. Sopha: You also listed all these virtuous qualities, and finally we deny that the judicial person is required to be on the commission. The most apt arrangement that I could think of is that the commission would have some kind of full-time officer who attended to the administration of the police force, in the same way that Eric Silk does presently for the Ontario Police Commission —a full-time administrative officer looking after its daily organization and the carrying on of its affairs. That person, be he the chief of police or somebody else, would report to the political body.

That to me would be the most ideal arrangement, and that arrangement does not need a judge.

Finally, just to comment about the selectability and the political nature. Politics is not a dirty word. Never has and never will be. Politics made us free and politics keeps us free. Maybe there will come a day, it is safe to say—I remember when we sat enthralled one night and listened to the member for Riverdale in a long panegyric advocating the election of judges. He has forgotten about that, but when he sat up in the nether regions then, when he first came into the House—

Mr. J. Renwick (Riverdale): I have not forgotten about it. Nothing has been done about it.

Mr. Sopha: —he delivered what almost in any university would win him an honorary degree.

Mr. J. Renwick: It did not.

Mr. Sopha: I can very well foresee that we may some day advance into that reform that, apart from the most supreme appellate courts, we may well elect judges. We may well. So there is nothing wrong with elections. Elections are a great curative; they have a great curative effect. They are where the dice finally land, in the words of Sandberg, and you read them and weep. The greatest protection ever vouchsafed by the body politic.

Now, for all those reasons, we are not deterring from our fight and we have not ruled out the appointment of a judge to the police commission. He could well occupy one of the offices and provide all those necessary adjuncts that the Attorney Geenral wants. But we want it established as a principle that the statutory position of judges from police commissions are removed in his province once and for all.

Mr. Chairman: The hon. member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, I do not wish to. I confess I am not inured to speechifying at this hour.

Mr. M. Shulman (High Park): On a point of order, Mr. Chairman.

Mr. Chairman: Point of order.

Mr. Shulman: The member for Fort William has just taken my picture and I do not wish to complain, but I would like to ask him if I could have a copy of it afterwards.

Mr. Chairman: The hon. member for High Park is suggesting to the chair that the hon. member for Fort William has taken a picture in the Chamber?

Mr. Shulman: He aimed a camera at me, sir. I presume he took my picture. I am not objecting. I would just like to know if I can have a copy of it later on when he develops it.

Mr. Chairman: Might I ask the hon. member for Fort William if he did in fact use a camera in the Chamber?

Mr. J. Jessiman (Fort William): Mr. Chairman, no, I did not, as a matter of fact.

Mr. Shulman: What did you have? May I ask the member, did you have a camera with you?

Mr. Jessiman: No, I have not.

Mr. Chairman: I am sure that the hon. member for High Park must realize that he was mistaken.

Mr. Shulman: If the member says he did not take my picture, I am glad to accept his word.

Mr. Chairman: The hon. member for Lakeshore.

Mr. Shulman: Mr. Chairman, I would like to ask the hon. member what is that object he has been aiming at me. If it is not a camera, I am getting a little disturbed.

Mr. L. C. Henderson (Lambton): It is none of your business.

Mr. Chairman: The hon. member for Lakeshore.

Mr. Shulman: I would like an answer to that question, sir.

Mr. Chairman: The hon. member for Fort William says he has no camera.

Mr. Shulman: He has a metal object there which he is aiming. If it is not a camera, it may be some lethal object.

Mr. D. C. MacDonald (York South): It could even be a bomb.

Mr. Shulman: That is what worries me.

An hon. member: You should be worried.

Mr. Chairman: The hon. member for Lakeshore.

Mr. Shulman: Could I have an answer to my question?

Mr. Chairman: I do not think the hon. member for Fort William is obliged to provide an answer to such a question.

Mr. Jessiman: I have certain metal objects in my pockets; I have some on my desk. But I am not going to say what they are.

Mr. Chairman: The hon. member is out of order.

Mr. Shulman: On a point of order, the metal object had a round lens in the front, sir, and it looked remarkably like a camera. I would like to ask the hon. member if it is not a camera, what is it?

Mr. S. Lewis (Scarborough West): He has a pretty guilty look on his face .

Mr. Chairman: Would the hon. member for Fort William assure the Chair that he has no camera?

Mr. Jessiman: Yes, sir. I have not.

Mr. Chairman: Does the hon. member for Fort William assure the Chair that he does not nor did he have a camera on his seat in his possession?

Mr. Jessiman: I have not, sir. Nor in my back pocket.

Mr. Shulman: Nor in his desk?

Mr. Chairman: Does the hon. member for Fort William have a camera there in his possession?

Mr. Jessiman: Nor in my desk. No, no.

Mr. Chairman: And he assures the House he does not and did not have.

Mr. Jessiman: No.

Mr. Chairman: I must accept the hon. member's assurance.

Mr. Henderson: That is his own business.

Mr. E. W. Martel (Sudbury East): What did you have?

Mr. Chairman: The Chair must accept the hon. member's assurance. The hon. member for Lakeshore has the floor.

Mr. Lawlor: The debate has gone rather awry or astray, and I see that the Attorney-General has gone away with the debate.

My remarks, Mr. Chairman, as they have been for the past three-quarters of an hour, have been more directed towards the Attorney General than to the Minister in charge of this bill. That being the case, and since what I have to say arises out of what was said by the Attorney General as to the role of the police and as to the role of county court judges sitting on police boards, I shall reserve my remarks to a future occasion.

Mr. Chairman: Those in favour of Mr. Sopha's motion, will please say "aye". Those opposed will please say "nay". In my opinion, the "nays" have it.

Call in the members.

Those in favour of Mr. Sopha's motion will please rise.

Those opposed to Mr. Sopha's motion will please rise.

Clerk of the House: The "ayes" are 26, the "nays" 40.

Hon. A. Grossman (Minister of Correctional Services): Mr. Chairman, might I ask, through you, what is the consensus of the members opposite. They tell me tomorrow is going to be a hot and humid day. Would they be inclined to finish this bill? All right?

Interjections by hon. members.

Mr. Chairman: I declare the motion lost on section 115. The hon. Minister has a further amendment.

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Chairman, on section 115, I move that subsection 3 be amended by inserting after "remuneration" in the sixth line "as members of such board". That merely clarifies it.

Motion agreed to.

Section 115, as amended, agreed to.

Mr. G. Bukator (Niagara Falls): Mr. Chairman, there is subsection 4 that we did not deal with.

Mr. Chairman: We are not dealing with the sections by subsection. If there was an amendment to any subsection, the Chair would accept it. There were no further amendments introduced.

Mr. Bukator: Mr. Chairman, on a point of order, we dealt with an amendment to a subsection, then the Minister came in with an amendment to subsection 3.

Mr. Chairman: That is right, and I asked—

Mr. Bukator: I want to speak on subsection 4, which affects the estimates of the area boards in 1970, and this is a very important part of this bill.

Mr. Chairman: Well, I put the motion "shall section 115 as amended stand as part of the bill?"

Mr. Bukator: Just for that portion. Naturally that was amended, dealing with the amendment.

Mr. Chairman: I must point out to the hon. member that we are not dealing in the consideration of this bill specifically with the clauses or subsections. We deal with it by sections unless any other member wishes to introduce an amendment. If that amendment is defeated, that particular subsection or clause carries, but the total section is open for further debate.

I had put section 15 as amended, and put the question. Would it form part of the bill? I did not put subsection 3. The hon. Minister's amendment was carried and then I said, "Shall section 115, as amended, stand as part of the bill?"

Now, perhaps the hon. member for Niagara Falls misunderstood what the Chair was doing and what the procedures have been. Once again I am quite pleased to give the hon. member the benefit of the doubt if he wishes to discuss section 115.

Mr. Bukator: Mr. Chairman, thank you for your consideration. This subsection 4 is a very important part of this Bill 115, and I shall read that portion:

> Estimates of area boards in 1970:
>
> The estimates for the year 1970 of the board of commissioners of police of each area municipality shall be submitted to the Niagara Police Board before the 1st day of February, 1970, and, upon receipt of the estimates of all such boards, the Niagara Police Board shall consider the estimates and approve them in whole or in part and shall notify each such board of the extent to which its estimates have been approved.

I was hoping that we would not have gone on with this bill because I have a lot to say about the area police department as they are constituted now and as they will be constituted when the 17 police commissions that exist today will be cut down to 12 to deal with the estimates of the area municipalities.

To put the record straight, there was a meeting in the city of St. Catharines to deal with how the police commission would be affected by this bill. The Attorney General was there, and many interested citizens, magistrates, judges, police chiefs, deputies, both provincial police and municipal police. I would guess that there were some 300 people there. Many questions were asked of the Attorney General and the man who drafted this bill was there, and there appeared to be a lack of complete knowledge between the hon. Attorney General, and the chief draftsman of this bill, Mr. Reid. There seemed to be a difference of opinion how the police commissions would come into existence, how they would be done away with and what the costs would be.

After about two and a half hours in that hall in a very warm building, we accomplished nothing more than to confuse the issue with some facts and not enough detail on how this was going to come about. I must say—and I will try to paraphrase because I do not remember the words of the Attorney General at that time—there was more information to be had and the Attorney General was good enough to say they would get this information for us.

They asked when these commissions would be implemented, what the cost would be, among other things, how the area commissions would be dispensed with, and I naturally came to my pet—

Interjections by hon. members.

Mr. Bukator: I naturally came to my desire to find out on behalf of the elected people there what it would cost the new municipalities, the new area municipalities for their new police forces. I tried to get from the Attorney General at that time, at that meeting, what it would cost in dollars by way of projecting the estimates for the following two years. And I did ask what it would cost or what it cost at that time, to go back into the records, and I might say through one of your able assistants they gave the Attorney General a slip of paper indicating what it cost each municipality to operate their forces for the past, I believe, five years.

Hon. Mr. Wishart: I wonder if the hon. member would permit me?

It is a fact, as he has recited, that I did attend a meeting particularly to deal with police matters in this regional government and the hon. member was there, I think, throughout the whole meeting. I think we were at some pains, he will agree, I am sure, to explain what was proposed.

Some studies had been done by the Ontario Police Commission in consultation with the various municipalities. I think I was at pains to say that we did not have at that time the cost figures which could be put forward in the firm belief that they were entirely accurate—that they would have to be estimates. But I think the hon. member will recall that I was at pains to say to them I would not think that this regional government as far as the policing is concerned is going to cost you less money. It will probably cost you more. And I think I reiterated that on a number of occasions.

But what I wanted particularly to say to the hon. member was that following that, further studies were made. I think all the heads of those several municipalities with their officials met here with my colleague, the Minister of Municipal Affairs, and I again attended a meeting which went through the morning and we discussed particularly on that occasion and at great length the police arrangements as proposed in the bill. There seemed to be a very determined attitude, there was a very clear consensus that we should get on with the bill, we should get on with the police amalgamation if I may use that term, within the regional government.

The design of the force was set up for the regional area and I think we got closer to cost—and I am sure my colleague has pursued that further—but the main point of my remark is that all the municipalities without exception said, "Let us move to this in the way you have outlined and we will accept the idea. Certainly there was no thought that they were going to save money even if there was going to be a centralization of the police authority and the one control for those 17 police forces. So, generally, we had pursued the thing, I think, in those two meetings, very thoroughly. And I think there is a full understanding of how the matter will proceed and how the Act designs it. More than that I cannot add to the matter.

Mr. Bukator: I am very pleased with the Attorney General briefing me in on the second meeting and it is hard to get a little attention. But there was a group of elected representatives appointed by the Minister to meet with him. Did you meet with them all? Did you meet with the police chief and the elected people? Or who was this group that you met with at this second meeting? It might put me on the right track.

Hon. Mr. McKeough: The inter-municipal committee, and at that particular meeting there were officials who were brought in as well.

Mr. Bukator: The inter-municipal committee met with you and the Attorney General, as I understand here tonight. They indicated to you that they wanted to get on with the job and let the members fill in this present form.

If that is so, there are some things that ought to be spelled out here this evening, some of the facts that I was not made acquainted with, and I think the elected people of this area from this level ought to know something about what is going to take place in those regions that we represent in the Niagara Peninsula. So I would ask again

to get it on the record. And I remember the Attorney General's comments of that time; I would like them again. There is one municipality, and only one, in the county of Welland that has three provincial police, and that is the village of Crystal Beach. I understand from the Minister, and I did hear the Attorney General indicate that he was only one member of the Cabinet, but if he had his say in the matter, they would continue to police Crystal Beach as they do this day. Could we get by that point and then I will go on to the others?

Hon. Mr. McKeough: I think the hon. member would want to be fair and realize that after the second meeting of the intermunicipal committee and with those officials, in the three meetings that we had with municipal officials in the whole peninsula, the subject of police was brought up a couple of times and I think the people were generally satisfied with the answers which we gave. We have explained, I think, on a number of occasions that the Ontario Police Commissioner is of the opinion that there would be an increase if tomorrow the regional police force were to take over all the policing from the Ontario Provincial Police, which is not going to happen; it is going to be a phased process; and an additional 75 men would be required.

This then involves an expenditure of about $700,000 or $800,000 which percentage-wise is not that great an increase, inasmuch as the municipalities are spending about $4 million now. This would increase it closer to five. Percentage-wise it is not a great increase. It will not all happen at once.

Both the Attorney General and I have assured the people that if this is the case—if 75 men are needed—then presumably there should be a reduction in the Ontario Provincial Police Force of an equivalent amount. And this, in effect, would amount to a savings in the government of 75 people. And without commiting ourselves to grants, to a subsidy, to anything else, we have stated, and I think the people have accepted this, it is not the intention of the government or of the police commission or the Treasurer of Ontario to make money on the deal.

Mr. Bukator: Mr. Chairman, having said that it is not their intention to make money on the deal, you have five police villages out of which you are going to take the provincial police. Now, you do quote a figure today that you have not quoted in Beamsville. You said it cost about $4 million to run the police force of those areas, and there would be something like $750,000. Now you quote a figure of something like a million. Well, it is a 20 per cent increase, which is sufficient in my book.

And so you are going to phase them out. Mr. Chairman, they are going to phase out the provincial police and put in the regular police to have one body. I think maybe this will be the proper approach to the problem. But I say to you, Mr. Chairman, that there are municipalities such as Niagara-on-the-Lake—and that figure came out in some of those meetings with members down there, including Mr. Theobold, the mayor of Niagara-on-the-Lake. He said that they would be put in a position where they would have to pay for nine more police.

I remember the answer to that one, "Well, St. Catharines will pay part of the bill." I do not know how St. Catharines gets involved in Niagara-on-the-Lake, but if they will, fine. Nine more police in Niagara-on-the-Lake that they and Niagara-on-the-Lake have to pay for. On top of that, I talked to the mayor of Niagara Falls on several occasions and everyone knows how the mayor feels about this. They need 19 more policemen in the city of Niagara Falls to police the area that will come into their city, five more automobiles, and this naturally is an added cost to that city.

I say that if Niagara Falls is going to police the village of Chippewa and the township of Willoughby, part of Humberstone township, and half of Crowland township, where they have no police—at least, I guess Crowland, no doubt, have their own force—but there is half of that Crowland township coming into Niagara Falls, and Niagara Falls will have to police this large, vast area of not-too-thickly-populated portion of the county with the Willoughby township who have no police at all, except the pleasure of the provincial. And if they are going to be put under the one roof and pay the same kind of taxes, then naturally they want the same kind of coverage.

So I say to you, Mr. Chairman, that the added cost of that city is going to be a lot more than this Minister indicated at this time. Since the figure has jumped from $750,000 to $1 million in a short period of about a month, I do believe that this intermunicipal committee have accepted it because they have no other choice to take. But these added costs are going to be borne by someone and I think here we ought to be able to put it on the record and be able to tell the people of that area just exactly where they are heading.

The only concession that the Minister gives those people is possibly subsection 4 of section 17, and we will come to that. They may

police some parts of that area more cheaply because they do not require as many police. Why give them the added policing for the added costs? I personally do not like the approach to the police question; I personally do not like the fact that this Minister can quote figures of what has happened in the past and can forget figures of what it is going to cost in the future, and does not tell this House what it is going to cost them extra for that particular service.

We have determined and we have established that the waterworks will cost them more in their rates; we have determined now that the police are going to cost them more in their rates, and none of this came out in the information that was given to us except as it was extracted from this Minister. This is nothing short of a railroading of a bill through in the early hours of this morning, to get another 50 sections through—

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Everybody said to keep on sitting—

Mr. Bukator: Everybody said it but me.

Hon. Mr. Grossman: I rise on a point of order, Mr. Chairman. I appealed to the members opposite whether they wanted us to continue and they said, "Let her roll." And that is precisely what we are doing. Now if the hon. members had any objection, we would have adjourned.

Mr. MacDonald: You do not expect to hear a single voice from the Liberal Party.

Mr. Chairman: Well, I must say that the hon. member for Niagara Falls does not have a point of order, because what the hon. Minister says—

Mr. Bukator: I am not talking about a point of order; I am talking about the lousy way that we are running the business of the province in this particular House.

Mr. Chairman: I mean the hon. member suggested that—

Mr. Bukator: Or is that not parliamentary language either?

Hon. Mr. Rowntree: You certainly are getting a little heated over there.

Mr. Bukator: I certainly am. This is an important bit of legislation you are railroading through and I do not like it.

Mr. Chairman: The hon. member—

Hon. Mr. McKeough: Mr. Chairman, I think I will have to say this—

Mr. Bukator: I want to adjourn; I want a little more time.

Hon. Mr. McKeough: I think we have to say this. When this bill first came in, I think on the first section of this bill, this House and you, sir, and I, as Minister introducing the bill, tolerated a four-hour debate which was completely out of order, during which time we rehashed the principle of the bill several times over.

I do not think it can be said that we have made any attempt to railroad anything through here, and I resent that; we are all working under a deadline and we would like to get out of here this weekend. I do not think it is unreasonable. The members agreed that we would try and push on and finish this bill. I am told there are no further amendments; I think we could do it, with a little bit of goodwill, in the next ten minutes.

Mr. Chairman: I think the hon. Minister of Correctional Services and the hon. Minister of Municipal Affairs are quite correct. The question was asked of the Opposition members whether they wanted to continue or not so I fail to see how there is any evidence of railroading at this time.

Mr. Bukator: I would like to put it this way, that at 1.20 a.m. or 1.18 a.m., this Thursday morning, we are now dealing with section 115, and we have 186 sections in this bill. Now, if you do not call that railroading, just exactly what kind of a name are you going to give it?

Hon. Mr. Rowntree: You are the one who is defeating yourself.

Mr. Chairman: The hon. member may continue—

Mr. MacDonald: You mean your colleagues wanted to go ahead and you do not?

Mr. Bukator: I want sufficient time in which to—

Mr. MacDonald: Your colleagues said, "Go ahead."

Hon. Mr. Grossman: Precisely.

Mr. Chairman: The hon. member may continue on section 115; he was speaking to section 4.

Mr. Bukator: When I was first elected to the village council in Chippawa, back in

1947 or 1948, we had one policeman, Chief Parry, one old gentleman who did the policing of that village. He collected the dog tax, he was the weed inspector, his vehicle was a bicycle to get around that village, and since that time, I, as the reeve of the village thought we should have the provincials in. We sat down with the inspector of that day and discussed the possibility of a contract to get the provincials in.

We started out with two men, and we increased it to four in a very few years time. We finally found that the cost to our village was just a little bit more, possibly, than a small village like that should cost. We met with the Attorney General of that day, who is now the Speaker, to discuss the possibilities of getting some assistance for Crystal Beach and their force. And we found that the cost of policing in those two small municipalities had increased to unbelievable proportions—a village like Crystal Beach paying over $40,000 a year for policing. And so we know from past experience what it is going to cost these municipalities with this new approach that the Minister himself, Mr. Chairman, says would require another 75 men.

I know the added costs that are going to be borne by the people of that area, and so I would like to put it on the record as forcibly as I know how, that this is nothing short of imposing something on the people of that regional area that we speak of, the metropolitan area of Niagara, and this is right across the board for both countries. These are added costs that the people of that area should not have to bear, just because they are going to have a larger unit. I would have said, Mr. Chairman, that I would buy your package after speaking with the Attorney General at that particular meeting that he attended, that if you were to tell the elected people how much it was going to cost, whether it be one mill or two, and the Attorney General—and I might paraphrase at this point—says, "I am not projecting, it is up to the elected people to do that," then why were they forced into a position where they have to do that?

The cost should have been told to them in the first instance—and I only speak of the policing. That applies across the board in every department we have discussed here this night. So I say to you, that we are not treating the people of that area properly. This Minister could have projected some figures; he could have informed them it was going to cost them a certain amount of money, but no, he would not and I know why. If you would have had a report on this particular problem the same as we have had in the past, we know regional government could be the answer to the problem.

When we hired Deacon, Arnett and Murray, who investigated every branch of municipal government, they sat down with their experts and we paid very little money. I doubt very much whether we paid much more than you paid for the Mayo report. They spelled it out to the last letter, with projections into the next few years. And they came up with this answer: "Yes, we know that you can have a larger unit." And as luck would have it the boundaries are almost identical to what we have now for the new city of Niagara Falls. But we found that certain municipalities would have to bear the brunt. The village in which I live alone would have had an increase of nine mills in their tax. That would be $9 per thousand of assessment, and it appeared to me to be too much to have to pay for the few extra services we would get. Because of that expert report by this group of people—Deacon, Arnett and Murray—Niagara Falls and Stamford decided to become one, and I think they rue the day that they accepted that.

I say to this government, as forcibly as I can, that this is is not a proper approach, this is not a democratic approach to the problem as I see it. First of all, we ought to know what it is going to cost; and then, and only then, you can put it to the people to find out whether they want it or not.

Now I am not going to backtrack. I will accept regional government because we have no other choice. But I say to you that you are not going at this properly. You are not informing the people of the province of Ontario, of that particular region; and Lord knows who will be next. You are imposing something on them that they will not like, and you gentlemen of the Conservative Party will rue the day that you did it.

Interjection by an hon. member.

Mr. Bukator: And I am coming to you and your Hydro, and the dictatorial attitude in your group too.

Mr. Chairman: Order!

Interjection by an hon. member.

Mr. Bukator: I thought you were mumbling something.

An hon. member: Don't get upset.

Mr. Bukator: I am not upset. I just do not like this method of putting legislation through the House at this time of night.

Mr. Chairman: Order! We are dealing with the estimates of the area board—

Mr. Bukator: I would have done very well, Mr. Chairman, if I had not had those interjections.

An hon. member: Get on with your speech.

Mr. Bukator: Oh, I am going to make a speech!

I should like to put a lie detector on you and ask if you like this section.

Mr. Chairman: Order!

Mr. Bukator: If the truth were to come out—I am speaking to the hon. member for Lambton (Mr. Henderson)—he has a similar problem to contend with in his own riding I am sure, being a former county councillor.

Another problem—I am sorry the chairman of the Niagara Parks Commission has left. They have a kingdom unto themselves with the—

Mr. Chairman: Order! The hon. member is straying from subsection 4 of section 115.

Mr. Bukator: I am talking about costs of police and they represent us in that area, I am talking about the park police.

Hon. Mr. McKeough: There is no change in the park police, Mr. Chairman.

Mr. Bukator: Oh yes. There is a police force there.

Hon. Mr. McKeough: There will be no change in status of the police force.

Mr. Bukator: That is exactly what I am driving at.

Why should there not be? Why should they not all come under one roof? Why should not these policemen, these expert public relations men, be a part of the larger police unit? Why should one small group of people who have ordered themselves the authority to do as they pretty well please have a police force also?

If you are going to go into regional government and you are going to modernize and have one department, why do you not have them under the one roof also?

I think that makes sense. One individual, with a small group of people appointed by this government, who can run their show as they see fit. Is there any reason why they could not be brought into the larger unit?

Hon. Mr. McKeough: It might be looked at in the future, but I am sure the hon. member would be the first to say that perhaps we should take one step at a time.

Mr. Bukator: No I do not.

I have not been saying all night, and long before this, that you take one step at a time. I say to you that you spell out in detail what these things are going to cost the people before you impose it on them.

I like the Minister's disarming manner. That is a good answer. It has become a stock answer with the Minister to say we will look at it in the future, but I would like to dwell on that a little bit.

The police in the Niagara Parks system are very knowledgeable in this area. They come to a boundary and there they stop. They have nothing to do with that particular town because they just patrol the river. They actually cannot go within the interior of those towns because they have their own forces.

Would not you think, Mr. Chairman, and through you to the Minister, that these police officers should police everywhere from Niagara-on-the-Lake to Queenston? They do the patrolling, they are very capable men. Why should they not be part of the larger unit?

That makes sense to me; and maybe they would become better policemen rather than just summertime PR people. In the wintertime I do not know what you do with them. I suppose there are spare men there, but that could be a part of the larger unit in the area.

I say that this Minister has not informed the people I represent, through their elected representatives, what this branch of municipal government is going to cost them. Therefore I cannot see where this is the type of administration that a government should impose on the people.

Sections 115 and 116 agreed to.

On section 117:

Mr. Bukator: In the maintenance and cost of the operation of the police, local area municipalities shall all pay—that is subsection 2. Just how, if the Minister will answer my question, how does he intend to administer that section of the Act?

Hon. Mr. McKeough: The total cost of the force in the year 1970 will be borne by the regional corporation; but then apportioned back among the area municipalities, subject to the area municipalities deciding that they may want to apply rates within the municipality for policing.

Mr. Bukator: When you charge them back to the area municipalities, what particular rule of thumb, or what particular set of assessments are going to be used to charge them back?

Hon. Mr. McKeough: The Police Act.

Mr. Bukator: The Police Act; I am talking about the assessment, assessment of each municipality.

They all vary and they are all different. Townships and towns, villages and cities are not assessing by the same method. How is the Minister going to apportion these costs under those circumstances?

Hon. Mr. McKeough: They will be equalized.

Mr. Bukator: Very simple answer. I am wondering if it will be as easy to bring about as it is to say "equalize".

Mr. Chairman: Is section 117 carried?

Mr. Bukator: No, I beg your pardon. We are down to subsection 4—

Mr. Chairman: I must again point out to the hon. member we are not dealing with this bill in sections and subsections. We are dealing with it by sections only. We do not take a subsection at a time.

Mr. Bukator: I may be tired and it is getting on into the day but, Mr. Chairman, there are certain farmers who are going to get certain exemptions and I would like to know how they go about it. I am making reference to subsection 4. Surely, I am not asking for too much.

Hon. Mr. McKeough: This is a common procedure in The Municipal Act and I think it is in The Police Act. There are often parts of townships which are not receiving police protection from the police force and they proceed and this is quite a common occurrence.

Mr. Bukator: You say that this section is spelled out as it is in other areas. Let me read this to you and you tell me if it is a fair section to apply to any area:

> Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes.

Hon. Mr. Wishart: That, Mr. Chairman, if I may say so, is certainly in The Police Act. The theory behind it and the practice, and it is practised, is that farming areas—you may even have an urban municipality which extends out into what was a township, which has been amalgamated. It is largely farming, very little policing required, few people, a good deal of geography, a good deal of area and the section is there to exempt, partially by assessment rates, the rate applicable to policing. We apply this and it is used by many municipalities. It is a standard principle, nothing new.

Mr. D. M. Deacon (York Centre): Mr. Chairman in that Act, is that provision not subject to the council passing the necessary bylaw? If the council does not do it, what protection does the farmer have in order to get that exemption? I thought there was some problem in Vaughan township that you were trying to solve, where the farmers were trying to get redress, that is, in The Assessment Act. Has the change been made which will give this to them?

Mr. J. E. Bullbrook (Sarnia): Mr. Chairman, just as a matter of knowledge, why is it subject to the approval of the Ontario Police Commission? I am sure there is an obvious answer.

Hon. Mr. McKeough: I do not know.

Mr. Bullbrook: I am sorry. I should not have directed my question to the Minister of Municipal Affairs. I directed it really to the Attorney General because I thought it was concurrent with a provision in The Police Act at the present time, moreover I thought it was The Police Act.

I am just wondering, now that my colleague from Niagara Falls brings it up, why it is subject to the approval of the Ontario Police Commission.

Hon. Mr. Wishart: I think the only answer I would give—and I think of it simply now, as a matter of logic—would be that there might be a situation where a municipality, one of the smaller municipalities or one of the municipalities, let us say, decided to give a very large exemption to a certain portion of its people which would be unfair and inequitable in comparison with others. The body at the apex of the police government—I think we have used that expression a few times—would be the body to level the thing off. I mean if something of that sort started, the approval of the Ontario Police Commission would prevent that sort of a situation becoming inequitable with respect to other municipalities. I think that would be the logic behind that.

Mr. Bullbrook: I might say this, I think we get back to the polarization that is continued over two weeks. Again, it seems rather unattractive that we have this appointed body really making an overjudgment over elected officials. I would not mind at all, for example, had it been the Attorney General or the Minister of Municipal Affairs but again, it is the police commission.

Hon. Mr. Wishart: What about the Ontario Municipal Board? It is a board, sitting as a body over elected municipal councils.

Mr. Bullbrook: I see a distinction here. Perhaps I am wrong in this, but I see the distinction vested within the municipal board. It is a quasi judicial distinction, really, adjudicating disputes that really superimpose upon a decision made by an elected body, namely a township council or an ultimate decision by an appointed body, like the Ontario Police Commission, I do not want to waste the time of the House. I do see a distinction here but it is late at night.

Hon. Mr. Wishart: I would just like to add a word here. And I do not want to talk long. I do not know where the hon. member is suggesting that that should be done by a Minister but it seems to me that this becomes administrative. There is some judicial function true, but the Ontario Police Commission has a number of judicial functions, and it seems to me that to get good administration you should never place that burden in the hands of a Minister.

I am not talking about the political responsibility. I think to get good administration you must have a body that can be sitting there in that region; devoted to that region; knowledgable of that region and it can prevent the inequity which some municipality could create by taking advantage of this statute.

Mr. Bullbrook: I might say, my silence is not acceptance, but rather fatigue right now.

Section 117 agreed to.

On section 118:

Mr. Bukator: On area police forces:

> Every person who is a member of the police force of a local municipality within the regional area on the 1st day of January 1969, and continues to be a member until immediately before the 1st day of January 1970, shall on the 1st day of January 1970, become a member of the police force of the area municipality that includes the local municipality and the provisions of subsections 2 to 5 of section 27 apply to such members, but no member shall receive in the year 1970 any benefits of employment less favourable than those he was receiving from the local municipality.

Am I being told in this section that there will be several rates of pay to the police of the municipalities that will be amalgamated or brought together under an area municipality? Let me take Fort Erie for instance. Fort Erie, Bertie Township and Crystal Beach; let me take Niagara Falls, Niagara Falls-Chippewa.

If the police are getting paid different amounts of money and get different benefits that will continue through the next year, as I read this Act, there will be no changes made. In other words, two men will be doing the same beat, one man will be getting several hundreds of dollars more in pay, no doubt, than the other.

Hon. Mr. McKeough: No, it will be subject to negotiations. He is not going to receive anything less than he is receiving. Presumably the area boards will, we would hope, be set up by the end of the year, well before the end of the year and they will begin negotiations at that time. In the meantime, no one is going to lose anything.

Mr. Bukator: And that being the case, if—

Hon. Mr. McKeough: There will have to be a levelling, not only within the Fort Erie area police force, but within the whole region, very quickly.

Mr. Bukator: Then, I am being told by this section that the whole two counties will have, as of the first of the year, because they have an opportunity to negotiate, the same kind of pay across the board.

Hon. Mr. McKeough: No!

Mr. Bukator: I would not think so. Some would be upgraded.

Hon. Mr. McKeough: We would suspect that it will take longer than that.

Mr. Chairman: Is section 118 carried?

Mr. Bukator: Just a minute. Some will be upgraded; others, naturally, will be getting a fairly good pay and therefore they will be left alone, and you think that will take the year to do?

Hon. Mr. McKeough: Yes.

Mr. Bukator: Then, when the new commission takes over and these other commissions are eliminated completely then they will be

under one head and they can determine much better, I suppose, because they do not have that many bodies to deal with, but in the meantime there will be a differential there, as I see it.

Hon. Mr. McKeough: Right!

Section 118 agreed to.

On section 119:

Mr. Bukator: Section 119, yes, the bargaining:

> Before the 1st day of February, 1970, the members—

and I like this—

> of the police force of all the area municipalities shall appoint a joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara police board in the manner and for the purpose provided in The Police Act, and the Niagara Police Force shall be the sole negotiating body to bargain with such committee.

Mr. Chairman: May I point out to the hon. member that it is not necessary for him to read each section as it appears in the Act. The chairman has the section and the members have the section; it is totally unnecessary to read the section word for word.

Mr. Bukator: It may not be necessary, but I think I have that right if I want to do so. That privilege I cannot and shall not be deprived of. We are dealing with that section and I have a right to read it. The point is that there are members in this House whom I do not believe have read this section, or many of these sections, and I like to get it—

Mr. Chairman: Well, they do not need the hon. member to read it for them.

Mr. Bukator: Then I tell you what, Mr. Chairman, nobody is going to stop me from reading them, I can assure you of that.

Hon. Mr. McKeough: Does the member have a question on section 119.

Mr. Bukator: I certainly do.

Hon. Mr. McKeough: Can we have it then?

Mr. Bukator: Certainly, I will be glad to put it, Mr. Chairman. This particular section is put in here for the police, and this is the only working body of all of the bodies throughout the whole municipal establishment that has this privilege spelled out in the Act. And I think you are discriminating against others who work the same as the welfare people, the same as the plumbers, the same as—absolutely this is spelled out here, but not in any other section that we have come to at this point.

Hon. Mr. Wishart: I will answer that, because I have some responsibility for police.

Mr. Chairman, we have bargaining procedures in The Police Act and we do not bargain in The Police Act for plumbers. We have a Labour Relations Act which governs a great many people and has the procedures laid down. And this is simply not changing those bargaining procedures, but simply indicating that there will be one bargaining committee, because these forces are being brought together under one government. There shall be one joint bargaining committee to represent them all, and it is trying to do what should be done if instead of having 12 or 17 that you will get your police forces bargaining from the one bargaining committee. Certainly I think it is a good provision. That is why I asked what was the hon. member's point when he read the section?

Mr. Bukator: You asked me what was the point—I said it was good before I read it. I like that section and I read it into the record because I thought this also should go into other sections that we have passed that were not spelled out in the same language. This is the only reason I commented on it.

Section 119 agreed to.

On section 120?

Mr. Chairman: Section 120 carried!

Mr. Bukator: No, no. On section 20.

Mr. Chairman: I must point out to the hon. member that—

Mr. Bukator: Well damn it, Mr. Chairman—

Mr. Chairman: I will not tolerate this any longer, going back every time a section is called. I give ample opportunity: I pause every time, and when no member rises I declare it carried. And invariably the hon. member for Niagara Falls rises after I declare it carried. I give him fair warning that this is the last time I will permit him to go back.

Mr. Bukator: Mr. Chairman, would it be possible that you are sitting in front of me and you cannot see it. Surely I just do not—

Mr. Chairman: I am looking this way; I can see everyone over there.

Mr. Bukator: I do not know how much time—but only a few seconds. I would like to ask a question about this section, and I think it is a fair question. I even forgot what I was thinking about in this particular section. You are talking about selling the equipment; you are talking about maintaining the establishments when you take them under the one roof; you are talking about municipalities that may have, in this section—well you have to read several sections to get the feeling of the thing—but in section 120 you talk about what they own, how it will come about, who will be in charge of it, how the municipalities will give it up, invest it into the police commission. These are the things that I would like to have answered. Many municipalities have a large investment in this equipment, sound trucks, cars and everything—and other municipalities have nothing. I realize those who have not will give to those who have. I realize that. But I realize too that somebody is bearing the brunt for the other fellow. I know not how you would handle this, other than the way you do, but I would like some explanation from the Minister, because he has been on top of this thing.

Hon. Mr. McKeough: Well, the member will realize that in about four places through section 120, where agreement is not reached, it is referred to the Ontario Municipal Board.

Sections 120 to 122 agreed to:

On section 123:

Mr. Bukator: Mr. Chairman. Was I too late again?

Mr. Chairman: Carry on!

Mr. Bukator: The part on finances—I am not going to go into detail—

Mr. Chairman: Is it 123 you wish to talk about?

Mr. Bukator: I am going to discuss the whole financing problem just for a moment, and then maybe you can go on with your bill, because I think I am going to go home. I am not getting any place here.

I want to show you how big this bill is, how important it is and how quickly you expect to put it through.

This particular portion dealing with finances is part 9 and it starts on page 67 and it goes to page 99, if I remember rightly. Now if you think that we can intelligently discuss the financing of this regional government—

Hon. Mr. Wishart: Mr. Chairman, we are discussing section 123, which simply adopts a definition of rateable property under The Assessment Act. Now I would like to hear the hon. member make his points, but has he a point? Has he a question? Is he objecting to the definition of rateable property which is used in The Assessment Act? I mean, let us deal with it section by section. Is there something wrong with that section, in his view?

Mr. Bukator: The point I was trying to make, Mr. Chairman— and believe me—

Hon. Mr. Wishart: I cannot get the point.

Mr. Bukator: Well, you will if you will just give me a moment.

Hon. Mr. Wishart: On Section 123?

Mr. Bukator: I am talking about 123 right on and through—

Mr. Chairman: We are dealing section by section.

Mr. Bukator: You surely cannot cut me off at this point. I think I am making an intelligent point. We are dealing with financing starting with 123 going on to 162.

Hon. Mr. Wishart: We are dealing with 123—

Mr. Bukator: Yes, I realize that, and if we are going to deal with this and go through the financing of those two counties in this short period of time. I am going home.

Hon. Mr. Wishart: What is wrong with the section?

Mr. Bukator: Gentlemen, good night! This to me is a schmozzle; it is a railroad job like I have never seen before in this House.

Mr. Chairman: Section 123 carried?

Mr. Bukator: Somebody ought to give me a hand here.

Mr. Chairman: On section 124. The member for Sudbury?

Mr. Sopha: The Attorney General did not hear what the member for Niagara Falls said; you did not hear what he said. I submit that you caused some confusion. He said he was going to make some comments about finances, then that was going to be it and the bill could be carried. That is what he said when you interrupted.

Hon. Mr. Grossman: Nobody stopped him.

Mr. Sopha: Well, you tried to hold him to 123.

Hon. Mr. Wishart: Mr. Chairman, I want to be fair. I was concerned. I thought we were on 123, and I wondered if he had a point on that particular section.

Mr. Chairman: As far as I am concerned, the general discussion of finances would have been carried on second reading. Now I have no objection to hearing from the member for Niagara Falls.

Hon. Mr. Grossman: Let the hon. member go ahead then, Mr. Chairman.

Mr. Bukator: I am talking about the whole section dealing with financing, Mr. Chairman, and I want to make my point. I say that we are dealing with 123, as the hon. Attorney General said, right on through to 162—all of those sections dealing with financing of those two counties. We just cannot intelligently—

Hon. Mr. Grossman: Will the hon. member proceed.

Mr. Bukator: Well now, I am not the only one in the House. There are other colleagues of mine who are not here. I am just going to call it off; I just cannot cope with this, because it is just too much to try to get across. I think this requires a lot more time than we are going to give it here tonight, and I think myself that anything—

Mr. W. G. Pitman (Peterborough): No one is stopping you.

Mr. Bukator: No, I quit—at ten minutes to two in the morning.

Section 123 agreed to.

Section 124 agreed to.

On section 125:

Hon. Mr. McKeough: On section 125, Mr. Chairman, the members who were at the meetings will remember, I think it was at the Welland meeting that some of the cities were a little unhappy with this section, and the treasurers got together with the department, I think, and suggested something else. I therefore move that section 125 be amended as follows:

A. By striking out clause (b) of subsection 3 and substituting the following:

(b) A sum equivalent to the total of the audited surpluses and operating deficits and any reserves established under subsection 2 of section 297 of The Municipal Act which are transferred from the county of Lincoln and the county of Welland to the regional corporation under this Act.

And B, by striking out subsection 4 and substituting the following:

(4) The sum referred to in clause (b) of subsection 3 shall be apportioned among the city of Niagara Falls, the city of Port Colborne, the city of St. Catharines and the city of Welland in the proportion that the equalized assessment for each city respectively, as ascertained under section 126 for the purpose of apportioning the regional levy for 1970, bears to the total of the equalized assessment so ascertained for the four cities, and the amount apportioned to each city shall be paid by the city to the regional corporation not later than the 30th day of June, 1970.

What that does, simply, is that counties have working funds and it provides for an equitable way of the cities contributing to the total working funds of the region so they all start off on the same basis.

Mr. Chairman: Does anyone care to discuss section 125 and the proposed amendment by the Minister?

Amendment agreed to.

Section 125, as amended, agreed to.

On section 126:

Mr. E. G. Good (Waterloo North): Mr. Chairman, I would just like to make a few remarks on subsection 4, and that is about equalized assessment, in the new area. I would like to ask the Minister if any different philosophy has been considered at all for the equalization of levies against municipalities other than the equalization factor of the assessment. I feel there are a lot of inequities—I think the Minister must, too—that develop because of our present system of equalization factors on the assessment.

We find in our own area, usage of a commodity, and population in many instances work out to be very good yardsticks of measurement for payment. I am just wondering, would he comment, were any other considerations given in this area when the new establishment was being set up? Would usage of service or population basis be a just yardstick?

Hon. Mr. McKeough: No, because the whole basis of taxation, really, I think, is assessment. I would say this to the member

that we have undertaken, as we did in Ottawa-Carleton to arrive at as good an equalizing factor or factors as we can. We spent a considerable amount of time in Ottawa-Carleton trying to arrive at correct factors, taking a bigger sample than we would normally do. That is really what it amounts to. We will do the same thing in Niagara and both Ottawa-Carleton and Niagara will have a high priority for reassessment.

Mr. Chairman: Does any other member wish to speak to section 126?

Mr. Deacon: Mr. Chairman, in section 126, subclause 11, clause 11, it refers to the assessment of the properties in the Crown and right of Canada and also the Hydro-Electric Power Commission of Ontario. Are those property valuations based upon market value or is that the special formula of 25 per cent that the Hydro uses?

Hon. Mr. McKeough: Well, the Crown properties in right of Canada are valued by the Crown in right of Canada. Hydro and our own—

Mr. Deacon: I think the Crown is at market value.

Hon. Mr. McKeough: The Crown in right of Canada—well, nobody has ever quite figured that out, just what they use, but their valuation consistently provides a greater grant in lieu of taxes to the province of Ontario, so we assume they are doing a pretty good job at it. The Department of Municipal Affairs would value these other things.

Mr. Deacon: The Department of Municipal Affairs, Mr. Chairman, is it valuing Hydro at market value, so there is no special dodge there?

Sections 126 to 132, inclusive, agreed to.

On section 133:

Hon. Mr. McKeough: Mr. Chairman, I have a small amendment on 133. I move that section 133 be amended by striking out—

Mr. T. P. Reid (Rainy River): Obstructionist.

Hon. Mr. McKeough: —by striking out "or a local municipality" in the third line and by striking out all the words after "corporation" in the fourth and fifth lines.

Mr. Chairman: Mr. McKeough moves that section 133 be amended by striking out "or a local municipality" in the third line and by striking out all the words after "corporation" in the fourth and fifth lines. So there is a period then after "corporation", is that correct?

Amendment agreed to.

Section 133, as amended, agreed to.

Sections 134 to 137, inclusive, agreed to.

Mr. H. Peacock: (Windsor West): Faster.

Mr. Chairman: I cannot write any faster.

Sections 138 to 141, inclusive, agreed to.

On section 142:

Mr. Deacon: Mr. Chairman, 142, clause 5, subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

If we have the principle of sinking fund debentures and purchase of debentures on the open market, using sinking fund moneys available, this has a beneficial effect on the market value of the general debentures of the municipality, because it pulls that number of debentures off the market and takes up offerings that might be available. I cannot understand why you would provide that the municipality can resell those debentures when they have been redeemed, the same debentures. It is a rather strange way of handling one's finances.

Can the Minister explain what that clause is in there for?

Hon. Mr. McKeough: No, frankly, I cannot.

Mr. Deacon: Well, that is not very satisfactory.

Hon. Mr. McKeough: No, I realize—but at this hour of the night I do not have my staff with me.

No, I cannot answer that, I am sorry. I will put somebody on the staff in touch with the member tomorrow.

I think I should have said earlier that many of these sections—and I am sure members are familiar with The Metro Act—are word for word. I do not know whether that particular section is in The Metro Act or not, but these financial sections are pretty standard and have been developed over the years in The Metro Act and have been applied here.

Mr. Deacon: Mr. Chairman, would the Minister consider changes in the third reading if, after hearing the explanation, there seems to be reason for change? The reason I suggest this is that several suggestions have been made for changes in municipal debt structure that would help in the marketing of municipal bonds and I would appreciate a full explanation.

Hon. Mr. McKeough: I would make that undertaking, certainly, to the member, if he will undertake to remind me tomorrow.

Mr. Good: Mr. Chairman, does this section give the regional municipality the powers that are usually granted by a private bill for a sinking fund establishment to retire debentures?

Hon. Mr. McKeough: I do not think so, I think these are pretty well the standard powers, but I am not sure. I believe they are the standard powers.

Sections 142 to 162, inclusive, agreed to.

On section 163:

Hon. Mr. McKeough: Mr. Chairman, I move that subsection 8 of section 163, be amended by adding thereto the following clause:

(e) That portion of the township of Thorold annexed to the town of Thorold under clause (i) of subsection 1 of section 2 shall be deemed to be amalgamated with the town for the purpose of subsection 2 of section 17 of The Municipal Act.

An hon. member: Could you explain that?

Hon. Mr. McKeough: Yes, I can as a matter of fact. It validates—it keeps local by-laws in force, as they requested.

Mr. Chairman: Shall Mr. McKeough's motion carry?

Amendment agreed to.

Section 163, as amended, agreed to.

Section 164 agreed to.

On section 165:

Mr. Deacon: Mr. Chairman, section 165: that is a rather strange clause to set an amount for expenditure of moneys to promote the regional government's using information concerning the advantage of the regional municipality as an industrial, business, educational, residential or vocation centre. I cannot understand why there is need for such a restriction. If the area residents elect a council, surely they are responsible for the amounts of money that are going to be used to promote the municipality.

Hon. Mr. McKeough: It is in The Municipal Act and this sum was arrived at because it is one-tenth, I guess, of the amount that is in The Metropolitan Toronto Act, which I think, is $500,000.

I remember we discussed this with the Metropolitan Toronto people. They did not want that lifted. They were quite happy to have a ceiling and I agree with the member, I think in the future, it should come out of here, the Metro Act and the Ottawa Act. But we will take that—

Mr. Deacon: Why do you not take it out now?

Hon. Mr. McKeough: No, I would like to take it under more serious consideration.

Sections 165 to 179 inclusive, agreed to.

On section 180:

Mr. Deacon: Mr. Chairman, this has to do with the disposal of waste. It is a question, I think, that should not—there should be provision in here for when they do not find waste disposal sites satisfactory to them. It should be the responsibility of the province and—rather than have any questioning again as we had last year in this area, where one municipality was fighting with another about disposal of waste. This is going to be an increasing problem in the future and I do not think that when the municipality is unable to satisfy or look after disposal within its boundaries, it should be left to fight out with other municipalities, how to handle this problem. And I believe there should be provision in here for applying to the province for help to turn the problem over to them if they cannot find a solution themselves.

Mr. Chairman: Any comments by the Minister?

Hon. Mr. McKeough: None.

Section 180 agreed to.

On section 181:

Mr. Good: Mr. Chairman, I would just like to take a few minutes here. My understanding is that the fire departments are being left as they are in the municipalities; what happens if their present boundaries go across existing new boundaries, how do they operate in the same way?

Hon. Mr. McKeough: They would not, they do not. There may be a force and a volunteer force or forces within one of the new municipalities, but what you have described does not happen. The only change on fire is that the county, I guess on the request of the fire marshal—I have always appointed a county fire co-ordinator—and presumably there are two; now there will be one appointed by the regional corporation, who co-ordinates the whole thing. But other than that there is no change.

Mr. Good: Mr. Chairman, I would just like to ask the Minister, is he aware of what is happening down in the Ottawa-Carleton region at the present time? They are now evidently dissatisfied with their present fragmented fire system and they are seeking to have it unified and they are finding that small contracts made by one small area could, because of the fact they now consider themselves a region and they are becoming regionalized in their thinking—the firemen are beginning to think we should have the benefits that firemen are having in other areas within the region. So that a contract signed in one small area will cost another municipality as high as $500,000 to meet it.

I am wondering, have they taken this into consideration when they are leaving the fire departments as they are, which at the present time, looks like a good idea and an economical move? But I wonder what provision is being made to preclude the possibility of happening there what is now happening in Ottawa-Carleton.

Hon. Mr. McKeough: I just make this comment: I know, I have read the press clippings from Ottawa too.

It is going to be very difficult in either Ottawa-Carleton or Niagara to achieve, and we are not all that convinced, I must say, that a regional fire fighting force is necessary. Both in Ottawa-Carleton and Niagara there are a number of volunteer forces. If we start putting them all together, these volunteer forces will disappear and of course I do not know that the fire marshall would agree with this. But, the Metropolitan Toronto Fire Department could not do any more to fight a fire on the member for York Centre's home than that volunteer fire department from Markham can do. It is a question of who can get there. They do an excellent job in all our rural areas.

Mr. Good: Be satisfied.

Section 181 agreed to.

On section 182:

Hon. Mr. McKeough: Mr. Chairman, I move that subsection 5 of section 182 be amended by inserting after "commissions" in the first line "and water works commissions". That is just a clarification.

Mr. Chairman: Shall the motion carry?

Amendment agreed to.

Section 182, as amended, agreed to.

On section 183:

Hon. Mr. McKeough: This was requested by the recreation people, it really gives the same protection to them as to other employees.

I move that section 183 be amended by adding thereto to the following subsections:

3. The employees of any board or committee dissolved under this section who were employed by such board or committee on April 1, 1969, and continue to be so employed until December 31, 1969, shall be offered employment by the council of the city of St. Catharines, and any person accepting employment under this subsection shall be entitled to receive a wage or salary up to and including December 31, 1970, not less than he was receiving on April 1, 1969.

4. Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

Mr. Chairman: Shall the motion carry?

Amendment agreed to.

Section 183, as amended, agreed to.

Section 184 to 186, inclusive agreed to.

Mr. Chairman: I believe the forms at the bottom of the page are referred to in the statute and that I should therefore carry these forms.

Forms 1 and 2 agreed to.

Bill 174, as amended, reported.

AN ACT RESPECTING THE CITY OF KITCHENER

House in committee on Bill Pr13, An Act Respecting the City of Kitchener.

Mr. Sopha: How about the workmen's compensation board now?

Mr. Bullbrook: Are we going to continue?

Section 1 to 6 inclusive agreed to.

Preamble agreed to.

Bill Pr13, reported.

Mr. Chairman: House in committee on Bill 168—

Interjections by hon. members.

Mr. Bullbrook: If I might ask, Mr. Chairman, why is the Treasurer peeved at this time? Because the last thing we want is to peeve him.

Hon. C. S. MacNaughton (Treasurer): I am not peeved.

Mr. Bullbrook: I am sorry. I thought you were.

Interjections by hon. members.

Hon. Mr. MacNaughton: Mr. Chairman, I stayed, hoping the House might consider this bill. Unfortunately I have to be away tomorrow.

Mr. Bullbrook: All right. Fine.

Hon. Mr. MacNaughton: I am going to the Lakehead; a previous commitment. But if the House chooses not to do it—

Mr. Bullbrook: Well I would think, let us go; let us go.

Mr. Chairman: Is it agreed to do this bill?

AN ACT TO AUTHORIZE THE RAISING OF MONEY ON THE CREDIT OF THE CONSOLIDATED REVENUE FUND

House in committee on Bill 168, An Act to Authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

On section 1:

Mr. J. Renwick: Mr. Chairman, I raised this question last year and I think the member for Sarnia agreed with me at that time that the strange thing about this section 1, it is supposed to impose a limitation on the borrowing power of the current year. That is my understanding of the bill. But subsection 2 of section 1 goes on to say:

> The sum or sums of money authorized to be raised by subsection 1 for the purposes mention therein shall be in addition to all sums of money authorized to be raised by way of loan under any other act.

Now, there is nothing in the bill which limits it to the borrowing power for the current year. If it were so limited, then this would make sense because each of the prior bills would be limited for that purpose for that year, and would be exhausted when the borrowing power under them was used. But you do have this strange anomaly, even though it is traditional to have it worded this way, that the bill gives the appearance of being a cumulative total. Now, if it does not mean that, it defies me so far as the English language is concerned.

Hon. Mr. MacNaughton: This does not mean that. As I explained on second reading, in this instance the bill is required purely and solely for the purpose of borrowing money from the Canada Pension Plan Fund, and as I pointed out on second reading again, the amount itself restricts it to that because that is the amount that will be available from the fund. We do not think in this instance, that we should be by any means restricted from drawing down the available money that that fund will provide, and which we in turn will put out, secured by debentures, to school boards and the like.

So this is the nature of the bill. There is, as I have mentioned the other day, a carry-over in the previous authorization that will run out presumably if this bill is not approved before the House adjourns. This is the simplest and most concise explanation I can make of it. I would draw your attention, Mr. Chairman, to one misspelled word. I do not think it requires an amendment. I am assured by the legislative counsel that on reprinting it will be corrected. There is one misspelled word in here, it is spelled 'or' instead of 'all'.

Mr. Chairman: The fourth line from the bottom.

Hon. Mr MacNaughton: Yes, after the word "proceeds".

Mr. Sopha: Well, $425 million is certainly a tidy sum of money, and whilst we are fastidious in our attention to recision and detail in things that are much more minor, I simply cannot understand why the Legislature would accept the treasurer's assurance that this is to borrow money from a given fund.

If the government means that it is to be provided from a given fund, the Canada Pension Plan fund, why does the bill not say that? Surely to goodness the treasurer's word that he is going to get the money from that source is not good enough, because if he meant what he said, and said what he meant,

he would put it in the bill. All he needed was a phrase or two—one becomes adept at draftsmanship—a phrase or two that says which sums shall be borrowed only from those monies allocated by the Government of Canada from the Canada Pension Plan fund. Can anything be more simple than that?

Mr. Peacock: Ask him if these sums can be spent on the items in section.

Mr. Sopha: I have several questions.

Hon. Mr. MacNaughton: This is not quite as simple as the hon. member would say. This is the standard form which has been used, as I explained the other day. I drew attention to that section of the budget—I think it was the budget paper C5—which set out in clear detail the amount of non-budgetary funds represented by the Canada Pension fund in precisely the same amount as was shown in here. It need not be this way every year. If it had been the intention of the government to borrow money on the capital market this year, outside of this amount, it would have been added to this authority, but it is not required.

Mr. Sopha: Well, why do you not say that?

Hon. Mr. MacNaughton: I say it to you now and the Act gives us no more than the authority to borrow this amount of non-budgetary money. No more than that.

Mr. J. Renwick: It is not tied in with the budget at all.

Hon. Mr. MacNaughton: Yes it does tie in there. If the hon. member for Lakeshore were here I think he would tell you that upon reflection he saw that it did.

Mr. J. Renwick: I agree that they are the same figures, but this does not relate in any way to your budget papers. We have again just your word for it that in your budget that is the number of dollars that you are going to borrow from the Canada Pension Fund.

Mr. Sopha: Do do you think that at this time in the morning I want to—

Hon. Mr. MacNaughton: The point is that we do want the money available from the Canada Pension Fund in that amount.

Mr. Sopha: Why do you not say so.

Hon. Mr. MacNaughton: We are restricted to that. We cannot use any more than that. If we take that down this bill gives us authority to do no more.

Mr. Peacock: You could borrow it elsewhere.

Mr. J. Renwick: And you have that authority in preceding bills.

Hon. Mr. MacNaughton: I do not see the necessity for it. It is an authorizing bill, and the restrictions are associated with the amount in this instance.

Mr. MacDonald: Have you any intention of getting it elsewhere?

Hon. Mr. MacNaughton: No intentions at all. As stated again in the Budget.

Mr. Sopha: Let us put it in the bill.

Interjections by hon. members.

Hon. Mr. MacNaughton: How can we go any place else when we have only this amount of authority and we are going to take all these monies from the Canada Pension Fund in total. Now how can we go any place else, the authority is not here.

Mr. Sopha: Could I ask you as one legislator to another, will you put it in the bill?

Hon. Mr. MacNaughton: No, no.

Mr. Sopha: All right, I will move that the words of subsection 1, of section 1 be amended—

Mr. J. Renwick: Just let it go.

Hon. Mr. Grossman: Well, if we are going to have a motion—if we are going to have a vote on it, we will have to withdraw it. I think I would recommend that the bill be withdrawn. Obviously the Treasurer cannot make an off-the-cuff decision unless he consults with his officials; there may be some very good reason. So we will just hold it over under the circumstances.

Hon. Mr. MacNaughton: Then the House is saying that this authority is not granted to the Treasurer.

Mr. J. Renwick: Not granted at this hour.

Hon. Mr. MacNaughton: Well, I would point out, if I did not make myself clear, that regrettably I cannot be here tomorrow.

Mr. MacDonald: Well, can you be here Friday?

Hon. J. H. White (Minister of Revenue): Oh come on, cut the fooling!

Hon. Mr. MacNaughton: I cannot get back from the Lakehead in time for a Friday morning session. If we go beyond that, I may make it, but I do not have wings myself.

Mr. Peacock: Mr. Chairman, before the Minister decides whether he wishes to proceed with the bill now or stand it down, may I ask him, does the list of purposes for which the money is to be raised include a purpose which is contrary to the Canada Pension Plan Act?

One of the tiems in that list is the carrying on of the public works authorized by the Legislature. Now I have a faint recollection of the terms of the pension contributions raised in this province, lent back to the province—of what they were at the time of the Canada Pension Plan bill, and I do not recall loans to the province for carrying on the public works. So the Treasurer has given us the assurance that this amount of $425 million will enable him to go only to the Canada Pension plan, yet some of the purposes for which he proposes to raise the money may not be permitted under The Canada Pension Plan Act.

Hon. Mr. MacNaughton: This is very true, Mr. Chairman. I say that technically this may be correct, but may I put it to you this way, if we use this authority to go any place else then it restricts our ability to take the available money that we hope to get from the Canada Pension fund and we do not want that to happen.

I am trying to be logical about this but there are certain technical things here; but they cannot be employed in this circumstance, I do say that.

Mr. Sopha: Well, I do not think you are borrowing enough; you need just a little bit more. You need that amount plus $4 or $5 million to complete the Sudbury-Timmins road, which will not be completed until next year. If that road which has been promised to the citizens of Sudbury was in the Metropolitan Toronto area it would have been completed 15 years ago, so you need—I am willing to increase that to $431 million if you want, so you will complete the Sudbury-Timmins road this year.

It is a matter of great importance in my area, that that road be completed, and then there are a few other public works that are needed too. I will let you have another $15 million to build a little Queen's Park complex in Sudbury so that all the government offices can be assembled under one roof. If you want to spend $25 million for that I will vote for it.

Both entrances to the city need a four-lane route of access and egress and a number of other things, but I am waiting for the Treasurer's assurance that he will amend that to restrict his—

Hon. Mr. MacNaughton: The Treasurer is not about to propose that. If, as and when the Minister of Highways, in his wisdom, decides to build that road up there, associated with all the priorities, he will probably do it out of current funds.

Mr. MacDonald: Mr. Chairman, the Provincial Treasurer absolutely baffles me at this moment. He concedes that this term "public works" is not a legitimate expenditure by the province of money that it gets from the Canada Pension Plan, but that is a mere technicality. If it is a mere technicality, what is it in this bill for?

Mr. Sopha: "And for the carrying on of the public works authorized by the Legislature".

Mr. Bullbrook: Might I ask, Mr. Chairman, of the Treasurer, could the reluctance in amending the bill as requested by my colleague from Sudbury have anything to do with the technical difficulty that arose as a result of a question from the hon. member for Windsor West? In other words, as I glean the situation, if you specifically allocate the borrowing fund here and if the member for Windsor West is correct, if it is found in the statute, you really technically cannot borrow from that fund.

Mr. J. Renwick: Mr. Chairman, I think part of my problem—as an effort to try to clear this up—as I understand it, this is a standard language bill that has been used for many years. What in substance it says is that during the current year the government can borrow $425 million, and in fact, the bill says it can borrow it anywhere it wants to. For example, if you had to borrow in the New York market and then lend the money to the Hydro, it would be under this authority, I assume. I think it is really only a matter of information where you relate it to the budget and say that this is the $425 million non-budgetary revenue item that we are going to use it for and that I am telling the House that we are going to borrow it from the Canada Pension Plan, that is by way of information. In fact the passage of the bill does not restrict you in any way.

I assume that when you do borrow anywhere that this is the basic document that somebody has got to certify, which is the legislative authority for you to borrow. And you do not want to find yourself varying the language of it, because some joker will say it was different last year and all of those

reasons for not changing it. And I take it—Mr. Chairman, I do not want to pretend that under the guise of this section I am talking about second reading.

What I am trying to get at is confirmation which I believe we have that the Minister is sticking to his budget exactly, and that if he deviates in any way he is going to come back to the House.

Hon. Mr. MacNaughton: Mr. Chairman, of course. That would be a necessity. I would have to come back to the House, because in all the practical aspects of this, if we pursue it as I have suggested, and as we must do and intend to do, to fully employ the funds that will be available in this non-budgetary sense, then that takes up all this authority. I think I have made that clear.

If it transpires that anything more is required, while it is not intended, then we would have to come back for further authority. That is all the authority this bill grants us. Those other provisos are in there, but as I say our use of them will be restricted by the purpose for which this amount is specified.

Mr. Sopha: There is a dire need for additional hospital facilities in Sudbury, and they suffered a serious blow as a result of the retrenchment in your Budget.

Hon. Mr. MacNaughton: I would just say to the hon. member for Sudbury that I think he is confusing this bill with supply.

Mr. Sopha: You are not borrowing enough.

Hon. Mr. McKeough: We are not taxing enough.

Hon. Mr. MacNaughton: This is fine, but there cannot be an amendment.

Mr. Sopha: Well, they had their whole programme for hospital expansion laid out and they expressed the keenest disappointment after your budget came out. And I understand that was reflected in many communities.

Hon. Mr. MacNaughton: That is because the health-science budget at the federal level was cut off. Yes, it was reduced, you see, from $37 million to $12 million.

Mr. Sopha: Well, immediately after your budget they were informed by the hospital services commission that the total allocation for the coming fiscal year was $500,000. They were thrown into complete chaos in respect of the priorities; those hospital facilities are direly needed. They intended to start on the immediate construction of a new St. Joseph's Hospital under the name of Laurentian Hospital.

Mr. Chairman: The hon. member is quite out of order.

Mr. Sopha: Yes, all right. That is good.

Mr. Chairman: Quite out of order.

Mr. Sopha: That is a valid grievance, and it is my responsibility to put that grievance.

Mr. Pitman: At the right time.

Mr. Sopha: Yes, right. Tonight at half past two in the morning.

Interjections by hon. members.

Mr. Sopha: And, of course, there are a great many other grievances—discrimination for the community is a reflection of the Budget policies of this government. Most of all, I do not see—notwithstanding the feeling of my friends on the left and at half past two in the morning—the Treasurer has any right to call this bill. I thought the agreement was—and I readily acceded—that we finish the Niagara bill. We readily acceded to that.

And then after that, they call a couple more bills. That is in violation of the agreement. The Treasurer maybe has to be in the Lakehead—we all have to be a lot of places. What has priority? Which has priority? His trip to the Lakehead or his attendance to—

Hon. Mr. MacNaughton: I say, Mr. Chairman, this is all right, this is fine. I asked you to accommodate me. You do not have to. If you choose not to, we will understand, if that is your choice.

Hon. Mr. Grossman: It was on that basis that I called the bill.

Sections 1 to 4, inclusive, agreed to.

Bill 168 reported.

Mr. Sopha: Have you got another one?

Hon. Mr. Grossman: The Tile Drainage Act is—

Mr. MacDonald: Is that a routine one? What game are you playing? At 12:30 the Minister of Correctional Services got up and said: "Shall we go on?" In other words, none of this was on the priority list at 12:30.

Hon. Mr. Grossman: Mr. Chairman, I want to thank the members for their co-operation. I think two days from now they will be glad

of the work we did today, because it is going to be damned hot the next couple of days.

Interjections by hon. members.

Hon. Mr. Grossman: I move that the committee of the whole House rise and report—

Mr. Pitman: Mr. Chairman, on a point of order—

Hon. Mr. McKeough: Mr. Chairman, why do we not tell the House the Treasurer would like to complete The Tile Drainage Act. I would be prepared to do The Planning Act, The Local Improvement Act, The Public Parks Act and The Municipal Corporations Quieting Orders Act, which I would suspect would take five minutes. If you would like to do them, let us do them.

Mr. Pitman: May I just say, Mr. Chairman, on a point of order, there is one of these Acts which I think is extremely important, at least in one area of Ontario, and that is The Planning Act. I would appreciate very much if the House can see fit to have this Act passed.

Hon. Mr. Grossman: Shall we proceed with these other bills? I want to go along with the hon. members.

THE TILE DRAINAGE ACT

House in committee on Bill 177, An Act to amend The Tile Drainage Act.

Sections 1 to 12 inclusive, agreed to

Bill 177 reported.

THE LOCAL IMPROVEMENT ACT

House in committee on Bill 186, An Act to amend The Local Improvement Act.

Sections 1 to 3 inclusive, agreed to.

Bill 186 reported.

THE PUBLIC PARKS ACT

House in committee on Bill 187, An Act to amend The Public Parks Act.

Sections 1 and 2 agreed to.

Mr. J. Renwick: Mr. Chairman, is there not some amendment that the member for Waterloo North raised?

Mr. Good: No, that was on the next bill.

Mr. J. Renwick: Oh, sorry.

Section 3 agreed to.

Bill 187 reported.

THE MUNICIPAL COPORATIONS QUIETING ORDERS ACT

House in committee on Bill 188, An Act to amend The Municipal Corporations Quieting Orders Act.

Section 1 agreed to.

On section 2:

Hon. Mr. McKeough: Mr. Chairman, I move that subsection 4 of section 2 be deleted.

Motion agreed to.

Section 2 as amended agreed to.

Sections 3 and 4 agreed to.

Bill 188 reported.

THE PLANNING ACT

House in committee on Bill 190, An Act to amend The Planning Act.

Section 1 agreed to.

On section 2:

Mr. Pitman: I just want to ask the Minister on section 2—there is one section which rather bothers me: ". . . may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area."

I take it this would not be restricted in the sense that it would prevent the people in the area seeing the plan and having public meetings according to normal procedures.

Hon. Mr. McKeough: There are all kinds of little things like composition of planning boards, additional members ex-officio, I have quite a memo here on this. I assure the member it only gives Metro what other boards now have and it did not have.

Section 2 agreed to.

Sections 3 to 8, inclusive, agreed to.

Bill 190 reported.

Hon. Mr. Grossman: I want to thank the hon. members for their co-operation, Mr. Chairman.

Mr. Chairman: I think that is out of order.

Mr. M. Gaunt (Huron-Bruce): Mr. Chairman I ask the House leader, are we all invited up to his place?

An hon. member: For breakfast?

Mr. Sopha: Your wife will never believe you were here to two-thirty.

Hon. Mr. Grossman moves the committee of the whole House rise and report certain bills without amendment and certain bills with amendment and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report certain bills without amendment and certain bills with amendment and begs for leave to sit again.

Report agreed to.

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, tomorrow we will continue with non-controversial bills, like Bill 195.

Hon. Mr. Grossman moves the adjournment of the House.

Motion agreed to.

The House adjourned at 2:40 o'clock, a.m.

No. 163

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, June 26, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, June 26, 1969

Presenting reports, Department of Education and Niagara parks commission, Mr. Welch 6255

Tabling reports, Ontario council for the arts and Ontario institute for studies in education, Mr. Davis 6255

Changes of equalization of industrial opportunity programme, Mr. Randall 6255

Appointment of a select committee to meet with Indians, question to Mr. Robarts, Mr. Nixon 6258

Cost of education in Delaware township, questions to Mr. Davis, Mr. Nixon 6259

H. D. Lee of Canada Ltd., questions to Mr. Randall, Mr. MacDonald 6260

Ontario Building Materials Ltd., questions to Mr. Dymond, Mr. MacDonald 6261

North Georgian Bay Recreational Reserve and Killarney Park, statement by Mr. Brunelle 6261

Wellington county board of education, questions to Mr. Davis, Mr. T. Reid 6262

Salaries of teachers at manpower centres, questions to Mr. Davis, Mr. T. Reid 6262

Police chief Marvin G. Bray, questions to Mr. Wishart, Mr. T. Reid 6263

Vote on onion marketing plan, questions to Mr. Stewart, Mr. Paterson 6264

UAW and overtime, questions to Mr. Bales, Mr. Gisborn 6264

INCO and dumping of industrial waste, questions to Mr. Kerr, Mr. Martel 6265

Training and certification of electrical utility linemen, question to Mr. Bales, Mr. Burr .. 6265

Brief to Labour Safety Council of Ontario, questions to Mr. Bales, Mr. De Monte 6265

Second mortgage interest rates on OHC housing, question to Mr. Randall, Mr. Peacock 6265

Ban on use and sale of DDT, questions to Mr. Kerr, Mr. Shulman 6266

Development roads in Ontario, question to Mr. Gomme, Mr. Ruston (Also see Appendix B) 6266

Tabling reports, Mr. Wishart 6266

Workmen's Compensation Act, bill to amend, Mr. Bales, second reading 6267

Regional Municipality of Ottawa-Carleton Act, 1968, bill to amend, Mr. McKeough, second reading 6277

Municipality of Metropolitan Toronto Act, bill to amend, Mr. McKeough, second reading 6278

Corporations Act, bill to amend, reported 6278

Workmen's Compensation Act, bill to amend, reported 6278

Motion to appoint select committee to examine and review rules, standing orders, practices, and procedures of the Legislature, Mr. Robarts, agreed to 6286

Tabling answers to questions on the order paper, Mr. Robarts (also see appendix 6290) 6287

Recess, 6 o'clock 6287

Appendices 6288

LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 26, 1969

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: While we have no visitors today, I thought the members of the House would be interested in knowing that during the month of May approximately 12,000 students visited these buildings and in this month of June, between 10,000 and 11,000, making a total of over 20,000 young people who have been here to see these buildings and hear the deliberations of this House.

Hon. J. H. White (Minister of Revenue): Mr. Speaker, if I may, sir, we have a very distinguished visitor in the gallery, in the person of the next member for the riding of Middlesex South, Mr. Walden Allen.

Mr. R. F. Nixon (Leader of the Opposition): It will be the last time the hon. Minister will see him here.

Mr. D. C. MacDonald (York South): We will settle it in the appropriate place!

Mr. Speaker: The point is very well taken by both leaders of the other two parties.

Petitions.

Presenting reports.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, I beg leave to present to the House the following reports.

First, the report of The Ontario Department of Education for the year 1968; and second the 82nd annual report of the Niagara Parks Commission.

Hon. W. G. Davis (Minister of Education): Mr. Speaker, I beg leave to table the report of the Ontario Council for the Arts and the annual report of the board of governors, the Ontario Institute for Studies in Education.

I would say to the members opposite that I am arranging to have the Minister's report mailed to them so that for their leisure-time, free-time reading during the summer months, they will have an opportunity to digest that very important volume before our discussions in September and October.

Mr. Speaker: Motions.

Introduction of bills.

Before the orders of the day, as has been by custom when one group of Legislative pages is about to leave us, I wish to draw to the attention of the members of the House the names and home ridings of those pages who now serve us. These boys will be leaving us at the summer recess.

Those who are now completing their tour of duty are as follows:

John Boyce, Weston, from the riding of Etobicoke; Tom Campbell, Kingston, from the riding of Kingston and the Islands; David Donnan, Toronto, from the riding of Humber; Robert England, North Bay, from the riding of Nipissing; David Ginther, Scarborough, from the riding of Scarborough Centre; Brian Green, Toronto, from the riding of Eglinton; David Howell, Orillia, from the riding of Simcoe East; David Irwin, Chatham, from the riding of Chatham-Kent; Malcolm Jardine, Richmond Hill, from the riding of York Centre; Neil MacDonald, Willowdale, from the riding of York Mills; John Musser, Exeter, from the riding of Huron; David Nelms, Glencoe, from the riding of Middlesex South; Chris Oliphant, Toronto, from the riding of Eglinton; Adrian Oosterholt, West Hill, from the riding of Scarborough East; Stephen Pape, Belleville, from the riding of Quinte; Bill Reid, Willowdale, from the riding of York Mills; Mark Ross, Agincourt, from the riding of Scarborough North; Mark Rudolph, Port Colborne, from the riding of Welland South; Tom Snodgrass, Downsview, from the riding of Downsview; Andy Southcott, Clarkson, from the riding of Peel South; Seth Watt, Peterborough, from the riding of Peterborough; Rodney Walker, Kemptville, from the riding of Grenville-Dundas.

The hon. Minister of Trade and Development has a statement.

Hon. S. J. Randall (Minister of Trade and Development): Mr. Speaker, before making the announcement, may I just draw the attention of the members to this book that we have placed on their desks, "The Ontario Industrial Review for 1968", and suggest that in this

book they will find that there were 153 new plants brought into Ontario in 1968, and 426 expansions—an investment of $448 million, creating 13,342 jobs; and also 139 licence agreements for Canadians to manufacture foreign goods formerly imported. The book is printed in 32,000 copies at a cost of 65 cents a book.

Mr. Speaker, I promised the hon. members earlier in the week that I would make the announcement before the end of the month on the changes of the equalization of industrial opportunity programme, and I would like to do this now.

When I introduced the equalization of industrial opportunity programme in the fall of 1967, I announced that the first phase of the programme would run for a period of approximately 18 months, until June 30, 1969. I also stated that prior to that date the entire programme would be reviewed to determine what changes should be made.

During the past few months, we have made an intensive review of the EIO programme. I know the hon. members will agree that the programme has been highly successful and has made a significant contribution to the development of new and existing industry in the less prosperous areas of the province. During this 18-month period, up to June 19, 1969, the programme has produced the following results. (See Appendix "A", page 6288, for table.)

As a result of the review that has just been completed, we have decided to make no changes in the methods by which municipalities are designated. Nor will changes be made to the formula under which the grants are calculated.

In northern Ontario the maximum forgiveable loan under the EIO programme will remain at $500,000. And all municipalities in northern Ontario, which comprise the districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Rainy River, Sudbury, Thunder Bay, and Timiskaming, will continue to be eligible for designation under the forgiveable loan programme under the same terms and conditions as before.

As a further inducement for industry to establish in northern Ontario, ODC is prepared in certain circumstances to supply not only a forgiveable loan but also a first mortgage loan for the balance of the cost of new buildings up to $500,000, thus providing 100 per cent financing of new buildings in many cases. The term of these mortgages will be increased in suitable cases from a maximum of ten years as at present to a maximum of 20 years.

Where leaseback or rental arrangements of buildings are more appropriate, ODC will consider these alternatives. Under the leaseback the company will have certain options to purchase the building, whereas under straight rental arrangements the ownership of the building remains with ODC.

We hope that by employing these techniques we will provide the maximum inducements for sound development and industrialization of the northern part of the province.

I am also pleased to announce that the maximum forgiveable loan under the EIO programme will remain at $500,000 for eastern Ontario, and ODC may provide 20-year first mortgages up to $300,000 on new buildings in addition to an EIO forgiveable loan. In suitable cases leaseback and rental arrangements will also be considered. These extended financial aids will be available in the counties of Carleton, Frontenac, Hastings, Lanark, Leeds and Grenville, Lennox and Addington, Prescott and Russell, Prince Edward, Renfrew, and United Counties of Stormont, Dundas and Glengarry.

In the rest of the province the maximum forgiveable loan will be reduced from $250,000 to $100,000. This reduction in the maximum will mainly affect the larger companies. The smaller companies, which constitute a majority of the applicants, will in most instances not be affected. It should be noted that in order to qualify for a forgiveable loan of $100,000 the total project cost must be in excess of $300,000, which in most circumstances constitutes a major outlay for a small company.

We recognize that there are a number of small municipalities in the province which, while not qualifying under the EIO programme, could be helped to obtain industry if alternative financing plans were in effect. In these small municipalities, subject to funds not being available from other sources, we propose to offer for investment repayable term loans, normally up to ten years, with a maximum of $300,000 per municipality during the term of this phase of the programme. The funds can be made available as a mortgage loan against a building to be owned by the company or alternatively, in suitable cases, the corporation may provide buildings by way of leaseback or rental. The rate of interest to be charged in the smaller centres will be comparable with the going rate in the metropolitan areas, and will be reviewed regu-

larly and adjusted for new applications. These funds will be made availabe by ODC to companies approved by the corporation wishing to establish new facilities or expand existing plants.

ODC will reserve the right to review the EIO assistance provided to any municipality in southern and eastern Ontario since the inception of the programme. If the assistance already provided is deemed to be adequate, the processing of further applications for forgiveable loans will be suspended at the discretion of the corporation. Applications which have been accepted for processing by the corporation will be completed.

Under this change of rule, the corporation will take into account such factors as the number of loans already provided, the unemployment situation in the area, the closeness to metropolitan centres, the availability of the necessary services including housing, sewage, etc. so as to avoid any burdens on the municipality for additional services. Municipalities will be given at least 30 days' notice that temporary suspension is being imposed.

The changes in the EIO programme which I have just outlined will become effective on July 1, 1969. They will be operative for a two-year period until June 30, 1971. The changes have been made on the basis of our actual experience over the past 18 months. We hope that their introduction will enable the EIO programme to serve our slow growth municipalities even more successfully than in the past.

Mr. Speaker: There are no questions on Ministers' statements.

Mr. Nixon: On a point of clarification.

Mr. Speaker: No points of clarification on Ministers' statements.

Mr. W. G. Pitman (Peterborough): On a point of order, Mr. Speaker, the Minister's statement is essentially the answer to a question which I posed to him a week ago. On that occasion he said he would be making an answer to my question the following week, so with your leave, Mr. Speaker—

Mr. Speaker: I will not allow any questions on Ministers' statements.

Mr. Pitman: Mr. Speaker, is it not an answer to a question when the Minister gives a statement after he has indicated he will make an answer to a question in a statement a week later?

Mr. Speaker: It may well be, but the form in which the Minister has brought it to the House is a ministerial statement and it was agreed in this House some time ago that there would be no questions on Ministers' statements before the orders of the day.

Mr. Pitman: Mr. Speaker, on the same point of order; if I might bring it to your attention, it would seem to me that within the rules it would be possible for every Minister to accept every question as notice and make a statement in place of answering any question which any member of the House poses.

Mr. Speaker: If the Minister decides to do that then, of course, Mr. Speaker has no control over it and it will be up to the House to determine what action is to be taken.

The member for Rainy River has the floor.

Mr. T. P. Reid (Rainy River): Thank you Mr. Speaker. I understood the other day that the Premier (Mr. Robarts) rose and suggested that on matters of public importance which are going to affect the province as a whole, the leaders would be able to put a couple of short questions for amplification on the Ministers' statements. I thought we were going to follow that procedure.

Mr. Speaker: The member for High Park.

Mr. M. Shulman (High Park): Mr. Speaker, certainly the House did not agree. This was a rule that was brought down *ipso facto* by yourself; and secondly, sir, just yesterday you allowed the leader of the Opposition to ask a question of clarification after a statement. You cannot apply the rules to some people and not to others.

Mr. Speaker: I have made what I think is a proper ruling in view of the history of these matters in the House and I agree with the hon. member for Rainy River that the Prime Minister did make such a statement and I did say at that time that it sounded reasonable to do so.

However, at this time there was not a leader of a party who wished to ask on a matter of clarification. If there had been then I would have had to decide whether this was the proper case, and I would say that this is not a proper case for clarification at this time.

I would say that tomorrow morning the hon. member might get an answer or it might be taken as notice again. I could not say; that is beyond the control of Mr. Speaker.

Therefore, so far as I am concerned I would ask the leader of the Opposition to place his questions.

Mr. Nixon: Mr. Speaker, I have a question for the Premier.

Will he consider appointing a select committee of the Legislature to meet with the Indians of Ontario in their own communities and reservations to determine their views on the federal proposals which involve the provincial jurisdiction?

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, in answer to the question specifically I would say, "no"; it is not the intention of the government to appoint a select committee to carry out what is contained in the question.

On the other hand, I would say this to the House. We have been giving a great deal of study as to how we might best involve the Indians of this province in matters that concern their future; our deliberations have been going on for some considerable period of time.

We have had several meetings with the Indians themselves; they have made certain requests, and then yesterday, of course, this white paper came from Ottawa and its full significance has to be assessed. There is no doubt that if the federal government is to pursue the changes and shifts in policy which are contained in the white paper, there is going to have to be a great deal of consultation with the provinces. I have heard from the Prime Minister of Canada and he has suggested some form of meeting within the immediate future, so I would think at this stage it would be premature to decide what particular form our approach to these changes might take.

In other words, we have only had the statement for 24 hours, but I would assure the hon. leader of the Opposition that it will be our intent to co-operate in every way we possibly can, in order to find the proper solutions to the problems that face this portion of our society. I think we accept completely the fact that we must involve the Indians themselves a little more fully or completely in the deliberations; but, all one needs to do is read the morning press to see the wide variation of reaction that has come to these people, which has come from the Indians themselves to these proposals. And so, to say that we would follow one course of action or another, would, in my opinion, be premature.

But, as the situation develops, and we have continuing expressions of opinion from various groups, I have no doubt that there will be meetings called by the federal government to which we will of course send representatives to sort out exactly how we are to implement the proposals in that white paper, and what the detail of the proposals will be. All these matters remain to be settled and I would not want to say at this stage that we are going to deal with it in the way set out in the hon. member's question.

Mr. Nixon: Mr. Speaker, I wish there were some opportunity to pursue this a bit further, but as a supplementary question, would the Premier agree with me that one thing in which he can never make a mistake, is in undertaking consultation with the Indians on their ground? Would he agree with me that when the Indian leaders come into his office, or perhaps the office of some other Ministers, that while this is one good way of getting the Indians' views, there is a better one that would involve all the members in the Legislature, at least representatives, over the period of the summer break? I believe this could be accomplished, and I would heartily and sincerely press it on the Premier.

Hon. Mr. Robarts: I can only say that I agree with the member's point of view. It may very well be that the best approach to this would be to have some group or body from here, go to the Indians on their home ground, rather than ask them to come here.

Mr. E. Sargent (Grey-Bruce): Why is the local representative not invited to sit in?

Hon. Mr. Robarts: That is a matter of personal choice.

Mr. Sargent: That is common courtesy!

Hon. Mr. Robarts: Common courtesy or a host of things; it all depends.

Mr. Sargent: Which you do not have.

Hon. Mr. Robarts: Thanks very much for that gratuitous insult.

Mr. Sargent: I say "you" collectively.

Hon. Mr. Robarts: I can see that the hon. member is back in his seat. We are being subjected to the usual type of banter.

To get back to the most important matters, I will resume my debate with the hon. member's leader and leave him to think his own thoughts, I hope in silence.

Mr. Speaker, I would suggest that there are going to be various new approaches taken to this whole problem. Obviously, what has been suggested in the white paper is a completely new approach to the problem. I think we need a little more time before we decide and solidify the problem of how we are going to approach it. But I can only assure the member that I think his idea has merit. It might be that we should meet these people. This is one of the problems of course. We deal with one group who come into Queen's Park but the worry I have in the back of my mind is: Do they really represent all the Indians of our province? Are they in fact speaking for all the groups they say they speak for?

Interjection by an hon. member.

Hon. Mr. Robarts: Here comes the silence again. If the member will just listen for a moment, he might learn something; I doubt it, but he might.

Mr. Sargent: Who writes the stuff for the Premier?

Hon. Mr. Robarts: I am quite capable of writing my own material, Mr. Speaker. If I did not rather enjoy this, I would not bother indulging in it.

There will be new approaches and we will have to devise new means. I can only assure the House that we are wide open to evolve new methods of dealing with this problem as it develops.

Mr. E. W. Sopha (Sudbury): Mr. Speaker, on a point of order, it is very appropriate to ask if I will receive an answer to question 75 today or tomorrow? About our Indian—

Hon. Mr. Robarts: Yes, well I hope so. I think there are some answers on my desk. I hope the member's is one of them. I asked that it receive special attention when he spoke to me about it recently.

Hon. Mr. Randall: Put his name in the hat.

Hon. Mr. Robarts: So we will see what happens. I mean, I do not know how much influence the member has and I do not know how much I have.

Mr. Sopha: I think the Premier's is greater.

Mr. Nixon: Mr. Speaker, my next question may have special importance for our guest under the gallery. It is directed to the Minister of Education.

First, has the Minister received a complaint from the township of Delaware in Middlesex county, drawing to his attention that the cost of education in the township has increased by $15,000, in spite of the fact that the township ended the county system with a surplus of $21,000 and that the township expects serious difficulty in meeting increased costs, with no improvement of service?

Second, how does the Minister's programme of special assistance to municipalities under 60,000 affect this situation?

Hon. Mr. Davis: Mr. Speaker, the letter referred to arrived in my office late yesterday afternoon dated June 24, so that we have not had an opportunity to assess it accurately. But I do have some information that may be of some help—

Mr. Nixon: Did the Minister say "question"?

Hon. Mr. Davis: The letter arrived yesterday afternoon.

An hon. member: When did the leader of the Opposition's arrive?

Hon. Mr. Davis: Actually, the question arrived before the letter had arrived.

Mr. Nixon: Well, I must say the letter may have arrived at the Minister's office before he did.

Hon. Mr. Davis: No, no, it arrived in my office late yesterday afternoon.

On the basis of information gathered about a month ago, it appears that the tax rate for public school purposes in the township in 1968 was 20 per cent lower than in 1967. In other words, 20 per cent lower in 1968 over 1967. I think the significance of that will not be lost upon the leader of the Opposition.

I understand that the public school board of the township school area of Delaware used a fairly substantial surplus from 1967 to reduce the levy in 1968.

Mr. Nixon: They turned over a substantial surplus to the county board.

Hon. Mr. Davis: Any surplus from 1968 will be the subject of arbitration during this current year, but the determination of the arbitrators will not be effective until 1970.

I understand that the 1969 mill rate actually has not been set in the township, but of course it will not be any higher than one mill of provincial equalized assessment. And,

as I understand it, the 1967 mill rate was reported to have been 19.8 mills. I am not sure what the factor is and what it means, but it does mean that it will not be any higher than one provincial mill.

Mr. Nixon: The Minister is not prepared to say what one provincial mill is in Delaware county?

Hon. Mr. Davis: No, I am not. I am not prepared because I do not know.

However, going back about four weeks on the basis of our calculations which were made not on completely up-to-date or accurate information, there would appear to be a subsidy in the township of Delaware of slightly more than $11,000.

Mr. Nixon: Insufficient!

Mr. Speaker: The hon. member for York South.

Mr. MacDonald: Mr. Speaker, I have a question for the Minister of Trade and Development.

1. On what basis did the Minister conclude, as indicated in his recent reply to a question concerning H. D. Lee of Canada Limited, that the production for their proposed new plant at Napanee would replace $1,300,000 in imports?

2. Has the department done a study of the garment industry market in Canada and, if so, on what basis does it conclude that the already-glutted market will be helped by financial assistance to develop another low wage firm in Ontario?

3. Has the decision to provide H. D. Lee of Canada Limited with a $500,000 forgiveness loan been definitely made and, if so, is it irrevocable?

Hon. Mr. Randall: Mr. Speaker, in answer to the hon. member's question: with regard to the concern about imports, may I point out that the two categories most representative of this company's production have shown an alarming trend. In 1966, imports totalled approximately $8.6 million; by 1967 this had risen to $11.9 million, and in 1968 it had again increased to $17.9 million. Hon. members will observe that this is practically a 100 per cent increase in the last three years. Much of the increase has stemmed from imports from Asian countries. However, it should be noted that imports from the USA have increased in the three years I mentioned from $2.5 million in 1966 to $4.4 million in 1968.

The H. D. Lee Company Incorporated of the U.S. had advised that the cost value of their exports to Canada during 1968 amounted to $1.3 million. The establishment of the new plant in Napanee will therefore eliminate these imports, and it is anticipated that the Canadian company will, in the reasonably near future, be exporting approximately $2 million of products per year. The effect of this activity on our balance of payments is obvious.

It should also be noted that as of May, 1969, the Canada Manpower Office at Napanee reported 457 males and 445 females registered for employment. The creation of new jobs, therefore, in this area is of vital importance. The wage rates to be paid by Lee are comparable to the going rates in the area as advised by Canada Manpower.

2. The Department of Trade and Development maintains a research branch which continuously studies not only the garment industry, but all other manufacturing industries in the province and in Canada.

The department has always encouraged the garment industry in Ontario, as is evidenced by the sponsorship of Eedee awards for excellence of design, to which the department invites foreign buyers to stimulate export sales as well as domestic, and to encourage purchase of Canadian-made products. This coincides with the activities of our women's advisory committee in stimulating sales of domestic manufactured articles. The department has also sponsored trade missions abroad, which have included Ontario garment manufacturers, for the purpose of locating export markets.

3. The forgiveable loan of $500,000 to H. D. Lee of Canada Ltd. was authorized by Order-in-Council No. OC 2340/69 dated June 12, 1969, and in view of the benefits to be derived from the project, it is not intended that this loan shall be rescinded, provided that the company carries out its undertakings.

To summarize, therefore, the creation of this facility will reduce imports, increase exports, and provide much-needed employment in a slow growth area of the province.

Mr. MacDonald: Mr. Speaker, if I may ask a supplementary question? Is the Minister in a position to indicate whether the raw materials for this production will be imported or Canadian-produced?

Hon. Mr. Randall: I would assume that most garment manufacturers in Canada are buying from almost every country in the world when it comes to raw materials, and I

think these people will operate on the same basis. I think I said the other day that I felt that their production now in Canada would be a boon to the textile manufacturers in this country, and I know that it will bear fruit in the years ahead.

Mr. MacDonald: I wonder if the Minister would let me have a copy of that reply?

Hon. Mr. Randall: Yes, I would be delighted to give it to the hon. member. May I just point out one thing. I think there was a wire sent out by a man called Otis-Starr saying they had been discriminated against. I just suggest to the member that if Mr. Otis wants to contact me I would be delighted to sit down and talk about his problems, but I think he has forgotten the fact that while we may be giving government money on one hand to bring in industry, we are also paying out money for welfare and unemployment benefits to which he is contributing. I think that fact has been overlooked.

Mr. MacDonald: I appreciate the Minister's comment that he would be glad to sit down with them, because I think there are people in both industries and the unions involved who would like very much to sit down and discuss it with the Minister. So I will so advise them and they can knock at his door.

Hon. Mr. Randall: The member can set them on me any time.

Mr. MacDonald: I have a question of the Minister of Health.

Since Dr. Sutherland of the air pollution control branch has indicated that the health of people living in the vicinity of the Ontario Building Materials operation at 5 Grand Avenue, in Etobicoke, has been adversely affected, and firm assurance was given last fall that the situation would be corrected, when will the Minister act to (a) enforce the law in the present situation; or (b) have the operation moved elsewhere?

Hon. M. B. Dymond (Minister of Health): Mr. Speaker, the statement which Dr. Sutherland was purported to have made was referring to conditions as they existed in November, 1968, and the company has acted in keeping with our order by enclosing the line conveyers and the brick crusher, by paving part of the storage yard, by adding spray nozzles in the washer and lime hydrator stack, by rerouting the trucks that have caused the raising of dust in the neighbourhood, by adding an air filter to the quick-lime silo vent, by converting its combustion equipment to use natural gas.

In answer to section (b) of the question, unfortunately within our law we have not the power to order the relocation of industry.

Mr. MacDonald: By way of a supplementary question, may I ask the Minister whether Dr. Sutherland or the appropriate people in his department would review the situation? Because my advice as of this morning, despite all the Minister has indicated has been done by the company, is that the situation is not improved.

Hon. Mr. Dymond: Mr. Speaker, the staff are presently reassessing the situation.

Mr. Speaker: The hon. Minister of Lands and Forests has a statement.

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in view of the interest of the members and the public in recreational matters, I would like to make a statement concerning the North Georgian Bay Recreational Reserve and more specifically Killarney Park, in view of some of the comments that have been made recently concerning logging operations.

The North Georgian Bay Recreational Reserve Act, 1962-63, which set aside an area of approximately 4,000 square miles, states in the preamble that:

> Whereas recreation is becoming one of the chief land uses of a growing population having more leisure time and greater transportation facilities at its disposal, it is therefore expedient in the public interest to name an area of public lands strategically located in relation to centres of dense population and possessing great potential for year-round recreational use.

The Act further specifies that the Minister of Lands and Forests "shall formulate a land-use plan for the development of the public lands in North Georgian Bay Recreational Reserve that have a potential for recreational use."

During the period since the reserve was established, a concerted planning programme has been carried out by highly qualified people, both government and non-government, which will culminate in a land-use plan for the reserve and we hope to have these plans sometime late this year.

As you know, Killarney Provincial Park is a small part of the North Georgian Bay Recreational Reserve.

Killarney Provincial Park was established by order-in-council dated July 16, 1964. At that time one portion of the area consisted of Crown land upon which no licence to cut timber was applicable. On another section of the area there was in force a licence to cut timber, dating back to November 15, 1943.

It is not the intention to permit uncontrolled logging in any part of Killarney Park. At the present time controlled logging is permitted in 28 per cent of the park. Moreover, it is the thinking at the moment that no logging will be permitted in the area designated as primitive in the preliminary zoning concept.

Elsewhere in the multiple-use zones the logging will be subject to restrictions similar to those in force in Algonquin Park. It is felt that controlled logging, in which there is due regard for the recreational values, is entirely consistent with not only our general principle of multiple use management but also these preliminary zoning concepts.

To the area originally considered as the park, certain additions have been made to result in a present total area of approximately 140 square miles. Within this presently existing park area there are a number of cottages built upon privately owned cottage lots. These cottage lots predate the formation of the park.

In Killarney Park there are to be found some of Ontario's highest quartzite hills, being of an outstanding light colour and imposing in their bareness. Between these hills there lie beautiful clear lakes.

Of the total area of 140 squares miles, some 59 per cent has been designated as primitive area primarily for those who enjoy solitude, canoeing and absence of man-made facilities. This area will be roadless and contains the wildest and most spectacular scenery.

Within the remaining 41 per cent of the existing park will be found other zones. A recreation zone will provide organized family camping, camping for youth groups, and day-use zone in which strictly controlled operations will be permitted along with other uses. It would be quite desirable to consider part of the area as a multiple-use and recreation zone, as such a designation would encourage the enjoyment of this spectacular scenery by these people who desire to camp in the organized-camp grounds as families or groups.

Killarney Park is an area within which the use of powered boats has been restricted. Upon only three lakes is the use of powered boats permitted. These lakes are not situated within the primitive zone. Within the primitive zone there are found most attractive canoeing possibilities.

Killarney Provincial Park is a relatively new park, a most attractive park. We envisage that it will be maintained attractive and available for the enjoyment of all the people. Its beauties will be available to all for generations to come.

In closing, Mr. Speaker, I have arranged to have a map distributed to the House showing Killarney recreational area and Killarney Park itself. This is a preliminary zoning concept outlining the various zones.

Mr. Speaker: The hon. member for Scarborough East.

Mr. T. Reid (Scarborough East): Mr. Speaker, I have a question of the Minister of Education.

What is the Minister prepared to do about the situation in Wellington county, where the county board of education has to borrow money at eight per cent to eight and a quarter per cent in order to finance its operations until some of the municipalities in the county hand over their tax receipts for education?

Hon. Mr. Davis: The legislation makes it very clear that the municipalities are to levy the amounts required and to transfer them from time to time to the divisional board, but not later than December 15.

Now, where municipalities have the interim tax levies there is no problem. There are some municipalities, of course, that do not make their final levies until the fall, and of course the legislation provides that the board may borrow funds as do municipalities have to borrow funds, during these periods. We also announced some few weeks ago, Mr. Speaker, that we would be doubling the amounts of legislative grants during May and June to help offset—not only for the county boards, but all boards—any cost related to borrowing to help them with this particular situation.

Mr. T. Reid: Is the Minister not aware that some of the municipalities in question are banking their educational tax receipts at the same bank that the county board of education banks at?

Another question to the Minister of Education.

Is the Minister aware that some members of the teaching staff of the manpower centres

have suffered a reduction in their salaries by being moved from the federal manpower centre in Peterborough to the college of applied arts and technology in Peterborough? Is this not contrary to the Minister's statement on page 4821 of *Hansard*, June 18, 1969?

Hon. Mr. Davis: Mr. Speaker, as I understand the situation, the terms of employment in the manpower centre in Peterborough before transfer of administration to the Sir Sandford Fleming College of Applied Arts and Technology required instructors to teach for 11 months of the year. It was an 11-month contract.

The basic salary scale for masters in the community colleges was based on a ten month teaching year, so instructors in the manpower programme who teach for the 11th month are paid an additional ten per cent of basic salary for teaching during part of their vacation time. Hence, although some manpower instructors may have been assigned a ten month salary rate lower than the former 11-month rate, I have been assured that the annual income of all manpower instructors at the Sir Sandford Fleming community college is at least equal to that received for the same teaching duties before the programme was transferred to the college. And this basis, for incorporating the 11 month manpower teaching programme under the regular college faculty salary schedule falls within the assurance given to these employees, as I set out in the statement recorded on page 5821 of *Hansard*.

Mr. T. Reid: Would the Minister permit a supplementary? Is there any way in which someone who believes he is now being paid less for equivalent work can appeal this type of decision by the college of applied arts and technology in Peterborough or must that person simply accept the decision by that college of applied arts and technology?

Hon. Mr. Davis: Mr. Speaker, he would have the same opportunities available to anyone if he were not content with the terms of his employment. You know, there is a shortage of qualified personnel everywhere; I would think that he could also take it up with the president of the institution, and I would be very surprised if the president would not assess this matter with him.

Mr. T. Reid: The Minister considers that to be an answer, and I do not. But that cannot be helped.

A question for the Attorney General:

1. In view of the charge in the Hamilton *Spectator* on June 6, 1969, that "Police chief Mervin G. Bray of North Grimsby township has filed improper expense accounts, charging two levels of government for doing the same job"; what action has been taken by the Attorney General or the Ontario Police Commission to investigate this charge?

2. Was a copy of the Hamilton *Spectator* story delivered to Mr. Frank Wilson, assistant deputy Attorney General, on Wednesday, June 11?

3. Has Lincoln County Crown Attorney Lloyd Goodwin refused to order an investigation and, if so, why?

4. Is Police Chief Bray not subject to charges under the code of offences set out in The Police Act?

5. Do the recent amendments to The Police Act, as introduced by the Attorney General, automatically guarantee Police Chief Bray a job in the new Grimsby Police Department when the town and township are amalgamated under the regional government next January 1?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I am informed by my officials that the article referred to in the Hamilton *Spectator* and other material was brought to the attention of my department and of course to the Ontario Police Commission. The matter was submitted to Crown Attorney Lloyd Goodwin for Lincoln county, who after careful perusal of the allegations, stated that in his opinion there was insufficient evidence to lay a charge.

Council held a special meeting, and it was my understanding that the comments of the meeting were reported in the Hamilton *Spectator* under the date of June 10. Their deliberations, Mr. Speaker, resulted in council passing a resolution giving Chief Bray a vote of confidence.

As to the fifth part of the question, Mr. Speaker, I would refer the hon. member to section 118 on page 64 of Bill 174, An Act to establish the regional municipality of Niagara, which is presently before the Legislature, and I believe this section will answer this question in full.

Mr. T. Reid: May I ask the Minister a supplementary question? Why did not the county Crown attorney begin an investigation when the Grimsby council decided unanimously on Saturday, June 7, requesting him to do so?

Hon. Mr. Wishart: Mr. Speaker, I think I answered that. The Crown attorney made an investigation and, in his opinion, said there was not sufficient evidence to justify the laying of a charge. That was the opinion we got from him after his study of the matter.

Mr. T. Reid: If the Minister will allow a final supplementary. Would not the Minister agree that in the interests of the people of North Grimsby township and in the interest of Police Chief Bray, and indeed, in the interests of the council which reversed its Saturday, June 7 decision on Monday, June 9 —in the interests of all these people—there should be an investigation particularly to clear the name of Police Chief Bray if the charges are in fact unsubstantiated.

Hon. Mr. Wishart: Well, Mr. Speaker, the hon. member uses the word investigation. Now I do not know in just what sense he means that. I have said that the Crown attorney, who is responsible to see the prosecution of the law in the county of Lincoln, made an investigation which satisfied him that laying a charge would not be justified.

Now to say that you should, in those circumstances, lay a charge and prosecute a person knowing that you have not the evidence to convict, I think would not serve the ends of the administration of justice. I think it would be wrongful to do that when you are satisfied that on the evidence it does not justify the laying of a charge. And to lay it and proceed through the court just for the sake of having it dismissed, or perhaps for airing the matter knowing that it would be this way, I do not think that is good procedure. I do not think that serves anybody's purposes.

Mr. Speaker: The hon. member for Essex South.

Mr. D. A. Paterson (Essex South): Mr. Speaker, I have a question of the hon. Minister of Agriculture and Food.

1. Can the Minister announce the results of the vote on the onion marketing plan?

2. Did a large percentage of eligible voters mail in their ballots?

3. Is the Minister satisfied with this method of conducting farm votes?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, in reply to the question, 58.5 per cent of those voting yes, which was not a sufficient number, so the plan is being revoked by the farm products marketing board. Eighty-nine per cent of the eligible voters mailed in their ballot on the plebiscite, and this would seem to me to be a very good response. I would think that, in reply to the third question, the answer would have to be yes, because really the number of people who voted by mail seemed to me to indicate that it is a fairly satisfactory and convenient way for farmers in a relatively small type of marketing plan to vote.

Mr. Paterson: Might I ask a supplementary? It is rather hard to hear today. Did the Minister in fact say the onion marketing plan as such was revoked? What was the question on the ballot?

Hon. Mr. Stewart: Yes. The question is, "Are you in favour of the plan known as the Ontario Onion Producers' Marketing Plan?" This was the question, and only 58.5 per cent said yes. It was required that 66⅔ per cent should say yes to retain the plan.

Mr. Speaker: The hon. member for Hamilton East.

Mr. R. Gisborn (Hamilton East): Mr. Speaker, my question is for the Minister of Labour.

Was any agreement reached yesterday with the delegation representing the UAW in regard to their problem of excessive overtime being worked in the auto industry?

Will the Minister take the necessary steps to initiate prosecution of the specific auto industries which are in violation of The Employment Standards Act?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, in reply to the question, the matter of overtime work in the auto industry was discussed very thoroughly yesterday with the delegation. Whether The Employment Standards Act is being violated would depend on the interpretation given to the collective agreements by an arbitrator. In any case, I intend to see whether the union and the companies concerned can work out a mutually acceptable arrangement on the matter.

Mr. Gisborn: A supplementary, Mr. Speaker, to the Minister. Does the Minister consider a scheduled 56-hour week in excess of the provisions of The Employment Standards Act and a violation of the Act?

Hon. Mr. Bales: Mr. Speaker, with respect, that is a hypothetical question.

Mr. Speaker: The hon. member for Sudbury East is on his feet, and then Sandwich-Riverside.

Mr. E. W. Martel (Sudbury East): I have a question of the Minister of Energy and Resources Management.

1. Did the International Nickel Company deliberately dump industrial waste, containing ammonia and ammonium sulphate, through the trap door in the new metal tailings pipeline, directly into the creek leading into Kelly Lake, from 10.45 a.m. to 12.45 p.m. on June 25, 1969?

2. Did INCO inform the Ontario Water Resources Commission? If not, why not?

3. As there was no breakdown in the plant and as the general foreman, Ed Pandke, and Tim Fortie, the pollution man, assigned to the iron ore recovery plant, were both present at the time of spillage, why was the company dumping waste into the creek?

4. What action does the Ontario Water Resources Commission intend to take against INCO for this spillage, and to ensure that INCO immediately discontinue flaunting the government and the Ontario Water Resources Commission?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, the OWRC has not been notified by INCO or by any other party of any deliberate discharge of industrial waste, as indicated by the hon. member. I have asked the commission to investigate this.

I will also say that, in answer to part 4, I hope early next month to go to Sudbury with members from the commission and discuss these matters with INCO.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): A question for the Minister of Labour. When will the Minister set up a joint advisory committee representing employers, unions and government, to develop regulations for the training and certification of electrical utility linemen?

Hon. Mr. Bales: Mr. Speaker, that is not exactly as I received it, but it is close to it. But I would refer the hon. member to the question that was asked of me last week, by the hon. member for Rainy River, which dealt with the same point. In any event, I might just say that it is not our intention at this time to establish a provincial apprenticeship programme for the trade of linemen.

Mr. D. M. De Monte (Dovercourt): A question for the Minister of Labour, Mr. Speaker. What action has been taken by the Minister on the brief submitted to the Ontario Labourer's Safety Council on January 24, 1969, by the Construction Safety Association of Ontario, the Ontario Federation of Labour, the Provincial Building and Construction Trades Council, and the Toronto Building and Construction Trades Council, which recommended changes in the construction safety laws of this province?

Does the Minister intend to take action?

Hon. Mr. Bales: Mr. Speaker, just for clarification, the brief was submitted to the Labour Safety Council of Ontario. That is a different organization. With reference to the question, the answer generally is, yes, I expect to be announcing changes in the regulations of The Construction Safety Act in the near future, and these changes do incorporate some of the recommendations that were included in that brief.

Mr. Speaker: The hon. member for Windsor West.

Mr. H. Peacock (Windsor West): Mr. Speaker, I have a question from yesterday of the Minister of Trade and Development.

Will the Minister provide any protection to HOME purchasers eligible for OHC-guaranteed secondary financing, against substantial increases in their second mortgage interest rates, once the ceiling on mortgage interest rates is removed from The National Housing Act by Parliament?

Hon. Mr. Randall: Mr. Speaker, in my statement of June 24, I was quite specific concerning interest rates to be charged on Ontario Housing Corporation's second mortgages, and perhaps I might be permitted to quote from that statement for the benefit of the hon. member, and I quote:

> Interest rates to be charged on Ontario Housing Corporation's second mortgages will be not more than the rates charged individual homeowner applicants by Central Mortgage and Housing Corporation, under section 40 of The National Housing Act.

In other words, Mr. Speaker, although interest rates charged by lending institutions may or may not rise once the NHA ceiling on mortgage interest rates had been removed, the housing corporation second mortgage interest rates will be tied to Central Mortgage and Housing Corporation's direct lending rate. And I would emphasize the fact that the housing corporation rate will be not

more than Central Mortgage and Housing Corporation's.

Mr. Peacock: May I ask by way of supplementary, Mr. Speaker, if there is any difference between the CMHC direct lending rate and that rate set by The National Housing Act?

Hon. Mr. Randall: No, I think it is the same rate in most instances, and I presume it will carry on that way. I have no indication that they are going to change their interest rate at the present time. But it will be the lowest rate available, in my estimation, for mortgages anywhere, and we will maintain the same interest rate as Central Mortgage and Housing.

Mr. Speaker: The member for High Park.

Mr. Shulman: A question to the Minister of Energy and Resources Management, Mr. Speaker.

In view of the Minister's statement yesterday about polyphosphates and DDT, will the Minister support Bills 15 and 150?

Hon. Mr. Kerr: Mr. Speaker, we have already had similar questions from the hon. member and my views have not changed. I would prefer that, if necessary, legislation of this type be from my department. My statement to which the hon. member refers, indicated that industry must find substitutes; the press report also indicated that to build plants to deal effectively with detergents is very expensive. In other words, I would like the approach of section 1, for example, of Bill 15, rather than section 2. Regarding Bill 150, I think my statement as reported in the press and in this House, regarding the use of DDT, answers that part of the hon. member's question.

Mr. Shulman: I thank the Minister. In the way of a supplementary. Is the Minister aware that a substitute for polyphosphate is already available that will cost only 15 cents per package of detergent?

Hon. Mr. Kerr: No, I am not and I would like to have some more information on that from the hon. member.

Mr. Shulman: I will be happy to supply it.

Mr. Speaker: The hon. Minister of Highways has an answer to a question asked by the member for Essex-Kent.

Hon. G. E. Gomme (Minister of Highways): Mr. Speaker, this is a very long list, in reply to the question, "Would the Minister inform the House how many development roads have been built in the province for the years—"

Mr. Speaker: Perhaps I could interrupt the Minister for a moment. It is customary that questions asked orally should be answered orally, and the Minister advised me that he had this question ready to table. I suggested to him that questions asked orally should be answered orally, but he has said that there is a very large volume of names. Would the member and the House be satisfied if it were tabled, or shall we have the Minister read it?

Mr. R. F. Ruston (Essex-Kent): Mr. Speaker, I would be happy to have it tabled if it would be expeditious for the House.

Hon. Mr. Gomme: Then I will table the answer to question No. 1945, Mr. Speaker. (See Appendix "B", page 6288.)

Mr. Sargent: Too bad the Minister could not make a speech.

Hon. Mr. Gomme: If the member really wants it, I could.

Mr. A. K. Meen (York East): Mr. Speaker, before the orders of the day, and as a matter of public importance which has just, in the last few minutes, come to my attention: I wonder if I might point out that Loblaws, it seems, are marketing strawberries in Ottawa at 28 cents a quart, whereas the same quality and size of boxes are being marketed here in Toronto at 59 cents a quart. I would ask, if the Minister of Agriculture and Food—

Mr. Speaker: I doubt if that is a matter of privilege, or proper for a question without notice.

The Attorney General advises me he has a report which he would like to table so the members might have the opportunity of seeing it over the recess time. May I have the unanimous consent of the House to revert to presenting reports?

Presenting reports.

Hon. Mr. Wishart: I beg to leave to table the report of the Ontario Law Reform Commission as follows:

Report on the proposed extension of guarantors' liability on construction bonds of 1966; report on the trade sale of new houses, the doctrine of *caveat emptor*, 1968; report on The Insurance Act, 1968; second annual report of the law reform commission, 1968; report on the Age Majority and Related Matters, 1969; report on the Status of Adopted Children, 1969.

Hon. Mr. Randall: Has the question by the member for Grey-Bruce been asked yet?

Mr. Speaker: The member for Grey-Bruce asked to have it withdrawn. I would have advised the hon. Minister afterwards.

Hon. Mr. Randall: All that work I did!

Mr. Shulman: On a point of order, sir.

Mr. Speaker: Yes, the member has the floor.

Mr. Shulman: Does the Speaker intend to make any ruling on the incident which occurred last night?

Mr. Speaker: The Speaker is waiting, of course, for the receipt of the film which the hon. member promised last night he would send to the Speaker and when that has been received, Mr. Speaker may then proceed to consider the matter.

May I be advised as to the—

Mr. Shulman: On this point of order, sir—

Mr. Sargent: The member should be ashamed to show up today.

An hon. member: Where is the film?

Mr. Speaker: The point of order has been dealt with so far as Mr. Speaker is concerned. May I inquire—

Mr. Shulman: Mr. Speaker, may I raise a further point of order? The point of order is that obviously there was a misunderstanding. When you asked for the film last night, I refused to deliver it. I said, in reference to your request, that I would do nothing with it, let no unauthorized person see it until you had made a ruling today, sir.

Mr. Speaker: I will be pleased to check, not only the record, but the tapes, because my recollection is certainly not the same as the member's.

Orders of the day.

Clerk of the House: The 25th order, resuming the adjourned debate on the motion for second reading of Bill 155, An Act to amend The Workmen's Compensation Act.

THE WORKMEN'S COMPENSATION ACT

(Continued)

Mr. Speaker: Was the member for Huron-Bruce speaking at the adjournment?

Mr. M. Gaunt (Huron-Bruce): Mr. Speaker, you may recall that I adjourned the debate when we were last dealing with this bill.

Mr. Speaker: The hon. member has the floor.

Mr. Gaunt: Mr. Speaker, when I ended my remarks the last time we were dealing with this bill, I was about to move into the second principle embodied in the bill having to do with the disclosure of medical reports and other reports by the board. It seems to me that the principle here, Mr. Speaker, should be one of full disclosure. I cannot understand, for the life of me, why, in fact, full disclosure cannot be a principle that is accepted by the board in relation to these reports.

For instance, I have had a number of cases—and medical evidence is always an important part of any appeal that one has to take before the workmen's compensation board. In every instance the person who is representing the claimant is sent a big long sheet having to do with the summary of the evidence which the board has on file. In that summary, is presented the summation of the various doctor's reports, some of whom are specialists in their particular fields, some of whom are family doctors and general practitioners.

The point I am making, is that having obtained that little summary from the board, one then has to almost predicate one's whole case on what that summary says. Of course, the summary is not complete. For instance, a summary of the specialists' report having to do with internal medicine, and I refer—I am sorry to be parochial—but I refer naturally to one of my more recent cases before the board. I had before me the summation of a report by a specialist in internal medicine. It was three lines in length.

I am fully persuaded that that report was a rather lengthy report. The report that was submitted to the board was a rather lengthy report and a rather detailed report, it was a very complex case, as most of them are. Yet, I think the claimant is placed at a very decided disadvantage when all of the medical evidence cannot be laid out on the table and presented in what I would hope would be a normal way.

It seems to me that there is just no reason for this type of thing. I cannot understand. I realize that the doctor may hesitate in certain circumstances to be completely frank about the case, if he were to realize that his letter and his report would be made public

to all sides; but at the same time, it seems to me that it is the only fair thing and the only reasonable way in which one can deal with a case.

I would ask the Minister to reconsider because he is a reasonable man. I think he can understand the point of view put forward in this instance.

So, with those remarks, Mr. Chairman, I do want to say to the Minister that this is a step in the right direction. I am glad to see him bringing forward this bill at this time; I have had an opportunity over the course of the last ten days to be talking with some officials from the board and I have had a number of the questions in relation to the bill answered by them.

However, I do say again that we appreciate the Minister bringing forward this bill which will now provide for injured workmen in this province, according to the Minister, "the highest pensions in Canada." I gather that statement is accurate; I think he said that when he introduced the bill.

Mr. Speaker: The hon. member for Dovercourt.

Mr. D. M. De Monte (Dovercourt): Mr. Speaker, one wonders sometimes when a bill like this is introduced—increasing pensions, increasing a benefit to a person—whether the person who introduces the bill really has the interests of the person, or group of people in mind. It is very true, Mr. Speaker, that this bill does increase the benefits from $30 to $40 a week for a person whose average earnings are less than that. And of course, it increases the disability pension for a total disability to $175. But it is important, also, Mr. Speaker, to take cognizance of the fact that the Economic Council of Canada states in its recent report, its fifth annual review, that the poverty line for a single person is $2,000 a year; for a family of two it is $3,500 a year, and it goes on as the family increases.

Now, it is all very well to say that they are the highest pensions in Canada. But an increase of nothing, Mr. Speaker, with the greatest of respect, is still an increase of nothing, because when you consider what they are giving these people—a permanently disabled man, Mr. Speaker, a man who cannot work, a man who has been disabled in an industrial undertaking of this province and cannot work, and at the time he happened to be making $40 a week, that is all he gets. It does not take into consideration, Mr. Speaker, the fact that that pensioner could have increased his income over the years. He could have done many things to increase his income. He could have got a different job. But now he cannot, Mr. Speaker, he simply cannot because he is permanently disabled. And we say to him, "That is all right, sir, we are going to pay you $40 a month; but you starve if you want and we just cannot help you".

Now, I cannot see, in a modern province like this, with the industrial operations that we have in this province, why we cannot pay a man a decent wage when he is permanently disabled.

Hon. D. A. Bales (Minister of Labour): Let me correct one point the hon. member made. He said $40 a month, and I know he did not mean to say that. He means $175.

Mr. De Monte: Forty dollars a week! That was an error.

But still, Mr. Speaker, I think when you calculate these sums out, $40 a month—pardon me, a week; I cannot seem to get the month out of my head—is $2,080 a year, I understand. The poverty line for a single person is $2,000. Now, this party has to support this portion of the bill simply because we have to take some of the bones that are thrown and then perhaps fight for a little more later. I hear "shame" from my friends to the left, but I want to make our party's position very clear: this board should start considering people, not money—people who are disabled and need assistance. This is not welfare, you know. It is remuneration for an injury received, and I hope that the Minister in considering this bill will move an amendment raising the $40 a week and the $175 a month to a decent living wage.

Now, on section 2, Mr. Speaker. I spoke at length some time ago in connection with the system that has been set up within the last two or three years—the adversary system that has been set up in the workmen's compensation board. And I think, as a solicitor and a counsel in a courtroom, and a lawyer, that when you have an adversary system, that system must be fair to both parties. The adversary system, subject to certain rules in the courts, as you know, presupposes that there is full disclosure by both sides, subject to the rules of evidence and the rules of court. Now what is the board going to do here? It is going to further limit the right of the workmen to be able to make use of the documents that are in the workmen's compensation files. Everybody else can look at them. The people on the board use them; they use them to make decisions of whether

an employee should get a certain disability pension. If a doctor is negligent, you know, under this section the report of that doctor cannot be brought into a court room in order to answer for that negligence. He simply cannot be brought into a court room.

Now, let us start to consider what is really happening down at the workmen's compensation board. They are instituting an advisory system. They will not allow the reports to the board to become part of the evidence in this system. They give you a summary, and without trying to convey any malfeasance or non-feasance to the board, anything can go into a summary and anything can be left out. It depends on the person who is making it up what he wants to disclose and what he does not want to disclose. We are going a step further here, Mr. Speaker. We are saying to the workmen, if the doctor or the chiropractor or anybody is negligent in your treatment, and we make a decision on that treatment, the report cannot be introduced against the doctor in a court of law. Now, it is against all sense of social justice and all sense of fair play in our courts. It is denying a man a right to something that he has a right to.

You often wonder what the purpose of the section really is. Is the board trying to protect the doctors? Why is the board trying to protect the doctors? The doctors are perfectly capable of protecting themselves.

Mr. J. L. Brown (Beaches-Woodbine): There is a reciprocal relationship.

Mr. De Monte: Well there might be. My friend here says there might be a reciprocal relationship. You have to suspect something, Mr. Speaker. You have to look deeper than the Act and the intent.

Mr. S. Lewis (Scarborough West): What about the Minister?

Mr. De Monte: What is the purpose for this section? I would like the Minister to explain the purpose.

There is no doubt that there should be a full and fair disclosure, and full and fair access to all reports. Now, the board will say if we give access to all reports there will be a multiplicity of actions in court. There might be. If those reports show that there has been an injustice carried on, the law certainly is clear on that: these people can go to the courts if there is an injustice or if natural justice has been denied. Is that the reason the workmen's compensation board does not want to disclose? Is it because if these reports were disclosed they would certainly show a denial of natural justice?

Mr. Lewis: And they would have to pay more money. They do not want to do that.

Mr. De Monte: I wonder why there is a fear to disclose. There has to be some purpose behind it, because if the board knows there is no denial of natural justice, then why lack of disclosure? Why? I cannot understand why there should be a lack of disclosure. Why—it is inconceivable to me—why now make the report privileged. It does not seem logical. If a doctor is negligent in what he did towards a workman or if he did not carry on the proper procedure, should the doctor not have to stand up in a court of law and defend himself? Everybody else has to in this province. Is there a mutual agreement perhaps between the Ontario Medical Association and the workmen's compensation board that they will not give reports? They will not give reports if they do not have this questionable protection in law. It is—

An hon. member: The member is getting close.

Mr. De Monte: As a solicitor and a lawyer, I just cannot understand it. And as a member of Parliament, and certainly as a man who sees justice and would like justice, it is incomprehensible why this law is even contemplated by the Minister of Labour.

I would suggest to the Minister, Mr. Speaker, that section 2 be deleted, and I think that perhaps when we come to committee I shall perhaps move an amendment to do so.

Mr. Speaker: The hon. member for Brantford has the floor.

Mr. M. Makarchuk (Brantford): Mr. Speaker, at this time I would yield the floor to the member for Sudbury East.

Mr. Speaker: The hon. member for Sudbury East.

Mr. E. W. Martel (Sudbury East): Mr. Speaker, I want to speak to section 2 of this bill. The problem is compounded in the disclosure, when you are dealing with company doctors; the advantage is all theirs. The cards are stacked and they have the doctors' reports before them when they go before the board. The company does have all reports.

In fact, they are making such a farce of the compensation board hearings that it is not even funny. They now come before the

compensation board with the doctor, the company doctor; they bring a lawyer; they bring safety engineers; they bring witnesses; and any member who is down trying to fight a case on behalf of an employee is simply out in left field because he does not have access to the reports that the company has.

I wonder how one-sided the Minister considers that to be. I want to show the Minister just what is happening in the area. I am going to use a very specific case and I am going to outline in some detail, sir, as to how the company has the advantage.

Last September 19, a constituent of mine was stricken with a chest ailment. He had been on compensation for about 12 months but he was stricken with a chest ailment and they rushed him to the hospital and on that day his compensation terminated. He came to see me in February, in fact I will give you the date: February 25 this man came to see me, and I want to read the letter I wrote to the board regarding my constituent, Mr. Albert Vincent.

> Mr. Vincent came to my office last weekend to discuss his degree of disability and problems related to his injury.
>
> During the discussion I was horrified to learn that Mr. Vincent's compensation benefits ceased when he was stricken on or about September 19 with some other sickness.

Now, I will leave it there. I suggested to my constituent that he get a copy of the doctor's report which was submitted to the board. It was a company doctor again, the same doctor who was treating him.

Mr. Vincent went to the INCO hospital to see if he could get any report from the doctor indicating why his compensation had been terminated and what was in this doctor's report. Several weeks later I got a reply from the board and the board indicated this to me:

> Upon Mr. Vincent's admission in hospital the medical reports at this time show that the condition of his leg had cleared up.

Mr. Vincent came to me several weeks later and fortunately, on that day—the Minister will know the man I am talking about—the rehabilitation man for Ontario, Mr. Delmedico happened to be in my office. Mr. Vincent was blaming the workmen's compensation board for terminating his compensation and Mr. Delmedico said, "I really do not think it is that. The board would not rule without a doctor's report, they would not cut his compensation".

Mr. Delmedico volunteered to let me know why the compensation had terminated. On his return to Toronto he would dig in and find out.

Lo' and behold, precisely what I had figured had happened!

The International Nickel Company's doctor had advised the company that the man's condition, his compensable condition, terminated on the day that he was stricken with another sickness. But I do not have access to this, and no one else does because we cannot see the good doctor's report.

Because Mr. Delmedico dug in, I had this to work with. I again suggested to Mr. Vincent that he go to the company doctor and get the original report which had been submitted by the doctor. Of course, the doctor refused. Some time later when the doctor knew I was working on it, he submitted another report to the board, completely contradictory to the first report, completely contradictory.

The board did not know how to rule in this case. They have the report from the doctor saying the man's compensable condition terminated on September 19 and six months later they get another report saying, no, he was still compensable.

Now, where is someone trying to work for this man? He has not got access to these reports. These doctors can play games and they do, particularly if they are company doctors. I was able to fight this and in two subsequent appeals to get the man 50 per cent the first time and the remaining 50 per cent the second time. But here is the hang-up, we do not have a thing—we do not see what the doctor is reporting. They can rule a man out just like that. And because we cannot see a report, we do not even know what they are saying about the man. This is a specific example. The man spent three and a half months without a cent of compensation; he ended up on welfare and when he finally did get his first $500 cheque, it was immediately all paid back to welfare.

But why should this man have gone on welfare in the first place? If we would have had access to that report immediately we would not have had to fight it out till the final thing came through some time around May 1.

Is this what we are supposed to be—is this how we protect men? Is this how we fight this sort of injustice, where the company supplies the doctor and it supplies the medical evidence? It has the medical evidence

at its disposal. Are the cards, Mr. Speaker, not loaded in favour of the company that supplies its own doctor?

I could relate other cases where they use an x-ray from seven years back. You do not even know the x-ray exists. In another case that I have, an orthopaedic surgeon testified on behalf of the man in question. It was turned down. The orthopaedic surgeon said the man's present condition was related to the injury, but an x-ray that we did not have access to, taken some five or six years earlier, is brought out by the company doctor as evidence. Even when you have got an orthopaedic surgeon supporting you, you cannot win the case because the cards, as I say, are stacked. They have the lawyers, they have the doctors and the doctors have all of the reports and I do not know why we cannot have these reports.

Hon. A. Grossman (Minister of Correctional Services): Quiet, the member will wake the member for Scarborough West, who is sleeping.

Mr. Lewis: I am not actually slumbering.

Mr. Martel: I would ask the Minister if he would comment at this point on this specific type of incident where the company doctors do have the report and we have nothing to go by.

Mr. Lewis: I can absorb more asleep, than the Minister can, awake.

Mr. Makarchuk: Mr. Speaker, in entering this particular debate I first would like to give credit to the Liberal Party for their consistency. They supported the Medicare provision which did not provide Medicare, and now they are supportng a compensation bill which does not provide compensation.

What we are doing in this bill today, Mr. Speaker, is formalizing poverty. You know, we are giving it a formal, legal coating in this House that people should live on $40 a week or $175 a month and this, I imagine, is in keeping with the just society.

But what this bill, to a great extent—

Interjection by an hon. member.

Mr. Makarchuk: The hon. member's time will come.

What this bill, to a great extent does, is encompass the philosophy of the board and their basic philosophy is that if you holler loud enough and long enough they will throw you a bone. This is the way that particular board operates.

Here we have a token measure to ameliorate some of the problems that are developing in the field, out in the province, within the group of people who have been injured in industrial accidents.

Some of the problems which have developed are situations where a man is partially disabled, and he is getting a minimal amount, which is not enough to either pay his mortgages, provide food for his family, or for his children, and consequently his house is taken away. He loses his house, he gets thrown out, he has to go on welfare, he has to apply for assistance from municipal authorities and from the provincial welfare department—simply because the compensation board is more interested in protecting the industrialist, the fellow who, in a sense, was responsible for the accident in the first place.

We should not penalize him; let us put the penalty for that accident on the individual and let him suffer, while our corporate sacred cows must be preserved. We have to make sure that the amounts they pay into the compensation board are not increased, of course, and let this individual suffer.

Consequently, we have various social problems developing out of these situations, where people have to take psychiatric care, where various compensation psychoses are developing. I think every member in this House has some case in his riding where this situation has developed. Psychological overlays and so on.

These situations have developed and all as a result of the rather picayune pittance handed out by the compensation board. You gentlemen are not particularly interested in taking care of the problem. This is where you operate, you are not looking at the problem squarely and you are not prepared to take care of the problem. This particular bill is another one of the token measures where you have thrown the crumbs to the peasants and said, "Okay, shut up. Now take this and keep quiet."

This is the reason we are not supporting this bill. This is a disgrace to this province, to this House, that at this time, in a period of affluence in the province of Ontario, we should still insist that a man should get $40 a week or $175 a month, and on this he should raise a family and make a livelihood.

Mr. D. Jackson (Timiskaming): Mr. Speaker, I do not have too much to say on this. Just recently I introduced a private member's bill into this House. It was to

remove some of the inequities that this bill is going to carry forward into the future. A man who goes on temporary partial disability or permanent partial disability and then cannot find a job—what does he do? Does he live on $20 a week? Does he live on the $10 a week which this bill will give him?

If he is reduced to 25 per cent which most of them are, after a period of about four months, he ends up with $10 a week; is he supposed to live on that? Surely the Minister cannot believe that any man in this province can live on $10 a week, surely he does not believe a man in this province can live on $40 a week.

Mr. Lewis: But that is what the bill says he can do.

Mr. Jackson: That is exactly what the bill says he can do. It makes a mockery of what I always understood the compensation board stood for—fair compensation for the injuries received while working on a job. But in no way can this be called "fair compensation". Not only do I say to the Minister now, that he should withdraw it, but he should withdraw it now and put forth a bill that makes some common sense.

Mr. Speaker: Is there any other member who wishes to speak to the bill before the Minister?

Mr. Lewis: Before the bill moves to the Minister, Mr. Speaker, I think we might take a moment, if we can, in winding up, to clarify just once again the position of this party. What we are saying, and what differentiates us from the Liberals and from the Tories in this instance, is that we are not prepared to vote for a bill which legislates poverty. It is as simple as that. We are not prepared to vote for an amendment which enshrines, in legislation, a level of poverty for recipients of workmen's compensation.

The inexorable wheels which work within the Tory party will inevitably give certain people levels of income which are odious, reprehensible and unconscionable. That always comes in a matter of time with Tories. But it does not need the support of the New Democratic Party, it will come on its own, just as this bill has come. We will continue to fight for levels which are at least conscionable, if not Utopia. And so, we are not prepared to accept a principle which runs counter to all of the Minister's own legislation.

Mr. Speaker, if we had a workmen's compensation board which viewed $40 a week as a real minimum and which had some tradition of raising those moneys—and many of us in this House have had experience with that board in a selective and socially useful fashion—then, sir, we might consider supporting the principle of the bill. But everybody in this House knows that the workmen's compensation board is run like some militia. It is a para-military operation, it has no more use for the principle of compensation as it was originally envisaged in the original Act, than any army apparatus would have.

In the last couple of years that board has become a stratified bureaucratic, largely militia oriented, outfit. We have increasing difficulty with claims and increasing difficulty with appeals. The Minister knows why. The unhappy vestages of DVA have infiltrated the particular philosophy of the board and have permeated the apparatus of the board, and we can no longer accept levels of compensation so low, knowing historically what will be done to them. That is the first basic objection to the principle of the bill, Mr. Speaker, we will not vote for legislated poverty.

The second principle is that we will not vote for legislated poverty when the Minister of Labour has a minimum wage Act in this province which says that $52 a week will be the minimum, $1.30 an hour for 40 hours, $52 a week, and in this bill he accepts $40 a week. So the bill runs counter to his own minimum wage legislation and he takes it without so much as a murmur. He takes it without a ripple to his conscience or to his administrative duties. It does not cause the Minister any undue concern. He assumes that that is what workmen's compensation means, that you penalize the workmen for being injured. That is the way in which the legislation is now interpreted. And we are supposed to vote for an increase which is essentially a punitive approach to workmen's compensation?

Mr. Speaker, when one looks at the clause which enshrines the $175 a month for permanent total disability, we know that when you multiply $40 a week by 4.33 weeks, which is the average in any given month, you get the same $175 a month. So, you simply enshrine the poverty feature again in each subsequent clause of the bill.

Mr. Speaker, let not the Minister of Labour surround himself with such accolades in introducing such a bill. He need not fawn upon the measures of this bill, there is nothing intrinsically virtuous in standing and saying it is better than any other minimum in Canada,

simply because, until a recent moment of enlightenment, every other jurisdiction in Canada was equally reprehensible. At last, Mr. Speaker, in the last 24 hours, with providential dispensation, we will begin to have workmen's compensation levels which will be a model for the rest of the country. But for this Minister it was, until then, possible to say that his Act was the best level of poverty that any province had contrived. We are not going to accept that, and we will not accept the adulation—not self-adulation. He is not the Minister of Correctional Services, he is the Minister of Labour; so he invokes it from other authorities.

Hon. Mr. Grossman: He is not the member from Scarborough West either.

Mr. Lewis: But we are not prepared to accept it on that basis. Nor, Mr. Speaker, are we prepared to accept the other principle of the bill which we consider to be an equally critical violation of rights. If there are confidential reports submitted to the board, on which adjudication is made, then those reports are the property of the injured workman. He has every single right to view their contents. I may say, Mr. Speaker, that that does not extend to the employer. The employer has no right to see such reports. They are in the nature of a confidential statement, a medical statement offered on the disability of the workman, and because they touch directly to the centre of the compensation being provided, he, sir, has a right to see them. Not the employer, but certainly the workman. The reason that the workman is to be excluded from such an obvious right is because the workmen's compensation board, in conjunction with the Tory party, does not want to pay a penny more than it must.

One need only see, if I may make this point—and I suspect the member for Dovercourt would support me—and knowing the legion of cases which the member for High Park has arbitrated, he too, would support me, and all members of this House.

One has only to look to the achievements of the members of the Legislature in reversing decisions of the board, to recognize how picayune is the board in handing out benefits. One need only look at the number of cases that are reversed at the appeal tribunal level and higher levels, to recognize that at the basic gut level of reviewing claims in this board, there is a prejudicial, largely narrow and circumspect interpretation. All this principle does is to facilitate such an interpretation. It simply says to the board: "You do not want to pay out money to the injured workmen; here is another escape hatch; do not let him even see the confidential record on which your decision was based."

So, Mr. Speaker, in truth, this bill contains one principle which says that workmen's compensation can be levelled at something less than the minimum wage. We will not accept that. It then lays down a second principle which says that injured workmen have no right to confidential documents directly affecting the level of compensation to which they are entitled. We will not accept that principle. Therefore we will vote—vote vigorously—against the principles in this bill until this government recognizes that people are not to be brutalized financially for having suffered injury on the job.

Mr. Speaker: Is there any other member before the Minister? The hon. member for Renfrew South.

Mr. P. J. Yakabuski (Renfrew South): Mr. Speaker, I have listened with some interest, especially to those directly opposite me with regard to Bill 155.

Mr. P. D. Lawlor (Lakeshore): Did Manitoba faze the hon. member?

Mr. Yakabuski: And I could not help but make some observations. In my six years in this Legislature, I too have dealt with numerous workmen's compensation board cases, and I was amused and amazed when I heard those in the New Democratic Party presenting only one side of the story.

Mr. Brown: The people's side!

Mr. Yakabuski: As a member of this Legislature, when I get a complaint from a constituent with regard to a workmen's compensation board problem, I look into all sides of the story. As a matter of fact, the public and those who contribute to the fund must be protected too.

Mr. Makarchuk: That is why they are coming to us from the member's riding.

Mr. Yakabuski: In some cases when I found out the facts from all sides, I too went to the board and pursued the case vigorously on behalf of the claimant, but I have found cases too—and I have one right now—where the claimant is deliberately looking to have a claim approved. And certainly he has no right to a claim whatsoever. I think there are always two sides to a story—

Mr. Lawlor: I hope the member is working on that one vigorously too.

Mr. Yakabuski: —and the public and the moneys contributed to this fund have to be protected also.

I think those in the New Democratic Party missed the point with regard to this bill completely. We know that $40 a week is no living rate. We all know this, but the workmen's compensation board fund was never intended to be a welfare fund. We have other sources—

Mr. C. G. Pilkey (Oshawa): Nobody said it was.

Mr. Yakabuski: —to supplement, and Mr. Speaker—

Interjections by hon. members.

Mr. Yakabuski: —I am reminded, especially when I hear this great orator from Scarborough West, Centre—or wherever it is—I am reminded of that famous, wonderful poet from Chicago, Carl Sandburg. Do you know what Carl Sandburg said, and I quote—

Mr. Speaker: I am sure that this quotation has to do with the principle of the bill.

Mr. Yakabuski: It has to this extent: Carl Sandburg said, "I will not buy my religion from someone who has never worked in his life, with the exception of his mouth". And, Mr. Speaker, I cannot buy my philosophy from someone over there who has never worked a day in his life except with his mouth.

Mr. Speaker: The hon. Minister has the floor.

Mr. Lewis: The member has certainly added to the argument.

Hon. Mr. Bales: Mr. Speaker, the bill deals in principle with two matters, first of all, increasing pensions to those who are temporarily totally disabled, and to those who are permanently disabled; and then also in reference to matters in medical reports. I am not going to trace the periods over which changes in compensation have taken place, or the amounts, since 1920, but I point out that these are minimums that we are dealing with. I am going to deal first with the permanent total disability payments. It now moves from a minimum of $100 per month, to $175. And the important point to me, and one of the matters that I particularly wanted included, was that this should apply not only to future cases but to existing cases. Thereby those whose pensions were previously established a number of years ago will have them increased to $175. This has not always been the case with amendments of this nature in the past. It has at times, but not always.

More than that, those who may be totally disabled on a partial basis will receive a proportionate amount of increase. And that to me, is an important thing. We also have to bear in mind, Mr. Speaker, that these payments are not subject to income tax. This is overlooked very frequently; and more than that, as the hon. member—

Mr. Makarchuk: They hardly qualified for income tax.

Hon. Mr. Bales: They may not be qualified or they may not be subject to income tax, but it is free of income tax.

Mr. Lewis: It is welfare.

Mr. Martel: Welfare wants it, because they will all be on welfare.

Hon. Mr. Bales: These are pensions which are established in accordance with the provisions of the Act. They have been increased from time to time and I expect they will be increased in future, but at the moment, this is a very substantial increase, from $100 to $175 per month.

Mr. Martel: It gets them off the welfare roll.

Hon. Mr. Bales: In reference to the other matters of temporary total disability, it now increases to $40 a week, from the present level of $30 a week.

Mr. Lewis: The Minister thinks that is magnanimous, does he?

Hon. Mr. Bales: I did not say that.

Mr. Lewis: Ten dollars a week.

Hon. Mr. Bales: And this applies again to existing as well as future cases. With these increases in benefits they will be substantial and of great assistance to those who presently receive the pensions and those who will receive them in future.

You know, we talk about the levels of these matters, but very little attention is paid to the changes that we made last year in the pensions for those who receive them from the workmen's compensation board. I think that the members must recognize as do the claimants that this is an on-going matter and attention is paid to these situations so that we can improve the benefits.

In reference to the second section of the Act, dealing with medical reports, this amendment ensures that the contents of the report, unless it is malicious, shall not be used against the person who has made it.

An hon. member: How would anybody know? They have not even seen them—

Hon. Mr. Bales: At the present time the claimant has the initial choice of doctors and the medical report is given to the man's doctor because, under medical practice, the doctor is the best advisor to the individual as to what information he should be given.

Mr. Martel: His doctor will not pass that report on to anyone to see?

Hon. Mr. Bales: In addition to that, the claimant or his representive is entirely free to get that medical report from the man's doctor at any time.

Mr. Lewis: Why not from the board?

Hon. Mr. Bales: The board makes it available to the man's doctor and the representative can get it from there.

Mr. Lewis: Not always!

Hon. Mr. Bales: I think we have to bear in mind that in reference to workmen's compensation this is primarily an investigatory type of system. It is not meant to be an adversary system. Over the past years—

Mr. Martel: It is not meant to be, but it is.

Mr. Lewis: Well that is what happens.

Hon. Mr. Bales: Over the past years, a claimant has requested the right to have a representative there on his behalf, which is recognized and it should be recognized. In former times, lawyers rarely represented a claimant before the board; I do not think it is really necessary, but that is a person's individual right. Today, there are lawyers, there are members of the Legislature or Parliament, union representatives or other interested persons. Now when you have a qualified person appearing on behalf of an individual, that person—and certainly the workman himself—is given a summary of the evidence at the previous level.

Mr. Lewis: Has the Minister seen these summaries?

Hon. Mr. Bales: Yes, I have.

In reference to the summaries themselves—

Mr. Lewis: Does the Minister really think they are useful?

Hon. Mr. Bales: We had a Royal Commission on this in 1966-1967 under Mr. Justice McGillivray, and these summaries particularly were placed before him so that he might give his views in reference to their adequacy and their completeness.

Mr. J. Renwick (Riverdale): Who selected the ones that were placed before him?

Hon. Mr. Bales: Mr. Justice McGillivray was free to have any number of them before him.

Mr. Lewis: Who gave him the reports?

Hon. Mr. Bales: In these summaries, care is taken to make sure that when dealing with medical evidence they provide definite information and not merely summaries of what might be there. Mr. Justice McGillivray stated that the reports, in his view, should not be made available widely, but should his recommendations regarding medical reports not meet with approval, and they should be made available at some time in the future. He went on to state:

> I cannot emphasize too strongly that our accompanying legislation at that time should give protection to the physician by making his report privileged.

Now the way the wording of this section has been developed makes clear that the only protection to the doctor is if that report is not made maliciously. And if it were, there is no protection to the doctor. But, unless we have this kind of protection, then we will find that the reports are not in as complete detail that they should be, and the board will not have before it the complete information it requires in order to adequately deal with the claims of the individual.

Mr. Lewis: We are in agreement with that. That is quite legitimate, but the claimant too has rights.

Hon. Mr. Bales: The claimant's doctor receives the report.

And for these reasons, Mr. Speaker, these matters have been dealt with. The board's practices are developed to deal fairly with the claimants.

Interjections by hon. members.

Mr. Speaker: Order!

Hon. Mr. Bales: And to provide the kind of information that the claimant or his representative needs in order that his case may

be properly and fairly dealt with by the board. There have been a number of statements in reference to the board itself. I want to stick closely to the principles in this bill and I, for that reason, will not deal with the individual cases cited here. But, I would say this: the workmen's compensation board today is dealing with a very large number of claims and is dealing with them, I believe, fairly and equitably. They are attempting to see that the workman who has a right to a claim is compensated as fully and as quickly as possible under the provisions of the Act. And it is for these reasons that we want to see that the minimum allowances under the provisions we have cited are increased now. And I particularly point out that under the provisions of the Act it is to be effective as of July 1, and so we want these additional benefits made available to the workmen as soon as possible.

Mr. Martel: Mr. Speaker, could I ask the Minister a question?

Mr. Speaker: Well, the hon. member had ample opportunity to participate in the debate. If it is a brief question and the hon. Minister wants to entertain the question, I will permit it.

Hon. Mr. Bales: I think we should stick to the principles of the bill, Mr. Speaker.

Mr. Martel: It is on the principle of the bill.

Hon. Mr. Bales: If it deals with the principle, I do not mind.

Mr. Martel: May I ask the Minister in the case I outlined, where the company doctor has access to all of the reports, how can someone who is fighting a case on behalf of a man take his man before the board on an equal footing because the company has the reports? Their doctor supplies them with the reports, yet we do not have them. Is this not an unfair system?

Hon. Mr. Bales: Mr. Speaker, without getting into small details, the claimant has the initial choice of doctors—

Mr. Martel: When he gets hurt!

Hon. Mr. Bales: —and in the situations where there is an appeal, as I stated earlier, a summary of the evidence is made available to the claimant. And it has become the practice to assist the representative of the claimant before the board whenever possible and to assist him by showing him how he may obtain his reports or whatever information he requires.

Mr. Speaker: The motion is for second reading of Bill 155. Is it the pleasure of the House that the motion carry?

All those in favour of second reading of Bill 155 will please say "aye"; those opposed will please say "nay".

In my opinion the "nays" have it.

Call in the members.

The House divided on the motion, which was carried on the following division:

AYES	NAYS
Allan	Brown
Auld	Burr
Bales	Deans
Boyer	Gisborn
Brunelle	Jackson
Bukator	Lawlor
Carruthers	Lewis
Deacon	MacDonald
De Monte	Makarchuk
Downer	Martel
Dymond	Peacock
Edighoffer	Pilkey
Evans	Renwick (Riverdale)
Farquhar	Renwick (Scarborough Centre)
Gaunt	Young—15.
Gilbertson	
Gomme	
Good	
Grossman	
Guindon	
Haggerty	
Hamilton	
Haskett	
Henderson	
Hodgson (Victoria-Haliburton)	
Jessiman	
Johnston (Parry Sound)	
Johnston (Carleton)	
Kennedy	
Kerr	
Lawrence (Carleton East)	
Morningstar	
Morrow	
McKeough	
McNeil	
Newman (Windsor-Walkerville)	
Newman (Ontario South)	

Ayes	Nays
Nixon	
Paterson	
Potter	
Pritchard	
Randall	
Reid (Rainy River)	
Reid (Scarborough East)	
Reilly	
Reuter	
Robarts	
Rollins	
Rowe	
Rowntree	
Ruston	
Simonett	
Smith (Hamilton Mountain)	
Snow	
Spence	
Stewart	
Trotter	
Welch	
White	
Whitney	
Winkler	
Wishart	
Worton	
Yakabuski	
Yaremko—65.	

Clerk of the House: Mr. Speaker, the "ayes" are 65, the "nays" 15.

Motion agreed to; second reading of the bill.

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON ACT, 1968

Hon. W. D. McKeough moves second reading of Bill 200, An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968.

Mr. F. Young (Yorkview): Mr. Speaker, I would like to ask the Minister if this is an omnibus bill covering all kinds of territory? It looks to me like a clear case of housekeeping, tidying up. I simply would like to ask the Minister if these matters have been discussed with the people concerned and if they are completely happy with the situation, if there is no grave objection by the local municipalities concerned.

Hon. Mr. McKeough: Yes, I would not like to indicate that everything has been discussed with the council or with the chairman, because I think there are probably a couple of things which we dredged up because of Niagara which we have put in possibly without discussion, but I do not think they will be unhappy with it.

Mr. Speaker: The hon. member for Waterloo North.

Mr. E. R. Good (Waterloo North): I would just like to add the fact that we will support second reading of this bill dealing with the 13 or 15 various amendments that are needed to resolve some of the deficiencies in the Ottawa-Carleton bill that has existed since its beginning, dealing with the inability of certain school areas to raise debenture issues, the change in the name of one municipality, the legalizing of the Nepean council to use seven instead of five as they have been doing, and various other amendments which are now brought into line with the practices which have existed. So we in this party will support this second reading.

Mr. Speaker: The hon. member for Lakeshore.

Mr. Lawlor: Very briefly, on this bill, Mr. Speaker, perhaps we could get it out of the way right now rather than on the committee. Is the practice mentioned in section 5 about the lithographing of signatures on cheques? Many firms, as I understand it, will lithograph, say, the signature of one signatory, but they would have to be countersigned by the original signature, the new signature, before the cheque was authorized. Is there not some inherent danger in the practice?

And the second thing I want to make mention of, to clear the ground: How on earth did it ever come to be that, in connection with section 16, there was no body to hang the money on, so to speak? There was no power to issue such debentures. How has this school board then been able to operate throughout a considerable portion of the fiscal year without this power?

Mr. Speaker: Order, please!

As is the custom on second reading of bills, all hon. members who wish to enter the debate should direct their remarks through the Chair to the hon. Minister, he will then reply. Questions regarding specific sections of the bill should be reserved for committee of the whole deliberations.

Is there any other hon. member who wishes to enter the debate on second reading?

If not, the hon. Minister.

Hon. Mr. McKeough: Just dealing with those two sections, section 5 is in The Metropolitan Toronto Act. That is where it originated and I think it would be fair to say that what is authorized in section 5 has probably gone on for some ten or 12 years in Metropolitan Toronto. And somebody there decided that it needed to be further legalized. This is the purpose of this section. It does not really change anything. And having legalized what Metropolitan Toronto had been doing, we decided we had better make sure that Ottawa-Carleton was equally as legal.

With regard to the second question the member asked, it was because of the hiatus—I think that is the word—between Bill 44 last year and this bill. This bill was introduced first with the thought that divisional school boards would be set up in all cases and that powers would be given to the new school boards to issue their own debentures. And, indeed, they were for all the school boards except that somewhere along the line towards the tail end of the session under Bill 44 it was decided not to set up the new school board in Ottawa itself, which will be an amalgam of the three school boards of Ottawa, Vanier and Rockcliffe. It was complicated somewhat by the existence of the Ottawa Collegiate Institute board which was something peculiar to Ottawa.

It was therefore decided by the Minister of Education, in effect, to delay that amalgamation for one year because of election problems, so that Bill 44, the power to issue debentures, does not come into effect in Ottawa until January 1 next. We had already introduced Ottawa-Carleton and we did not realize this problem until later on.

Motion agreed to; second reading of the bill.

THE MUNICIPALITY OF METROPOLITAN TORONTO ACT

Hon. Mr. McKeough moves second reading of Bill 201, An Act to amend The Municipality of Metropolitan Toronto Act.

Mr. Speaker: Before I put the motion to the committee, the hon. member for Dovercourt.

Mr. De Monte: Thank you, Mr. Speaker. I would like to introduce to the House, Mr. Speaker, some very distinguished gentlemen who are in our Speaker's gallery. I would like to introduce Senator Gino Zannini from the Republic of Italy; I would also like to introduce Rogera Bolza of the Department of Foreign Trade; Dr. Pietro Puccinni and Giovani Georgino and Dr. Marcio Corozi, the Consul General of Italy, to the House.

Motion agreed to; second reading of the bill.

Clerk of the House: The tenth order, committee of the whole House; Mr. R. J. Boyer in the chair.

THE CORPORATIONS ACT

House in committee on Bill 184, An Act to amend The Corporations Act.

Sections 1 to 3, inclusive, agreed to.

Bill 184 reported.

THE WORKMEN'S COMPENSATION ACT

House in committee on Bill 155, An Act to amend The Workmen's Compensation Act.

On section 1:

Mr. M. Makarchuk (Brantford): Mr. Chairman, I have an amendment for section 1, moved by myself and seconded by the member for Oshawa (Mr. Pilkey), that section 1 of Bill 155, an Act to amend The Workmen's Compensation Act be further amended by substituting the following for subsections (a) and (b):

43(a) for temporary total disability,

(i) where his average earnings are not less than $52 a week, an amount equal to his average weekly wage, and

(ii) where his average earnings are less than $52 a week the amount of such earnings, and for temporary partial disability an amount equal to that referred to in 1 and 2 until such time that the workman is employed, and a proportionate amount in accordance with the impairment of earning capacity while employed; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than;

(i) for permanent total disability and for partial disability while unemployed, a minimum of $225 a month or an amount equal to the average monthly wage of the workman, whichever is the greater and,

(ii) for permanent partial disability an amount referred to in one of subclause (a) in accordance with the impairment of earning capacity while employed.

Mr. Chairman: It is moved by Mr. Makarchuk that section 1 of Bill 155 be further amended by substituting the following for subsections (a) and (b).

I will not read this but it relates to the payment of funds and it is my understanding that the funds referred to are not public revenue but rather are insurance funds of the workmen's compensation board. Therefore, on that basis I will accept the amendment.

Mr. Makarchuk: Mr. Chairman, the purpose of this amendment is to remove the invidious effort to formalize or legalize poverty in this Legislature by raising the levels of income to the workmen who are injured, to $52 and to provide a minimum of at least $225 a month for injured workmen.

The other part of this amendment ensures that a workman who is partially injured at the moment will receive full compensation the same as if he were totally disabled. The purpose behind this amendment, Mr. Chairman, is that in very many cases workmen who have a partial disability cannot get work. It is an impossibility for them to find useful employment or employment of any type in industry or in any situation. And as a result, I feel that it is an obligation, it is a moral obligation on the part of the board to compensate these individuals during that period of time while they are unemployed.

The costs of this can very easily be borne by the industry concerned or the people responsible for the accident. Once again, Mr. Chairman, it is my belief that industry can do a great deal to lessen the number of accidents and if they are not doing it, then it should be their responsibility to compensate the workman for the disability which was incurred while he was working on their behalf. This is the purpose of this particular amendment.

Mr. C. G. Pilkey (Oshawa): Mr. Chairman, the member for Scarborough West (Mr. Lewis), when he was speaking, pointed out that this was less than the minimum wage. The Minister of Labour (Mr. Bales) is the Minister in charge of that legislation. It is his legislation that suggests that $1.30 per hour is a reasonable hourly wage in the province of Ontario.

This party obviously does not agree with that but nevertheless, the Minister of Labour does not indicate that in his legislation—and I recall, not so long ago, when he introduced the amendment to increase the minimum wage and said that this was a gigantic step forward in the province of Ontario on behalf of the unorganized workers to give them a measure of equity in our society.

Yet we find in this bill $40 a week. The amendment at least calls for the minimum wage predicated on 40 hours per week. Now I think that really—I do not know how the Minister rationalizes his position *vis-à-vis* Bill 155 as opposed to the minimum wage.

I also recall when the Minister was introducing the bill he pointed out that there were some 7,400 people or pensioners who would receive an increase as a result of this bill. The total annual cost would be something like $1,200,000 annually over the next ten years. I did some very simple mathematics and calculations to the best of my ability, and I find that the average increase for these people will be equivalent to $15 per month, not $75.

You know, the Minister made the observation that we were increasing this pension from $100 to $175 per month. But when we start averaging this increase out, it is a long way from $75 per month. You know, it comes to $15, the average based on $1.2 million over 7,400 pensioners.

Mr. S. Lewis (Scarborough West): Is that right?

Mr. Pilkey: I would like the Minister to comment to that point. And, in addition to that, I would like to know what this really means in terms of cost to the employers in this province—$1,200,000 spread over all the corporations in this province.

I would ask the Minister to answer this question. What is the maximum amount that any employer will pay? And I want to suggest before he replies, that it is a rather insignificant sum for every employer across this province, a very insignificant sum that they will be paying. If we went to the amendments that my colleague makes, from Brantford, it would be no hardship on the employers in this province. It is well within the ability of the employers of this province to pay, so that we can at least meet some minimum in terms of providing—I was going to say something just a little less than poverty, but maybe that is not the right term, because actually the amendment will not bring these people above the poverty line as enunciated by the Economic Council of Canada.

Mr. R. F. Nixon (Leader of the Opposition): If that is so, how can you possibly put it forward?

Mr. Pilkey: We can put it forward—

Mr. Nixon: After voting against the principle of higher pensions you now move an amendment for higher pensions.

Mr. Pilkey: Just a moment, just a moment. Let me answer the question on how we rationalize this position.

Mr. Nixon: You are certainly a great rationalizer.

Mr. Pilkey: Let me show you how we rationalize it. We rationalize it on the basis that this was the minimum wage in the province of Ontario, then surely the Minister could support that proposition. We are not advocating something more than the minimum wage in this province. We have said many times, that this will not meet a decent standard of living for the people in this province, but at least they could meet the minimum wage in this province.

Mr. Nixon: Does this meet the minimum wage?

Mr. Pilkey: Yes. This amendment meets the minimum page. As I pointed out, it is a great burden to the employers in this province. I think that it behooves this government to bring in a bill that costs very little in total —it sounds like a lot of money, but spread over every employer in this province it is a rather insignificant sum. Therefore, I urge the government to support the amendment and the Liberal party as well, to join with us in supporting this amendment, because it is necessary if we are going to do the job of providing additional resources for those people that have been injured in an industrial accident in this province.

Mr. Nixon: Mr. Chairman, this is hardly the time to be talking about principle, since we have already had the debate on the principle of the bill that is before us. Frankly, I was amazed that the NDP were unable to support the principle of the bill that did improve the payments to those receiving compensation under the Act as it is generally understood.

Since they have voted against it in principle, and their principles are a matter of degree, they have brought forward an amendment which will improve the situation even more, and certainly, supporting that principle, we can say that we feel that the money is available under the pension circumstances, and that the payments available to workmen's compenastion people should certainly be increased.

When the hon. member indicated in his earlier remarks that they still did not come up to the minimum standard, that on a basis of principle they had undertaken to divide the House, surely it was a surprising statement indeed. While we have all the time in the world, obviously, it appears that the NDP are going to divide the House again on this matter, and while we have already had full discussion and the division of the House, I want to make it abundantly clear that we support the amendment that is before us just as we supported the bill, which was the same principle.

Mr. D. C. MacDonald (York South): Mr. Chairman, I will just take 30 seconds. There is a paramount principle that sometimes, sooner or later—

Interjections by hon. members.

Mr. MacDonald: Sometime, sooner or later, we should quit talking about removing poverty and quit passing legislation which perpetuates poverty in this province.

Mr. Nixon: Does this remove poverty?

Mr. MacDonald: This certainly removes more than what you voted for on the principle.

Interjections by hon. members.

Mr. Chairman: The hon. member for Hamilton East.

Mr. R. Gisborn (Hamilton East): Mr. Chairman, as the member for Oshawa pointed out, the Minister of Labour, on introducing his bill, gave some calculations as to the cost factor in regards to increasing the benefits under this section.

The question raised in my mind under the present $100 a month for permanent total disability is: Could the Minister tell the House how many pensioners receiving that compensable amount, would be on social and family benefit supplements? Why is it the board has not got those figures in their records? Surely there must be some way to calculate what is happening to people receiving the pension?

I assume that many injured workmen on the permanent total disability pension of $100 a month would be entitled to a supplement, a large supplement from the social and family benefits. When we raised it to this picayune amount, that will be deducted from his supplement paid by the social and family benefits. So, it is just a transfer of cost from a department of the government to

the many thousands of industrial revenues across the province. In a lot of cases there are many pensioners who will benefit not one iota from this increase. I think that we should have a statement from the Minister as to how this will affect many of them, because we know that any income received by the recipient of social and family benefits from other sources, immediately cuts off his allowance. This is one of the problems in trying to calculate what benefits a person gets out of legislation that gives them further indemnities.

Mr. Chairman: Does the hon. Minister wish to reply?

Hon. D. A. Bales (Minister of Labour): I intend to reply to all the questions at one time, Mr. Chairman. If there are others I will wait.

Mr. Chairman: The hon. member for Welland.

Mr. E. P. Morningstar (Welland): Mr. Chairman, on a point of information. I was wondering on these moneys that these recipients receive from compensation benefits, if they pay income tax on them? I understand that they are free of income tax. I would just like to know, to verify it.

Mr. J. L. Brown (Beeches-Woodbine): There is not enough to give any.

Mr. Chairman: The hon. member for Dovercourt.

Mr. D. M. De Monte (Dovercourt): Mr. Chairman, I just wanted to ask the Minister one question. Are the added amounts that are going to be paid under this section, going to be advertised or paid out of the general revenues?

Mr. Chairman: The hon. Minister.

Hon. Mr. Bales: These will be charged against the contributors to the fund. When I gave the figure of $1.2 million that is to be paid into the fund over the next ten years, it is added to the charges over that period of time.

Mr. De Monte: May I also ask, Mr. Chairman, how many claimants will have their claims increased by this section?

Hon. Mr. Bales: In my initial statement on it, I used the figure 7,400. That is existing pensioners.

Mr. De Monte: Thank you.

Mr. Lewis: Does the $1.2 million apply to the 7,400?

Hon. Mr. Bales: Yes, that is the cost today. We cannot estimate the cost in the future until we know how many claims there would be.

Mr. Chairman: Is there further discussion or does the hon. Minister have any more comments?

Mr. Pilkey: Could I ask the Minister if my figure was correct then, that this would be an average of $15 instead of from $100 to $175, if we averaged it on $1.2 million?

Hon. Mr. Bales: I cannot accept those figures. I think you must bear in mind, Mr. Chairman, that this is related to earnings. You are talking about other matters. These payments, which we are dealing with at this point are minimum, and are related directly to the individual's earnings at the time of his accident or incapacity. They are not related to such things as welfare payments, or poverty or minimum wages or otherwise. They deal with it on that basis, and on that basis alone.

Mr. Pilkey: Could the Minister tell me, of the $1.2 million, how much the largest employer in the province of Ontario will pay into the workmen's compensation board—the amount that the largest employer will pay?

Hon. Mr. Bales: I cannot tell you that at this time. The figure is arrived at by taking the existing pensioners, and, for example, in total disability, you have some whose disability is under 24 per cent. There is a figure for that; between 25 and 49 per cent there is another figure. Adding all these up until you get to the 100 per cent figures, then we have a total amount which will be required to meet these pensions. It is charged over a 10-year period. I can tell you that there are about 134,000 companies involved. I cannot tell you how much they would be paying individually.

Mr. Chairman: The hon. member for Dovercourt.

Mr. De Monte: Mr. Chairman, 134,000 employees and the total cost of the increases is $1.2 million — pardon me — 134,000 employers or companies and the total cost of raising this is $1.2 million. Well, I presume that it is going to cost about $8 per employer per year.

It seems to me that when considering the total income of the board, which I understand last year ran about $102 million, that the Minister is being a bit picayune.

Mr. MacDonald: That is why we opposed it on second reading.

Mr. De Monte: It cannot cost the employer more than—

Hon. Mr. Bales: Mr. Chairman, this is related to existing pensions. In addition to that we have got the other charges.

Mr. De Monte: Yes, Mr. Chairman, I appreciate that it relates to existing pensions. But when we average out the costs, it is less than $10 per employee and if a man is in a high claims bracket, it may increase his payment to $100 a year. This is the whole point. This is practically an insult to us to say that we are going to increase the payments by $1.2 million, and we have 134,000 employers or companies to pay for this. And if we take it on an average basis, purely an average basis, it cannot cost the employers more than $50 a year if he is a highly rated employer and has a high accident rate.

Interjection by an hon. member.

Mr. De Monte: Let us consider that a highly rated employer is going to pay $50 a year. We could triple this, Mr. Chairman.

Mr. Chairman: Continue this debate through the Chair!

Mr. De Monte: I am sorry, Mr. Chairman. We would triple this without any hardship on the employers of this province, and I cannot see why the Minister does not think about tripling it. He should amend the Act right now, move an amendment right now to triple these payments.

Mr. Chairman: The hon. member for Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): Mr. Chairman, I would like to ask the Minister how this will affect an individual receiving a pension from an injury dating back some 20 years, and having had his pension progressively increased from its original amount to $47 and then eventually to $70.25 as it is today. Will the present Act increase his pension, excluding the amendment that was introduced by the member for Brantford, to a total permanent disability of $175 a month?

Hon. Mr. Bales: Is it a total permanent disability situation?

Mr. B. Newman: Total permanent disability, receiving $70 before.

Hon. Mr. Bales: Well, if he were receiving $70 at the present time, then it is not a total disability case. There is obviously a percentage in there. It must be 70 per cent disability.

Mr. B. Newman: His disability pension was based on his earnings back in 1946.

Hon. Mr. Bales: If, at the present time, he were totally disabled, under the existing sections he would be receiving $100 rather than $70. And if it is $70, then it is a percentage total disability, and he would then get a percentage, the same percentage of $175.

Mr. Chairman: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Chairman, I had not intended to enter this debate, but as I sit and listen to the Minister explain the position that he has taken and I think of the reasonableness of the position that we have put forward, I must say, sir, that the Minister has insulted the intelligence of the members of this House, to even suggest to bring an amendment of this type forward at this time that is so totally inadequate. And when you take into consideration the pitifully small amount of money that is required to be raised to bring this up to a level that would at least provide something close to sufficient money to sustain some family's existence, it is incomprehensible.

I suggest to the Minister that he did not take into consideration at all the effect that this legislation would have. It is meaningless; it is stupid. It is indicative of this government's attitude towards the people of this province. And it is time that someone exposed exactly how you react to the needs of people. It is a disgusting exhibition, and for the life of me I cannot see why the Minister cannot accept an abundantly reasonable amendment like this. It is not even adequate; even the amendment falls far short.

Surely to goodness, considering the pitifully small amount of money and the amount that it will assist the many families in this province who desperately need it, it is not too much to ask that the Minister would accept this amendment.

Mr. Chairman: Those in favour of Mr. Makarchuk's motion will please say "aye".

Those opposed will please say "nay".

In my opinion the "nays" have it.

Mr. MacDonald: I am speechless. That is typical of the attitude of the government.

Mr. Chairman: Call in the members.

Those in favour of Mr. Makarchuk's motion will please rise.

Those opposed please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 31 and the "nays" 49.

Mr. Chairman: I declare the motion lost.

Section 1 agreed to.

On section 2.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, I would like to move an amendment to section 2, moved by myself and seconded by Mr. De Monte that section 2 of Bill 155, An Act to amend The Workmen's Compensation Act be deleted, and the following substituted therefor:

> Every report made under section 52, and every other report made or submitted to the board by a physician, surgeon, hospital nurse, dentist, drugless practitioner, chiropodist or optometrist must be made available to the claimant or his authorized representative, and is deemed to be a privileged communication of the person making or submitting the same, and of the claimant, and unless it is proved that it is made maliciously, is not admissible as evidence or subject to production in any court in an action or proceeding against such person.

Mr. Chairman: Perhaps the hon. member will wait until the Chair receives the motion and puts it before the committee.

Mr, Lawlor moves that section 2 of Bill 155 be deleted and the following substituted therefor as read by the hon. member for Lakeshore.

Mr. Lawlor: Mr. Chairman, there is no point in flogging this horse this afternoon. We have made our representations basically about this proposition.

The proposition, I suggest, to the Minister, Mr. Chairman, ought to commend itself to him, because he is a lawyer, first of all, and knows about privileged communications in their formal sense. The only privileged communication, of course, in a legal way, is that of the claimant, or the patient, or the lawyer's client in that area of privileged communications. They have nothing to do with the medical profession as such; certainly not with nurses and optometrists and others.

But we are not going to take great issue with that principle; we will leave it in there to protect as it is claimed it is necessary to protect legal medical people in favour of candour, in favour of the complete and open discussion and disclosure to the board of all relevant factors connected with the man's injuries.

Why it should be so that they would need this kind of protection escapes me somewhat; in other areas of their professional life they do not enjoy any such privileges, and if they are in any way people apart from malice acting in an incompetent capacity, then I would think that that should be made known to the general public, and to the board. But be that as it may, that is not the central core of what we wish to get at here. We want it acknowledged, as it is in the law that it is the claimant's privilege that is at stake here, not the employer's privilege. He is, after all, the person who has been injured, and it is in terms of his injury and the terms of his representations arising out of that injury, that the whole factor of workmen's compensation came into being.

We have said *ad nauseam,* and I hesitate to pursue it further, but we have stressed the considerable disadvantage representatives of the people suffer before these boards, as a result of the armed and defended tabernacle before which you appear. In other words, I will just repeat it for as far as I am concerned, the final time.

The board sits with a great file in front of it, opens the file, asserts certain principles and facts in face of your clients or the patient or the claimant's evidence, which you have no way of substantiating one way or the other. You do not know in advance what it contains; they spring it on you, so to speak, and spring things on people. Our law has bent over backwards to prevent surprise and being taken by misadventure, and particularly in cases of this kind, where the adversary system is not—it used to be suppressed, it used to be kept in a secondary position.

Why would you place a claimant in so invidious a position? Surely he has a right to access to his own file, and surely if he has counsel that counsel should be able to investigate them along with him in order to prepare a case, in order to know what the case

is that he has to meet, because in a sense, now that so much is suppressed, this is precisely his role.

I notice that this section is rather more narrowly construed. I do not think it has been pointed out but earlier in the debate in this House—after all, this section is directed to courts, not to the internal procedures of individuals before the board. I am suggesting for future purposes, and I think that perhaps the Minister will agree, Mr. Chairman, that what I am suggesting here at least should be considered with respect to appearances by claimants and their representatives before the board, that they should be entitled to obtain a wider ambit of information than they presently possess.

This principle touching the use of this evidence in Court is still valid as I presented it here this afternoon, but that is really what the clause is directed to, not to the thrust of our previous arguments largely. I wonder if the Minister concedes that point. It arose out of, I think, the Kuzuc case, where Mr. Justice Hart used rather strong language for a judge about natural justice and the right of a claimant to be given the wherewithal whereby to present his case instead of having to face a blank. I suppose that the court's interests at this level is with respect to *certiorari* proceedings. But even if that were the case, even if we conceded the principle that evidence of this kind should be privileged by the board, and by the board solely if you will—but I would think more equitably under British law by the board and by the claimant from external court proceedings—surely now that principle need not apply within the terms of the internal ramifications of the board itself.

I would address that to the Minister for a possible future amendment. But in any event, we are saying one simple thing, and I wonder if the Minister might not consider if he can accede to it: Ought not a man who is the injured person be given the right to exercise the privilege in this regard which is essential and formerly his privilege and not anyone else's?

Mr. Chairman: The hon. member for Dovercourt.

Mr. De Monte: Mr. Chairman, I think that our position has been made clear on second reading of the bill, but I want to put it to the Minister that if the board is going to institute an adversary system as it has done with different levels of appeals and trials, should not there then be a disclosure so that a person appearing before the board or a claimant appearing before the board should have the details of the case that is against him?

I think one of the biggest portions of a mandate appearing before the adversary system of the board is the medical reports that have been made available to the board by the doctors that have examined him. Anybody appearing before the board should certainly know what they have to contend with in an adversary way, and therefore all reports should be made available to the claimant or to his authorized representative, so that he can meet the case that is being placed before the court.

Now, one of the elements that a court frowns upon is the element of surprise by one party over another. And I think on this basis there should be a full disclosure of the file of the workman to the claimant or his authorized representative. And one other thing that sometimes we miss is the question of natural justice. Is it because the board is afraid that if the file and the reports were disclosed and the decisions were disclosed, that it perhaps could be construed that the claimant was denied natural justice? Of course, as everyone knows, a denial of natural justice, even from a board, gives rise to a right to appeal to the courts.

I think, in connection with administrative tribunals, that is about the only way a person can get his way into court if he can show that there was a denial of natural justice. So I urge the Minister, Mr. Chairman, to accept this amendment and then perhaps the advisory system as it is presently constituted, will be a little fairer to the claimant.

Mr. Chairman: The hon. member for Riverdale.

Mr. J. Renwick (Riverdale): I would like to make one distinction on the amendment. The distinction is that I think the employer has quite a legitimate position in the problem with which the board is faced in assessing the compensation on the one point, and that is whether or not the injury has occurred during the course of the employment, or arising out of the course of the employment. That is a legitimate matter for the employer to be involved in.

But, once that matter is determined, it is not a matter then where the adversary system

should be pursued any further. It is at that point that the board has to make the assessment of the extent of the injuries that the workman suffered in order to determine what compensation he will be entitled to receive. It is then not a promotion of the adversary system to say that the claimant, the state of whose health or the condition of his body, or the extent of his disability, is a matter of profound concern to him, should not be in a position to put forward his assessment or the assessment of his doctor or the assessment in contradiction of or in support of the assessment made by the doctor for the board.

In many cases, this would eliminate the claimant wanting to have a separate medical report by another doctor. If he had the specific information in the original report, he might very will be in a position on reflection and assessment, and whatever other advice he wants to take, to accept it.

The principal point is that we are not interested in promoting at the board an extension or elaboration of the adversary system. We think the employer has a legitimate position on the question of whether the injury arose out of the course of the employment. He does not have a legitimate position so far as any knowledge about the state or extent of the injury or health conditions or the medical history of the claimant are concerned. That should be privy to the claimant and to the board equally.

Mr. Chairman: Does the hon. Minister care to comment?

Hon. Mr. Bales: We cannot accept the amendment as proposed by the hon. member for Lakeshore because those reports are already made available to the claimant's doctor, and his doctor, is the best one to interpret those medical reports for the individual. This has been standard practice. The summaries are given to the claimant and care is taken that they quote from the relevant section of the report so that accurate information is given to the claimant himself.

More than that, reference is made to the Kuzuk case, and the judgment of his Lordship, Mr. Justice Hart. But that case went to the court of appeal, and in reference to this particular point, the court of appeal said that the doctor had the report, and the information there could have come from the doctor or his representatives could get it from the doctor himself. He was not denied the report, and subsequently, as a matter of fact, the representative was given whatever assistance he required from the board itself.

Now, over the years the practice has grown up in the board, through the summaries and through other means, to try to provide the claimant or their qualified representative with the information that they will require to adequately represent the claimant, and of course, the individual can submit medical reports of his own to the board as evidence if they so wish. For these reasons, we cannot accept the amendment because we believe that with this, we shall encourage full and complete medical reports which might not otherwise come to the board and with those kind of reports the board will be better able to deal with the claim and to arrive at a just and satisfactory amount.

Mr. Chairman: The hon. member for Riverdale.

Mr. J. Renwick: Very briefly, the Minister can correct me if one of the statements I make is not accurate. As I understand it we are dealing in the Medicare bill before us—one of the exclusions is the workmen's compensation. Therefore, if a man is covered under this proposed medical care scheme, then you have a situation where the workman, if he is going to consult his own doctor and get a report, is going to be incurring the medical expense of that report for which he will not be covered under the proposed Medicare scheme, as I understand it, which is now before us. That is my first point.

My second point is that the appeal tribunal of the board—the concept was a valid one within the limitations that we are trying to grope to for some adequate review procedures, but it is wrong to the extent that it gets more and more coloured with the adversary system. And I am saying to the Minister that there are many claimants, who, if they had available to them the report of the board's doctor, and a sense of complete disclosure about the matters which are in the mind of the appeal tribunal, either by written report or in oral conversation, would be quite prepared to accept the board doctor's assessment and report.

There will be other cases where they will not, of course, but in many instances you can mute the adversary concept and at the same time give a sense of fairness to the hearing, if you will be reconsidering this amendment, and particularly the pressure which such an injured workman is under—if I

am right, that under the medical care standard coverage, which we are debating at the present time, there would be an exclusion of the payment of the expense of his own doctor's report.

Now, I do not know what the exact meaning of the words in the bill before us subsequently are, about the workmen's compensation, but there is a specific exclusion about that matter, and I would assume it excludes the doctor's reports leading up to an assessment and determination of that liability.

Mr. Chairman: The hon. Minister.

Hon. Mr. Bales: Mr. Chairman, I think the hon. member must bear in mind, as I said earlier today, that the claimant has the initial choice of doctors. If he wishes to change doctors, he must obtain the consent of the board to that change. But if there is a second doctor taking over his case, then he receives the reports just as the initial doctor did, so that information is provided to the doctors as they go along, and those who represent him to have the information and can properly interpret it to the claimant.

Mr. Chairman: Those in favour of Mr. Lawlor's motion will please say, "aye."

Those opposed will please say, "nay."

In my opinion the nays have it.

Mr. Lawlor: Mr. Chairman, as the mover of the motion I—

Mr. Chairman: I cannot hear the hon. member at all. I cannot hear him.

Mr. Lawlor: It is all right, forget it.

Mr. Chairman: Call in the members.

Those in favour of Mr. Lawlor's motion will please rise.

Those opposed to Mr. Lawlor's motion will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 33, the "nays" 46.

Mr. Chairman: I declare the motion lost.

Section 2 agreed to.

Sections 3 to 4 agreed to.

Bill 155 reported.

Hon. Mr. Robarts moves that the committee of the whole House report two bills without amendment and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report two bills without amendment, and asks for leave to sit again.

Report agreed to.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, with the indulgence of the House may we revert to motions?

Hon. Mr. Robarts moves that when this House adjourns at the present sitting thereof, it do stand adjourned until 9.30 a.m. tomorrow.

Motion agreed to.

Hon. Mr. Robarts: While we are in motions, Mr. Speaker, I move that a select committee of this House be appointed to examine and review the rules, standing orders, practices and procedures of the Legislature, and to report its findings and recommendations to this Assembly not later than October 1, 1969, and that the select committee have authority to sit during the adjournment of the session, and have full power and authority to employ such personnel as may be deemed advisable and to call for persons, papers and things and to examine witnesses under oath. And the Assembly doth command and compel attendance before the said select committee of such persons and the production of such papers and things as the committee may deem necessary for any of its proceedings and deliberations for which purpose the Honourable the Speaker may issue his warrant or warrants. The said committee to consist of 13 members.

Mr. Speaker: Mr. Robarts moves, seconded by Mr. Welch, that a select committee of this House be appointed to examine and review the rules, standing orders, practices and procedures of the Legislature, and to report its findings and recommendations to this Assembly not later than October 1, 1969, and that the select committee have authority to sit during the adjournment of the session, and have full power and authority to employ such personnel as may be deemed advisable, and to call for persons, papers and things and to examine witnesses under oath. And the Assembly doth demand and compel attendance before the select committee of

such persons and the production of such papers and things as the committee may deem necessary for any of its proceedings and deliberations, for which purpose the Honourable the Speaker may issue his warrant or warrants. The said committee to consist of 13 members to be composed as follows:

Mr. Hodgson (Victoria-Haliburton), chairman; Mrs. Pritchard, and Messrs. Evans, Farquhar, Kennedy, Lewis, Peacock, Reid (Rainy River), Smith (Hamilton Mountain), Sopha, Villeneuve, Winkler and Yakabuski.

Motion agreed to.

Hon Mr. Robarts moves that Mr. Sopha be removed from the company law committee to be replaced by Mr. Trotter.

Motion agreed to.

Hon. Mr. Robarts: While we have a minute or two here, I would like also to file the answers to questions 49, 54, 56, 57, 61, 75, 76 and 87. (See appendix C, page 6290)

Clerk of the House: 10th order; House in committee of the whole House; Mr. A. E. Reuter in the chair.

It being 6.00 of the clock, p.m., the House took recess.

APPENDIX A

SUMMARY OF INDUSTRIAL OPPORTUNITY LOANS APPROVED AS OF JUNE 19, 1969

	Number of Loans	Forgiveable Loan Amount	Employment		Plant Area (sq. ft.)	Total Cost	
			Later	Initial		Plant	Equipment
		$				$	$
North	18	3,435,000	629	997	297,000	3,300,000	16,300,000
East	51	10,401,000	2,300	4,794	1,757,000	20,900,000	21,800,000
South	71	9,160,000	2,790	5,681	1,888,000	18,200,000	19,000,000
	140	22,996,000	5,719	11,472	3,942,000	42,400,000	57,100,000

APPENDIX B

Question before the orders of the day by Mr. Ruston (Essex-Kent):

Would the Minister inform the House how many Development Roads have been built in the province for the years '67 and '68 and the locations (name of county) of the construction?

Answer by the Minister of Highways:

1968-69 (Fiscal Year)

COUNTY JURISDICTION

D.R. No.	Under Construction	Miles
791	Haldimand	6.4
834	Wellington	6.4
841	Dufferin	12.5
855	Hastings	5.6
868	Lennox and Addington	4.8
899	Huron	4.2
842	Prince Edward	5.5
886	Grey	17.5
907	Lennox and Addington	4.2
888	Brant	3.5
929	Brant	10.0
939	Brant	2.4
969	Prescott and Russell	5.6
828	Peterborough	9.2
851	Victoria	14.4
895	Norfolk	4.6
908	Lennox and Addington	2.9
920	Northumberland and Durham	4.6
923	Stormont, Dundas and Glengarry	8.4
957	Frontenac	3.5
846	Lanark	6.1
912	Haliburton	14.1
916	Leeds and Grenville	6.2
924	Stormont, Dundas and Glengarry	6.9
931	Elgin	5.6
972	Elgin	8.9
858	Lambton	4.4
819	Bruce	1.0
837	Lambton	8.1
	29 County Projects	197.5

D.R. No.	Completed	Miles
788	Stormont, Dundas and Glengarry	9.4
824	Hastings	7.2
848	Ontario	4.3
821	Lanark	2.0
849	Ontario	2.1
850	Ontario	2.8
860	Leeds and Grenville	5.3
683	Lincoln Welland Co. Line	14.4
775	Victoria	5.6
	9 County Projects	53.1

TOWNSHIP JURISDICTION

D.R. No.	*Under Construction*	*Miles*
796	Sebastopol	10.0
926	Harley and Dymond	—
831	Hilliard	0.1
913	Neelon and Garson	5.1
965	Hagerman	0.9
995	Beckwith	1.4
997	Glackmeyer	12.2
1012	Town of Kearney	—
806	Olden	7.7
901	Town of Kapuskasing	1.0
918	Hagar	1.0
984	Camden East	0.3
	12 Township Projects	39.7

D.R. No.	*Completed*	*Miles*
797	Brudenell and Lyndoch	6.6
873	Springer	2.3
798	S. Algona	7.2
761	Adolphustown	3.8
1006	S. Fredericksburgh	6.0
740R	Bangor Wicklow and McClure	4.0
768	Matilda	3.8
1014	Alice and Fraser	2.5
799	Ashfield Huron	1.3
802	Madoc	2.4
738	Raglan	7.0
805	Herschel	3.1
656	Caldwell	4.2
743	East Ferris	4.5
782	Bonfield	3.8
703	Seymour	4.3
	16 Township Projects	71.3

SUMMARY

Total County Projects	38	— 250.6 miles
Total Township	28	— 111.0 miles
Total Development Road Projects	66	— 361.6 miles

1967-68 (Fiscal Year)

COUNTY JURISDICTION

DR. No.	*Under Construction*	*Miles*
825	Wellington	10.5
835	Wellington	9.3
839	Stormont, Dundas and Glengarry	6.3
844	Lanark	6.4
867	Prince Edward	3.9
840	Elgin	12.0
843	Victoria	5.5
845	Lanark	3.8
847	Norfolk	3.3
958	Norfolk	2.5
853	Brant	2.8
859	Leeds and Grenville	3.3
861	Frontenac	7.9
783	Grey	25.0
833	Peterborough	5.1
856	Hastings	7.8
862	Frontenac	5.2
864	Prescott and Russell	7.9
866	Prince Edward	3.0
832	Peterborough	4.7
842	Victoria	6.3
865	Prescott and Russell	8.3
	22 County Projects	150.8

D.R. No.	*Completed*	*Miles*
800	Northumberland and Durham	0.4
820	Lanark	4.3
818	Northumberland and Durham	1.7
684	Norfolk	8.4
938	Brant	0.7
724	Middlesex	7.0
759	Huron	10.1
777	Dufferin	6.9
758	Bruce	12.5
769	Ontario	5.3
718	Victoria	9.5
817	Prince Edward	8.3
572	Leeds and Grenville	6.0
642	Leeds and Grenville	8.5
711	Hastings	4.5
732	Lennox and Addington	10.8
826	Frontenac	6.5
676	Renfrew	13.8
773	Prescott and Russell	15.6
789	Prescott and Russell	6.3
	20 County Projects	147.1

TOWNSHIP JURISDICTION

D.R. No.	*Under Construction*	*Miles*
744	Albion	4.7
787	Caistor	7.2
759	Sherwood, Jones and Burns	9.1
793	Blenheim	—
823	Huntley	5.8
830	Chelmsford	0.1
754	Goulbourn	10.4
904	Clarendon and Miller	6.7
906	Palmerston and N. & S. Canonto	15.0
760	Tecumseth	7.7
815	Thessalon	0.1
829	Town of Parry Sound	1.2
801	Tudor and Cashel	11.0
983	Cornwall	0.7
852	Somerville	2.3
790	Joly	0.7
874	Worthington	7.1
883	Tyendinaga	4.0
948	Assiginack	12.1
949	Howland	8.0
951	Hallam	8.0
982	Kenyon	3.2
587	Belmont and Methven	17.7
	23 Township Projects	142.8

D.R. No.	*Completed*	*Miles*
614R	Christie	2.0
659	Dummer	12.0
667	Brunel	3.7
927	Eramosa	0.1
725	Murray	3.0
733	Bosanquet	2.7
541	Admaston—Bagot T.L.	10.4
34R	Carling	10.0
704	Alnwick	2.9
807	Conmee	3.2
884	Leeds and Lansdowne	3.0
794	Blenheim	—
715	Sydenham	2.0
802	Madoc	2.4
779	Lavant	6.4
822	Marlborough	4.5
880	Dalhousie and N. Sherbrooke	0.6
117R	Radcliffe	6.7
804	Wollaston	0.9
869	Matawatchan	—
737	Chisholm	1.3
872	Clara	—
808	Jocelyn	1.5
	23 Township Projects	79.3

SUMMARY

Total County Projects	42	— 297.9 miles
Total Township	46	— 222.1 miles
Total Development Road Projects	88	— 520.0 miles

APPENDIX C

Answers to questions were tabled as follows:

49. *Mr. Braithwaite*—Enquiry of the Ministry—In the light of the proposals made at the University of Toronto Conference on the Social Aspects of Science Policy, will the Premier now establish a permanent Advisory Panel of non-governmental experts, professionals from various disciplines, and lay citizens, to assemble data, make recommendations and generally assist the Government in its decisions in areas such as: urban development, the psychology of welfare, stress and overcrowding in relation to human health, mass transit and mobility studies, and general environmental maintenance?

Answer by the Prime Minister:

The government now benefits from the knowledge and experience of a great many experts, professional, and lay members of the general public who serve on advisory committees and councils.

All departments which have concern for the areas mentioned have in the past sought and will continue to seek assistance of non-governmental experts from a wide variety of disciplines, as well as knowledgeable and interested citizens at large. Establishment of an additional advisory panel would not seem to be justified.

54. *Mr. Reid* (Scarborough East)—Enquiry of the Ministry—(a) What are the total capital costs of the Moosonee Education Centre to date? (b) Who were the contractors for the construction? For major equipment? For major furnishings? (c) Were any abnormal advances made by the province to cover outlays of the contractors at this northern site before work was done; loans guaranteed or special financial arrangements made to ensure that work went ahead smoothly? (d) Does any other provincial department share in the capital costs of the Moosonee centre? (e) What was the cost-per-teacher of the residential accommodation provided for staff? Is this substantially in excess of comparable federal accommodation, e.g. for doctors, nurses, service officers, and so on in the north? (f) What costs are covered by federal/provincial agreements? (g) Have computer-assisted instruction experiments taken place between the centre and other centres in the United States, under the aegis of O.I.S.E., and, if so, who paid the

costs? Was any part of this cost recovered from United States sources? (h) Was the Ontario Northland Transportation Commission involved in any arrangement for the use of its microwave facilities or wire circuits for the purposes of such instruction, and, if so, will the Minister table a copy of this agreement or contract? (i) Have discussions taken place between The Department of Education and the O.N.T.C. regarding the possible use of its microwave link to carry television to Moosonee, and if so, with what result?

Answer by the Minister of Education:

(a) Total capital costs of the centre are $2,602,150.92 as of March 31, 1969.

(b) The construction contractors were:

1. John Clark Building Enterprises Ltd., New Liskeard, for the centre.

2. The Moosonee Board of Governors for Residences 1-7. This was done as a training project for students in the building trades.

3. Panabode Ltd., and J. M. Fuller Ltd., for Residences 8-15.

The contractors for major equipment were:
Northern Canada Supply Ltd.
Singer Company of Canada
The Peddlar People Ltd.
The A. R. Williams Machinery Co. Ltd.
Dominion Road Machinery
Simola Diesel & Welding Ltd.
George W. Crothers Ltd.
Equipment Sales & Service
Outboard Marine Corp. of Canada Ltd.
Ronasco Welding Supplies Ltd.
Oliveti Underwood Ltd.
Timmins Stationery & Office Supply Ltd.
Simpson's Contract Division
Carl's Office Supply
Standard Tube and T. I. Ltd.
Canadian Library Supply
Nor-Ed Supplies Ltd.
Eddy Office Supply Co. Ltd.
Simpson's Contract Division
Guay's Garage Ltd.
Vector Holdings Ltd.
Federal Equipment
Bustard Bros. Ltd.
Caswell Motors Ltd.
North End Auto Supply
G. H. Wood & Co. Ltd.
Cassidy's Ltd.
Hudson's Bay Co.
Steel Equipment
Moyer Division
Royal Metal Corporation

(c) No. Regular payments were made by the Board of Governors when invoices submitted for completed work were approved by the architect.

(d) Costs of the centre are shared by The Department of Social and Family Services for the nursery school ($284,000). The Department of Public Works holds title to the land.

(e) $23,316. A reducing factor would be the rental fees for the accommodation which exceed operational costs. It is not known how the cost-per-teacher compares with federal accommodation costs, as we do not have comparable figures.

(f) The federal government, through The Department of Indian Affairs and Northern Development, has agreed to pay $740,055 of the capital costs. Fees for students of Indian status are paid by the federal department. The Department of Manpower and Immigration pays the costs for students in the Manpower training programmes at the centre.

(g) Early in 1968 the Ontario Institute for Studies in Education in co-operation with the Ontario Northland Transportation Commission made one initial attempt to prove that a computer link between Moosonee, Kentucky and Stanford University in California was feasible. This involved technicians of the Ontario Northland Transportation Commission in their offices at Moosonee and was paid for by the Ontario Northland Transportation Commission. The test involved a Grade 6 computerized learning programme. No students or staff of the centre were involved.

(h) The facilities used were the wire circuits only; no use was made of the microwave facilities. There was no agreement or contract with the government.

(i) There have been no formal discussions between The Department of Education and the Ontario Northland Transportation Commission regarding the possible use of the micro-wave link to carry television. At present, video-tapes of ETV programmes are made available to the centre.

56. *Mr. Haggerty*—Enquiry of the Ministry—1. Is Carcinoma of the Left Middle Turbinate classified as an industrial disease? 2. On what grounds was claim No. S7805085, Mr. Nelson Davison, aged 56, of R.R. No. 1, Port Colborne, Ontario, an employee of the International Nickel Company, Port Colborne, disallowed by the Workmen's Compensation Board? 3. In what departments of the company did Mr. Nelson Davison work? 4. How were these departments shielded from airborne carcinogens? 5. What are the implications of this disqualification, touching on all employees, such as progress chasers, who move about industrial operations, and who sometimes work in the office and sometimes

are in the plant? 6. How well informed is the Board on the incidence of new research in regard to possible employment hazards in industrial production? What liaison exists with The Department of Health in this regard? 7. To what learned journals did the Board subscribe in the last complete year for which records are available? Please tabulate.

Answer by the Minister of Labour:

1. Yes, if it can be shown that such a disease is peculiar to and characteristic of a particular trade or occupation, or if it can be shown that the disability resulting from such a disease is in fact disablement arising out of employment.

2. The claim was disallowed on the grounds that Mr. Davison had not been employed in that part of the plant at International Nickel Company, Port Colborne, where there had been any exposure to carcinogenic agents during the course of his employment.

3. His entire employment with the International Nickel Company was in the Electrolytic Department.

4. The departments of the refinery where there was exposure to carcinogenic agents were: (1) cupola department, (2) sintering operations, (3) calcining operations. The cupola department ceased operations in the early 1930's. Sintering operations were discontinued in 1958. Calcining operations since 1958 have been reduced to one furnace operating two half-days per week, as compared with fourteen furnaces operating twenty-four hours per day, seven days per week in earlier years. The same area which held fourteen furnaces now only has the one furnace operating as stated. The reduced use of the furnace, combined with the general ventilation, virtually eliminates as of this time all exposure.

5. There are no implications in the disallowance of this claim with respect to the progress chaser type of employee or maintenance and mechanical department employees. Claims submitted showing this type of employment are considered on the basis of a reasonable estimation of the extent to which such employees would be exposed within departments where there had been exposure to carcinogenic agents.

6. The Board has one doctor employed continuously with respect to claims made for disability resulting from environmental health hazards, and in addition has one doctor devoting his time continuously to respiratory problems. A very close liaison is carried on with The Department of Health through the Head of the Environmental Health Branch who makes himself available to the Board weekly for this purpose. Through him the Environmental Health Branch of The Department of Health informs the Workmen's Compensation Board of any operation where an occupational disease hazard is found to exist. In addition, the staff of the Environmental Health Branch of their own volition and through the liaison with the workmen's compensation board, conduct continuing in-plant investigations.

7. American Review of Respiratory Diseases.
Archives of Dermatology
Archives of Environment
British Journal of Industrial Medicine
British Journal of Radiology
Health
Industrial Medicine and Surgery
Journal of American Medical Association
Tubercle

In addition, the Board has a weekly loan service arrangement with the Academy of Medicine Library, the University of Toronto Library and The Department of Health Library.

In addition the Board has available to it, and has used, medical libraries in the United States where desired articles are not available in Canada.

57. *Mr. Haggerty*—Enquiry of the Ministry 1. With respect to workers being exposed to new materials that are proving to be carcinogens, what continuing steps is the Minister of Health taking to evaluate new materials in this regard, and to re-evaluate older, more traditional materials in the light of new knowledge as to their carcinogenic and other hazardous properties? 2. What continuing liaison exists between the Research Laboratory of the Department of Health and the Workmen's Compensation Board in this regard? How are the members of the Workmen's Compensation Board kept abreast of new hazards that might be expected to confront them in compensation cases? Is there a bulletin or journal advising them of new developments in these areas? 3. Will the Minister comment in particular on a letter dated April 3, 1969, addressed to the Medical Officer, Claims Department, Workmen's Compenastion Board, 90 Harbour Street, Toronto, Ontario, with copy to Dr. Mastromatteo in the Department of Health; relating to the case of Mr. Nelson Davison, age 56, of Rural Route No. 1, Port Colborne, Ontario; Workmen's Compensation Claim Number S 7805085; Diagnosis Carcinoma of

the Left Middle Turbinate; letter signed by Dr. R. G. C. MacLaren, FRCS, DMRT, The Ontario Cancer Foundation, Hamilton Clinic? 4. In particular will the Minister of Health comment on the following passages from the letter: "I know nothing of the details of the processes of refining nickel, but I do know that this type of tumour is unusual in the general population. This clinic sees patients from Hamilton, Burlington, Guelph, Galt, Brantford and the Niagara Peninsula, and between 1958 and 1967, we have records of nine cases in males. Their towns of origin are: Port Colborne, 6; Fort Erie, 1; Welland, 1; Wellandport, 1. I have no way of knowing that these nine cases all worked at the International Nickel Company, although some certainly did. We have other cases of women who are scattered on a more random basis, and I am surprised that we have no other cases of males from the rest of our area, as we should have one or two cases from large cities like Hamilton. As this patient has worked at the International Nickel plant for many years and as the disease from which he suffers seems to be uncommon elsewhere, I think it would probably be advisable to review the decision regarding this claim"?

Answer by the Minister of Health:

(1) During development for industrial use, the majority of new chemicals are tested by the manufacturer for toxic effects. A number of them will be tested for carcinogenicity should such effects be suspected from their chemical structure or similarity to other known carcinogens. The results of such testing are published in scientific journals on a voluntary basis. It should be realized that the response in humans does not necessarily parallel that in animals. The Department of Health does not undertake to test new chemicals for carcinogenicity. Through the health Studies Service of the Environmental Health Branch it does conduct studies of morbidity and mortality in specific occupational groups. As a result of such studies, increased risks of cancer of the skin, sinuses and lungs have been recognized in certain operations, and action taken to eliminate or greatly minimize the risk through use of alternate chemicals, process changes, etc.

(2) The Workmen's Compensation Board is informed directly of the results of these enquiries. The results of industrial hygiene in-plant investigations are also reported to the Board, where applicable. In addition, three members of the Environmental Health Branch who are specialists in occupational medicine review claims for occupational disease on a routine basis. I am not aware of any special bulletin or journal devoted to the compensation aspects of occupational disease, but there are many scientific journals published dealing with industrial hygiene and occupational diseases (e.g. AMA Archives of Environmental Health, British Journal of Industrial Medicine), in which the latest studies are reported.

(3) and (4) With regard to Dr. R. G. C. MacLaren's letter concerning the claim of Mr. Nelson Davison, a member of my staff has been in touch with Dr. MacLaren. The six cases mentioned from Port Colborne include Mr. Nelson Davison. All six worked at the Port Colborne Refinery. Five of these cases have been allowed compensation, since they met the criteria of the Workmen's Compensation Board respecting exposure. The latter were established following a study conducted by our Industrial Hygiene Branch in 1958 which revealed that men who had been employed for 1 year or more in cupola, calcining or sintering operations at the refinery had sustained a significantly increased risk of sinus cancer. No increased risk was found for men employed in other occupations. Mr. Davison's claim was disallowed since company records showed that he had been employed only in the electrolytic department during his 36 years and nine months of employment at the refinery.

Of the other three cases mentioned in Dr. MacLaren's letter, there is no record that the men from Fort Erie and Welland ever worked at the refinery, and the third man from Wellandport worked there as a general labourer for only 1½ months in the early 1940's. With regard to Dr. MacMillan's comment that no cases of sinus cancer from Hamilton, Galt, Guelph or Burlington had been seen at the Ontario Cancer Clinic, Hamilton, between 1958 and 1967, our staff has recently reviewed all deaths from sinus cancer in Ontario during the years 1958 to 1968 inclusive. There were 8 such deaths among residents of Wentworth County, 2 from Wellington, 2 from Halton, 4 from Lincoln, and 4 from Welland excluding 8 cases accepted as occupational from the Port Colborne refinery. I can think of no reason why at least some of the cases from Wentworth, Halton and Wellington would not have received treatment at one time or another at the Hamilton Cancer Clinic.

The mortality experience of the Port Colborne Refinery employees during the period 1958 to 1968 has also been reviewed, and estimates made of the numbers of deaths

expected on the basis of the Ontario death rates. Over the period 1930 to 1948 there have been only two sinus cancer cases among men who were not employed in cupola, calcining and sintering operations. These two cases (which include Mr. Nelson Davison) do not constitute a significant increase over the number which could have been normally expected.

61. *Mr. Ben*—Enquiry of the Ministry—How many civil servants have had their job classification upgraded retroactively, but are not receiving pay increases in line with this upgrading retroactively also?

Answer by the Treasurer:

Where new or revised classifications are established on a retroactive basis, any new salary ranges which result are retroactive to the effective date of the new or revised classifications.

75. *Mr. Sopha*—Enquiry of the Ministry—1. What is the present Indian population of Ontario: (a) Living on Reserves? (b) Living off Reserves? 2. What is the present Metis population of Ontario? 3. How many Indians are now employed in the Ontario Civil Service, giving a breakdown by department and whether permanent or temporary? 4. How many Indian teachers are employed by local school boards: (a) In Indian schools? (b) In integrated schools, public and separate? 5. How many Indians are registered in Ontario universities? 6. How many Indians are registered in community colleges? 7. To what extent are Indians employed on public projects: (a) By The Department of Public Works? (b) By The Department of Highways? (c) By the Hydro Electric Power Commission of Ontario? 8. How many Indians are employed by The Department of Lands and Forests: (a) Permanent? (b) Temporary? 9. What steps have been taken by the Manpower Division of The Department of Labour: (a) To provide training facilities for Indians? (b) To enlist the co-operation of private industry to provide job training facilities for Indians? 10. Have any grants been made during the past three years by the Ontario Council of Arts to Indian organizations for cultural purposes? 11. What were the names of the organizations, their location and the amount of the grants? 12. How many Indians are covered by OMSIP: (a) On Reserves? (b) Off Reserves? 13. How many Indians are covered by the Ontario Hospital Services Commission: (a) On Reserves? (b) Off Reserves? 14. How many officers of the Ontario Human Rights Commission are assigned to areas of the province with a sizeable Indian population? 15. How many Indian doctors, dentists and lawyers, giving the number of each, are now practising in Ontario? 16. How many Indian nurses and hospital technicians are now on the staff of Ontario hospitals: (a) Public? (b) Private? 17. What are the names and dates of the treaties made between governments of Canada, whether before or after Confederation, which affect or relate to Indian bands in Ontario?

Answer by the Prime Minister:

1. (a) 33,536.

(b) 21,026.

2. Not known.

3. Information not available. (Particulars about race, creed, colour, nationality, ancestry, or place of origin not recorded. To do so would contravene the spirit and intent of the Human Rights Code.)

4. See 3.

5. See 3.

6. See 3. Records do, however, show about 800 Treaty Indians are currently attending colleges of applied arts and technology in the adult retraining programme.

(a) 300 sponsored by the federal Department of Manpower and Immigration.

(b) 300 sponsored by the federal Department of Indian and Northern Affairs.

(c) 200 financed by the Ontario Department of Education, but not receiving living allowances received by those in cases (a) and (b).

Of the total of 800 treaty Indians, about 600 are receiving upgrading and language training on their reservations with the remainder enrolled in the urban institutions.

7. (a) See 3.

(b) Indians are employed on patrol maintenance, forestry and zone painting crews, day labour, survey and construction projects, and as mechanics and equipment operators.

(c) See 3. Hydro does have in its employ, however, many employees known personally to be Canadian Indians who are professional engineers, foreman, skilled and semi-skilled tradesmen, maintenance and construction workers and female office workers.

8. (a) 30.

(b) 710.

9. a. Programmes Established

(1) Cape Croker – programme completed. Involved the training of Indians in carpentry skills in conjunction with the construction of buildings on the Reserve. 6 graduated, all

fully employed. This year a pilot project which has resulted in the development of a "package—Carpentry instruction" now can be offered to other bands in the province. Consideration being given to expanding the concept to include other construction skills.

A second project is now being developed for the training of an additional 13 Indians in the Carpentry Trade for the Cape Croker Indian band.

(2) Widjituwin corporation—first programme completed. 12 graduated in skills associated with Woodland operations. All currently employed within the industry in the area.

(3) Koval brothers—Heavy Duty Equipment training. No graduates yet.

(4) Walpole Island — Approval recently granted for the training of 10 Indians on this reserve in occupational skills of the Carpentry Trade.

(5) Wabigain band—Just completed development of a programme for training 7 Indians on this reserve on Sawmill operations skills. Programme waiting federal approval.

(6) Saugeen band—Carpentry training programme—just being finalized.

(7) Peterson lumber—14 trainees learning Sawmill skills.

(8) Goldsil mines—36 trainees learning mining skills.

(9) Gagnon-descharmes—24 trainees undergoing Motive Power training.

(10) Arctic cat — 6 trainees being taught skills related to the manufacture of Snowmobiles.

(11) Gull Bay reserve—36 trainees learning Carpentry skills.

Programmes under Development

(1) Fort William band—programme initiated. Academic upgrading in process. Carpentry skills course will start when funds from Band are available.

(2) Christian Island band—Band interested in training for their members in a number of job classifications including Power Saw Machine operators, Handicraft and Carpentry Trade. Waiting go ahead from band council prior to developing programme in detail.

(3) Kettle Point reserve — Programme explained. Band not yet ready to start construction.

(4) White Dog reserve — initial contacts made. Working out financial arrangements.

(5) Moravia reserve—Construction skills programme explained. Band not yet ready to start.

(6) Peterson Lumber—Kenora section. Request has been received for training 30 persons in lumbering operations—majority will be Indians.

(7) Manitoulin band—This programme is undergoing a feasibility study by the federal government regarding the possibility of shoe manufacturing, and related training programme.

(8) Northern Ontario Marine Dealers Association—Interested in training persons to repair and service outboard marine equipment. Plan to participate in training of approximately 35 persons, half of whom will be Indians.

9. b. Recognizing the fact that one of the most formidable barriers in the path to equal opportunity for Indians is their general lack of education and skill training, the Industrial Training Branch of the Manpower Services Division began, about a year ago, to experiment with the use of in-industry and apprenticeship training with Indians in several parts of the province. At that time a development officer was appointed in the branch to specifically co-ordinate special training activities involving Indians and other minority groups.

He and other staff in the branch have worked very closely with the federal Departments of Indian Affairs and Manpower and Immigration, as well as with the Ontario Department of Education, and field officers of the Ontario Human Rights Commission. This close collaboration with other government and private agencies has helped the branch to set up effective procedures for establishing and carrying out a wide range of experimental projects involving Indians. It has also helped the branch to take full advantage of the contact, expertise and resources of other agencies in the field.

The branch's initial role is one of promotion and development. Before training can begin, employers must be found who need skilled workers and who are prepared to undertake, with technical and financial assistance from the federal and provincial governments, a systematic on-the-job training programme designed to teach Indian trainees the skills required. When an employer, or in some cases a band council, shows an interest in proceeding with such a programme, the branch helps the employer to identify his

training needs; works with him to design a formal schedule of training to meet these needs; assists in locating and training the required instructors; provides, in partnership with the federal government, financial assistance ranging from about 10 per cent to 50 per cent of the total training cost; monitors the programme to ensure that the trainee is receiving proper instruction, and provides other administrative and support service.

Eleven programmes are currently established and active. Five of these are being undertaken by Indian band councils and the remainder are being sponsored by companies engaged in light manufacturing, mining, woodland operations, and equipment repair. An additional eight projects are in various stages of planning and development. These will involve the training of Indians in carpentry, handicrafts, small engine repair, and a variety of other skills.

Provincial expenditure on these projects should exceed $50,000 this year with an approximate cost per project of $3,500. (The federal contribution will be slightly higher, bringing the total expenditure for 1969-1970 on these types of projects to approximately $110,000.)

The main advantage to this approach to occupational training is that it offers not only a means of providing Indians with new and more marketable skills, but it also provides them with a job at the same time and a chance to earn while they learn. However, to be fully effective, the programmes may require alteration to meet the special needs of Indian trainees. And, in this connection the branch plans to work with the Ontario Human Rights Commission to assess the effectiveness of current projects.

In the field of apprenticeship training, the branch has established a number of experimental projects designed to train Indians in carpentry skills, using the construction of buildings on their reserves as the means of instruction. These pre-apprenticeship programmes also include the up-grading of the trainee's basic educational level to help him qualify, at a later date, for journeyman standing. In co-operation with the federal Departments of Indian Affairs and Manpower and Immigration, the results of these initial programmes are now being applied to a number of other reserves across the province as a practical means of teaching Indians construction skills. At the present time nearly 100 Indians in various parts of the province are registered in the branch's regular apprenticeship training programmes. Recognizing the difficulty that many Indians have in meeting the formal educational entry standards for apprenticeship, efforts are being made to develop more flexible means of applying these standards.

10. The Province of Ontario Council for the Arts has never been approached by any Indian organization and, consequently, no grants have been awarded.

11. See 10.

12. (a) and (b) This department does not have records of Indians covered by OMSIP either on or off reserves.

13. (a) Indians on reserves are covered by the Ontario Hospital Services Commission under 4,523 single contracts and 5,851 family contracts, which are covered by 23 Indian groups.

(b) This department has no records indicating how many Indians living off reserves have OHSC coverage, because they are treated like any other Ontario resident.

14. Two.

15. No records maintained.

16. Records maintained of only those Indian nurses and hospital technicians serving on the staff of provincial psychiatric hospitals and hospital schools. There are currently 10 nurses, 3 nursing assistants, 9 nurses' aides, 5 attendants, 1 technician and 1 dental assistant.

17. See "Indians of Ontario" by J. L. Morris (Ontario Department of Lands and Forests, reprinted 1964).

76. *Mr. Shulman*—Enquiry of the Ministry—Will the Minister supply me with a detailed breakdown of the approximately 2½ million dollars in charges paid on the German loans?

Answer by the Treasurer:

The Ontario government has negotiated three loans in the European capital market through banking facilities in West Germany. They are a private placement of 150 million DM at 6¾ per cent, effective August 1, DM at 6¼ per cent and a public issue of 150 million DM at 6½ per cent both effective February 1, 1969.

The equivalent par value of the three loans in Canadian currency was $104,190,800 and the equivalent net proceeds were $101,806,039.

The underwriting commissions paid by the government totalled $1,803,485 (Canadian)

and the discount costs were $581,276 (Canadian).

The underwriting commissions represent normal costs of such borrowings in the European market and the net costs compare favourably to those of similar loans negotiated by the government of Canada and other provinces during the same period.

87. *Mr. Ruston*—Enquiry of the Ministry—1. What action is The Department of Public Works taking to recover the cost of replacing brick in the Cedar Springs School? 2. Was the contractor for the Cedar Springs School aware of the type of brick being used and did he at any time inform the department of inferior quality brick being used on the job? 3. Are any charges being laid against Milton Brick Company for supplying inferior quality material?

Answer by the Minister of Public Works:

(1) The Department is discussing this matter with the brick supplier.

(2) (a) Yes.

(b) No.

(3) No.

No. 164

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, June 26, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, June 26, 1969

Municipality of Ottawa-Carleton Act, 1968, bill to amend, reported 6301

Municipality of Metropolitan Toronto Act, bill to amend, reported 6303

Health Services Insurance, bill respecting, reported 6303

Police Act, bill to amend, reported 6333

Professional Engineers Act, 1968-1969, bill intituled, reported 6368

Law Enforcement Compensation Act, 1967, bill to amend, reported 6370

Third readings 6370

Motion to adjourn, Mr. Robarts, agreed to 6371

LEGISLATIVE ASSEMBLY OF ONTARIO

The House resumed at 8.00 o'clock, p.m.

THE MUNICIPALITY OF OTTAWA-CARLETON ACT, 1968

House in committee on Bill 200, An Act to amend The Municipality of Ottawa-Carleton Act, 1968.

On section 1:

Mr. Chairman: Shall section 1 stand as part of the bill?

Sections 1 to 4, inclusive, agreed to.

On section 5:

Mr. P. D. Lawlor (Lakeshore): Now that we have got to committee of the whole House I shall deal with the principle.

This section 5, Mr. Chairman, continues to intrigue me a little bit, just for my own education as to how people do things in the great world. The business of signing these cheques you explained in the case of Metropolitan Toronto. The cheques were all set up in advance. How do they protect the Treasurer (Mr. MacNaughton). I mean, if one were able to lay one's hands on half a dozen of these things. I take it they are in blank, they are pre-signed. Is there some method, do they use some fluorescent light, or some tab method whereby these cheques are validated subsequently? Just how are they protected?

Hon. W. D. McKeough (Minister of Municipal Affairs): I asked about this during the recess. This provision has been in The Municipal Act for a number of years and then someone decided it should also be in The Metropolitan Toronto Act. I suppose the protection is exactly the same as those cheques which are issued and which we receive from time to time, too infrequently and not in great enough amount when they do come, that you and I both receive as members of this assembly. You know all those go through a machine.

Mr. Lawlor: You mean that "Bob Welch" does not sign them. Oh dear!

Hon. Mr. McKeough: Oh no, the Treasurer.

Mr. Lawlor: The Treasurer, oh!

Hon. Mr. McKeough: The Treasurer—you know, that little "C. S. MacNaughton."

Hon. R. S. Welch (Provincial Secretary): Do you not feel better now?

Mr. Lawlor: I do.

Hon. Mr. McKeough: It is my understanding there is a machine which does this and only very responsible people have the key.

Section 5 agreed to.

Section 6 agreed to.

On section 7:

Mr. Lawlor: I would ask the hon. Minister to explain this section to me if he will. It has to do with business assessments and apparently there are bylaws set up against or under the terms of section 130 of The Assessment Act, but what is the difficulty here?

Hon. Mr. McKeough: The city of Ottawa should have had repealed a bylaw by a certain date in the normal course of events because of last year's bill. They did not repeal the bylaw, therefore if we do not do this, which in effect confirms that the bylaw was repealed as of that date, the business tax roll could be upset. Whether it would be or not is debatable, but the explanatory note says it removes any doubt as to the validity of assessments. They neglected to repeal a bylaw.

Mr. Lawlor: Well, I do not want to go into the niceties of it. But it would seem to me that you would have a bylaw, I mean under the terms of a statute setting up your business tax in one way. Was the mill rate different, or was there an alteration of the method of modes of assessment, or did you know why the Act conflicted with the bylaw?

Hon. Mr. McKeough: Well, without being facetious, perhaps the member would like to look at the file.

Mr. Lawlor: Yes.

Hon. Mr. McKeough: This was the request of the assessment commissioner of the city of Ottawa, confirmed by their solicitor, agreed in by us. It is a technicality, the city of Ottawa should have repealed the bylaws and neglected to do so, in ignorance I think, therefore this is necessary.

There is quite a file.

Mr. Lawlor: I would not mind glancing at it. I am always ready to learn, Mr. Minister.

Section 7 agreed to.

Sections 8 to 11, inclusive, agreed to.

On section 12:

Mr. J. Renwick (Riverdale): Would the Minister explain the repeal of this section? It would appear to remove the townships of Fitzroy and Marlborough as designated areas of subdivision control.

Hon. Mr. McKeough: The reason for this as I understand it is, under the original Act, we designated the whole area, or those areas which did not have subdivision control; we did so in the Act, and brought the whole regional area under subdivision control.

What we should have done apparently was the day the Act received Royal assent, or the day after, we should have gone into the registry office and handed the registrar the Act and said: "Now, will you register this?"

We did not do so. This has caused some considerable confusion; there is some doubt as to whether what we did in the Act was correct or not, we therefore propose, and I believe have done so by Minister's order, to put on subdivision control. This merely repeals section of the Act which is now redundant.

Mr. J. Renwick: Does the township remain by Minister's order under area of subdivision control?

Mr. Chairman: Shall section 12 carry?

Section 12 agreed to.

Sections 13 to 15, inclusive, agreed to.

On section 16:

Mr. E. R. Good (Waterloo North): Mr. Chairman, on section 16. Could the Minister explain the necessity for this section as it relates to why the three municipalities are only included in the need for raising debentures for school purposes?

Hon. Mr. McKeough: Well, I think I did, speaking to the principle to the bill in reply to a question from the member for Lakeshore. But again very briefly, this was an oversight, or rather I think probably a hiatus between Bill 44 and the original Ottawa-Carleton legislation.

It was the original intention of Bill 44, when it was being drafted or being discussed, that every school board would become in effect a divisional school board and therefore would issue their own debentures. We proceeded, in our Ottawa-Carleton Act a year ago, on that assumption, and then Bill 44 in the case of Ottawa only. Ottawa Eastview and Rockcliffe will become a school board, but not until January 1, 1970. They will not have an election until this fall, there were some problems with the Ottawa district high school board—if that is the correct name —the Ottawa Collegiate Institute Board, the same as this afternoon, the House Leader says; but I forget this afternoon's discussion.

There were some problems and the Minister of Education in his wisdom decided not to bring the Ottawa Eastview, now Ottawa Vanier Rockcliffe Board really, under the ambit of Bill 44 until January 1 next.

Interjection by an hon. member.

Hon. Mr. McKeough: No, this was a very sensible compromise I think, a very sensible solution. But arising out of that the new school board will not have power to issue debentures until January 1 next, and in the meantime we have taken the authority away from the municipality to issue debentures and this restores it for this year.

Interjection by an hon. member.

Hon. Mr. McKeough: That is right and they are building schools.

I must say this to the House, Mr. Chairman. It has been suggested to me that the oversight we are correcting in this Bill is to restore the authority of school boards to issue debentures and therefore build schools. In the Metro Act, one of the purposes is to ensure that there can be an election of a board of education in certain areas in the city of Toronto because this was in doubt. I must say some of my colleagues wondered whether that was the best thing to happen or not.

Shall I leave it that way?

Section 16 agreed to.

Sections 17 to 21, inclusive, agreed to.

Bill 200 reported.

THE MUNICIPALITY OF METROPOLITAN TORONTO ACT

House in committee on Bill 201, An Act to amend The Municipality of Metropolitan Toronto Act.

On section 1:

Mr. J. Renwick: Mr. Chairman, I assume that section 1 and the subsequent sections are being enacted in co-operation after discussions with the Metropolitan Toronto Council and the other councils that are involved in it. Perhaps I could leave it to the Minister to comment on these clauses which deal with matters other than reconstitution of the executive committee of the aldermen.

Hon. Mr. McKeough: I think all sections of this bill have been requested by the Metropolitan council.

Sections 1 to 12, inclusive, agreed to.

Bill 201 reported.

HEALTH SERVICES INSURANCE

House in committee on Bill 195, An Act respecting Health Services Insurance.

Mr. Chairman: We had set section 8 aside for later consideration. Section 9 was agreed to. We were dealing with an amendment to section 10, and it had been set aside for consideration, Section 11 is also set aside. Section 12 is agreed to.

Now, are there any of these sections other than section 8 that have been set aside with which the hon. Minister wishes to deal now? The hon. Minister then.

On section 10:

Hon. M. B. Dymond (Minister of Health): Mr. Chairman, after listening to the submissions of the hon. members, in respect of section 10, I would like to propose an amendment. But, of course, there is an amendment before it and I would like your guidance on this matter.

Mr. Chairman: We do have an amendment before the committee presented by Mr. Deans. We had debated this amendment and my recollection is that the hon. Minister agreed to take a look at it. He now has brought in an amendment which he would apparently agree to present. May I suggest to the hon. members that we listen to the amendment but not put it to the committee.

Mr. I. Deans (Wentworth): Yes, I was going to ask, Mr. Chairman, if I might hear the import of it.

Mr. Chairman: With the concurrence of the hon. Minister.

Mr. Deans: Do you have a copy so we can look at it?

Mr. Chairman: The amendment is simply for the committee's consideration.

Hon. Mr. Dymond: Mr. Chairman, to that end, therefore I move that subsection 2—

Mr. Chairman: Order please!

It will not be proper for the Minister to move the amendment. Simply present it to the committee for their consideration, without presenting the amendment itself to the committee.

Hon. Mr. Dymond: The proposal is that:

Nothing in this Act shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable for insurance, in respect of his employees, and any obligation of the employer thereunder to pay all, or any part of the premiums for insured health services continues in respect of the payment of the premium for insured health services under this Act.

Where the amount required to be paid under an agreement referred to in subsection 1 by the employer, as premium for insured health services or the part of such amount that is repayable to insured health services, is greater than the amount the employer is, by virtue of subsection 1, required to pay in respect of the premium under this Act, the employer shall, until the agreement is terminated, pay the amount of the excess to or for the benefit of the employee, and section 34 of The Labour Relations Act applies to differences arising in the application of this subsection in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement.

Mr. Deans: Mr. Chairman, with the permission of the House I would be then prepared to withdraw the amendment that I had introduced, in favour of the amendment of the Minister.

Mr. Chairman: Well, I believe the proper procedure at this moment with the concurrence of the committee, would be that the

hon. member for Wentworth withdraw his motion, then I will put the new motion to the committee. Do I have that concurrence?

Mr. Deans: Either that or I will move this amendment.

Mr. Chairman: Now, we will continue to deal with section 10. The hon. Minister should now move the amendment.

Hon. Mr. Dymond: Mr. Chairman, with your indulgence and in view of many factors, may I be permitted to move that subsection 2 of section 10 of the bill be deleted and the following substituted therefor, already read, and that subsection 3 of the said section 10 be renumbered as subsection 4.

Mr. Chairman: Shall the motion carry?

Carried.

Shall section 10 as amended form part of the bill?

Section 10, as amended, agreed to.

On section 11:

Mr. Chairman: Now do we have any more information or consideration on section 11 at this time?

Hon. Mr. Dymond: Yes Mr. Chairman, in keeping with the undertaking I gave last night, I move that subsection 1 of section 11 be amended by striking out: "And shall designate an appropriate person as the collector," in the fifth and sixth lines, and inserting in lieu thereof:

> And the member of the group nominated by the group and approved by the board shall be the collector.

Mr. Chairman: Mr. Dymond moves that subsection 1 of section 11 of the bill be amended by striking out the words, "and shall designate an appropriate person as the collector" in the fifth and sixth lines; and inserting in lieu thereof, "and a member of a group nominated by the group and approved by the board shall be the collector."

Shall the motion carry?

Section 11, as amended, agreed to.

Mr. Chairman: Section 12 has been carried; we will move to section 13.

On section 13:

Mr. R. F. Ruston (Essex-Kent): Mr. Chairman, I would like to move an amendment to this section.

I move that section 13 be amended by deleting therefrom all the words between the word "and", in the second line, and the word "or" in the third line, and substituting therefor so that the section shall read:

> The premium for health services insurance for a single person or an insured person and one or more dependents shall be such amounts as are prescribed by the regulations.

Mr. Chairman: Mr. Ruston moves that section 13 be amended by deleting therefrom all the words between the word "and" in the second line, and the word "or" in the third line. And I do not see any such word "or" in the third line.

Mr. Ruston: Yes, there is—"two or more".

Mr. Chairman: "Two or more"; right in the middle of the line. I guess I did not go far enough.

Mr. E. W. Sopha (Sudbury): It must have been hidden.

Mr. Chairman: It was hidden nicely.

And substituting therefor, so that the section shall read:

> The premium for health services insurance for a single person or an insured person and one or more dependents shall be such amounts as are prescribed by the regulations.

The hon. member for Essex-Kent.

Mr. Ruston: Mr. Chairman, I believe that actually what we are doing is setting a two-rate structure instead of a three. Now, the Ontario Hospital Services Commission has a two-rate structure and a three-rate structure is quite common, I realize, in a lot of medical insurance plans.

I do have a little experience in this and should have probably talked on some of the other amendments but feel that some of the people that were talking seemed to be more knowledgeable, but I am not sure that they were.

But this amendment, I think, has a lot of merit. I think the saving and the time of the administration of it alone would be tremendous, For instance, you might have a family with three children. One maybe is 19 years of age and you are paying a family rate. When they go to work then of course they have to have their own coverage.

Well, that is no problem, because you still have two more. You have more than two dependants, so that the rate does not change.

But if a man and wife have one child; when the child goes out to work at age 19, maybe they have paid their premium for a year, and two months after they paid the premium, that child goes out to work, a young man or young girl goes out to work; the act says then, when you are no longer dependent under The Income Tax Act, you must have your own coverage.

So then of course you cover him for insurance and they are duplicated. Now, is the person that paid the premium in advance going to be refunded? I think it is impossible for the government to do this under the organization that is going to be set up; and really, I think Medicare is to help everyone in the country, and if it is going to be partially paid by federal and provincial grants, mostly federal, I would think that we should help the families anyway.

That is why I believe that this is a sound amendment which should have serious consideration by the Minister.

Mr. Chairman: The hon. member for York South.

Mr. D. C. MacDonald (York South): Mr. Chairman, I take it that the debate now is on the motion and the amendment since the vote on the amendment ends all debate on this section.

May I say at the outset—

Mr. Chairman: If the amendment is defeated, the section is carried.

Mr. MacDonald: Right! May I say at the outset that we would support the amendment. Indeed, all down through the years we have been proposing, often with specific figures, the proposition of a premium for a single person and a premium for a family irrespective of its size. I do not think we should penalize families because of their size in an issue like health insurance.

However, having said that, Mr. Chairman, I want to move on now to the broad issue that is involved in this section. It is, in a sense, one of the important cores of the whole bill that is before this House. Without repeating much of the debate that has taken place; I would like to make one or two points by way of summation.

In the first place, we do not know what the premiums are going to be. We have done our best to elicit this information from the government. The closest we have been able to get to it is the comment of the Prime Minister that the premiums will not be higher than those of OMSIP but he has evaded any specific reply when he has been queried as to the possibility of a reduction.

We do not know how the premium is going to be arrived at, Mr. Chairman. We know that we are going to get $176 million from Ottawa. This is going to be our share of the social development tax—that regressive tax that was imposed by the federal Liberals and which the Provincial Treasurer has deplored as being a regressive tax. But now he is going to take that $176 million of regressively raised revenue and it is going to become part and parcel of the financing of Medicare in the province of Ontario.

We know that—

Interjection by an hon. member.

Mr. MacDonald: We know, Mr. Chairman, that if OMSIP was actuarily sound—and this is the description that the Prime Minister (Mr. Robarts) has given of OMSIP, that it is an actuarily sound programme—then, with this extra money coming in from Ottawa by way of federal grants, it would be possible to reduce the premiums in the province of Ontario.

To what extent they might be reduced, I would just like to give the House a little example. We have made a suggestion, and you, Mr. Chairman—

Mr. Chairman: Sorry I was speaking to the Clerk.

Mr. MacDonald: Mr. Chairman, you have indicated that fixing premium levels was not an appropriate topic for an amendment. But by way of illustration I would like to take the figures which were presented to the House in his amendment, by the hon. member for Scarborough West (Mr. Lewis) namely, the proposition of a $60 premium for a single person and $120 for a family.

According to the 1967 statistics there were 1,703,000 families in the province of Ontario which, if the premium were $120 per family, would raise $204,360,000. There were 826,000 single persons at a premium of $60, which would be another $49,560,000, for a total of $253,920,000.

If one subtracts from that, as one should, the welfare families, the persons who have no taxable income, persons who are receiving some partial assistance under OMSIP, it would be a reduction of some $42 million —for a total yield in premiums, on the basis of that $60 and $120 premium, of $211,-080,000.

Now, let me tidy up that figure so that anybody who wants to examine these later will recognize that other relevant factors have been taken into consideration.

There has been an increase in population since 1967, estimated at 310,000. But there is also estimated to be about 225,000, about 3 per cent of the population, who would not be covered under a provincial Medicare programme—people in the armed forces, Indians, in the past—that may or may not change.

These figures more or less cancel out, so that we can take the figure of $211 million raised on the premium of $60 per single person and $120 for a family. In the year 1969 that would bring a revenue of some $211 million.

Now, Mr. Chairman, one final calculation. If the grant we are getting from Ottawa, $176 million, represents 44 per cent of the cost, by simple arithmetic calculation, the total cost of Medicare in the province of Ontario is some $400 million.

So, $211 million is being raised by the premium, and the $224—sorry, $176 million is being raised by the grant from Ottawa, and $224 million would be raised within the province of Ontario. The great proportion of that, almost the total of that, could be raised by a premium at the level of $60 for a single person and $120 for a family.

What this all adds up to, Mr. Chairman, is that we have, in this premium, what is in reality a tax. It is a tax which is uniform across the province of Ontario. It is a tax which is made out to the Provincial Treasurer and goes directly into the consolidated revenue.

Indeed, it is part and parcel of the direct taxes in the province of Ontario which the Canadian Tax Foundation calculated in their March-April issue—in a comparative study of the weight of taxes, the burden of taxes in all of the provinces. They came up with the rather interesting and illuminating conclusion that the province which leads in this country with the heaviest tax is the province of Ontario, with 34.1 per cent of the income going in taxes.

Of course, included in them are these Medicare taxes. They quite rightly include Medicare and hospital insurance as the equivalent of a tax, because it is certainly being taken directly out of the family income for a vital and important need.

Now I have made the proposition, Mr. Chairman, that this is in reality a tax. I do not need to do much more than remind you, sir, that you have already declared in this House that this premium is a tax. When my colleague, the hon. member for Scarborough West, introduced his amendment, you ruled it out of order and said that it was beyond the prerogative of a private member to be able to alter a bill which had to do with the increase in the expenditure of public moneys.

Indeed, just let me quote two paragraphs which sum up conclusively the point of view which you put. You said:

> It seems to me that the motion presented or raised by the hon. member for Scarborough West has to do with the raising of revenue, the premiums going into the revenue accounts of the province of Ontario, and it seems to me it would be beyond the competence of the hon. member to indicate the amounts of those revenues or taxations as such. There is a rule forbidding any motions having to do with the raising of taxes or revenues and this specifically seems to me to be a matter of part of the revenue of the province, which goes into the consolidated revenue fund for expenditure to offset cost, and it certainly seems to me to be out of order.

My colleague from Beaches-Woodbine (Mr. Brown) intervened and you stated your case again. you quoted a rule which actually, I think, in its origins is taken from The British North America Act and is incorporated in the rules of Parliament and our Legislature. It is as follows:

> It is provided that the House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose that has not been first recommended by a message of the Lieutenant-Governor in the session in which that vote, resolution, address or bill is proposed. It is clear, therefore, that it is beyond the competence of a private member to either increase a proposed tax, or to decrease a proposed tax for the reason that either such amendments would have the effect of imposing a tax different than that recommended by his Honour.

Mr. Chairman, I think you were dead right in your analysis. But flowing from that analysis is a situation I want to draw to the attention of the Minister and the government, because this government is really in serious difficulties with regard to this bill.

Unwittingly or otherwise, you have violated the time-honoured rules of Parliament and of this Legislature. The action that you have taken is not only an irregular action, but it is an illegal action. You have brought in a bill which has not been preceded by an address from the Lieutenant-Governor, which is absolutely necessary if you are going to impose a tax. The only alternative you have is to specify that tax after it has been intro-

duced to the House by way of this address, specifically in the bill. Otherwise, this government is going to have open to it the exercise of what down through the centuries has been known as the tyranny of the executive, in imposing taxes without the Legislature or the representatives of the people having some direct say in that.

This is the kind of situation that you have gotten yourself into, and I, at this moment, Mr. Chairman, would like to—

Mr. Chairman: If I may just interrupt, if the hon. member would not mind. Did I understand him to say that the bill was introduced without a message from the Lieutenant-Governor?

Mr. MacDonald: Right!

Mr. Chairman: I have the message before me.

Mr. MacDonald: About the tax. Any bill of this nature which is going to impose a tax has got to have preceding it an address from the Lieutenant-Governor indicating the consent so that it can be incorporated in the bill.

Mr. Chairman, you interrupted at the appropriate moment, because at this stage I was going to sit down and defer to my colleague, the hon. member for Riverdale, to present the legal and the constitutional aspects of the situation, which I suggest to the Minister—and, indeed, to all of the Cabinet Ministers—is a very serious one.

You have unwittingly blundered into an illegal position.

Mr. J. Renwick: Mr. Chairman, the point that we make is quite simple; that is that this section of the bill is flawed.

The flaw in this section of the bill dealing with the imposition of the premium, which is a tax by way of regulations, will, if passed in this present form, and if the subsequent sections of the bill pass, mean that the total Act is a nullity—that it will have no effect of any kind.

Hon. Mr. Welch: It is not a tax.

Mr. MacDonald: You just wait.

Mr. S. Lewis (Scarborough West): It is a tax.

Mr. MacDonald: You will get an education tonight.

Mr. J. Renwick: The Provincial Secretary and Minister of Citizenship interjected that this is not a tax. I want, Mr. Chairman, to address the proposition that this is incontrovertibly a tax within the meaning of the constitution of the province and on the basis of all the available precedents about such a matter, and I want to do it as clearly as possible.

The guts of the remark which I make is simply that the tax must be specified as to amount in the statute which imposes it, or there must be within the statute a method by which you calculate that tax. That is the first proposition.

What is a tax? I refer to the judgment of Lord Green in the House of Lords in 1950—appeal cases—particularly his remarks at page 121. They are there for anyone to read who is interested in the particular topic.

I am simply going to quote the provisions which this case illustrates and which has been cited with approval by Mr. Bora Laskin, as he then was, in his book on the constitutional law of Canada, and adopted these characteristics.

That the levy—and in this case they were talking about the levy imposed under what was The Forest Act of the province of British Columbia. The case is the Attorney General for British Columbia and the Esquimault and Nanaimo Railway Company:

> The fundamental characteristics of a tax are that the levy has what are undoubtedly characteristics of taxation in that it is imposed compulsorily by the state and is recoverable at the suit of the Crown.

Now so far as that definitive judicial statement of the fundamental characteristics of a tax is concerned, they are incorporated in this bill. It is compulsory imposition, in the sense that all persons who belong to groups of employees of 15 or more are required to pay the tax. It is recoverable at the suit of the Crown, because there is a subsequent provision in the Act which makes it so recoverable.

On the question of the definition, Mr. Chairman, let me just refer again to this question of a tax for the purposes of the record, so that we will all be clear about the problem which is involved. I refer to the Oxford dictionary, which simply defines a tax as:

> A compulsory contribution to the support of government levied on persons, property, income, commodities, transactions, now at fixed rates mostly proportional to the amount at which the contribution is levied.

That is the Oxford dictionary's statement of what a tax is.

Mr. R. F. Nixon (Leader of the Opposition): Does that compulsory adjective apply?

Hon. A. Grossman (Minister of Correctional Services): What does Webster say?

Mr. J. Renwick: No, Mr. Chairman. The leader of the Opposition refers to "compulsory". This is a compulsory imposition in accordance with a section which has already been passed, which requires—

Hon. A. A. Wishart (Minister of Justice): Can the hon. member give the definition again? I could not hear it.

Mr. J. Renwick: I am sorry. Yes. May I just deal with the point raised by the leader of the Opposition?

I refer, Mr. Chairman, to clause 9, which we have already passed, which states that the employees of an employer are a mandatory group if the number of employees who are residents of Ontario, including the employer if he is an individual or member of a partnership, totals 15 or more. And that requires every person to become an insured person, and to become an insured person you are required by law, if this Act is passed properly, to pay the premium, and in that sense it is compulsory.

The Attorney General asked if I would repeat the statement of the meaning of a tax set out in the Oxford dictionary, and the appropriate meaning which is stated as follows:

> A compulsory contribution to the support of government levied on persons, property, income, commodities, transactions, etc., now at fixed rates mostly proportional to the amount on which the contribution is levied.

Hon. Mr. Wishart: I would think that the words "support of government" would be important.

Mr. H. Peacock (Windsor West): We could not hear you.

Mr. Nixon: In support of government.

Hon. Mr. Wishart: This is for a service.

Mr. J. Renwick: Now if I may just refer, Mr. Chairman—

Mr. Lewis: No, that is the mistake you made, that is the mistake in the bill; the consolidated revenue fund.

Hon. Mr. Wishart: It is not for the government.

Mr. Lewis: Yes it is. Consolidated revenue, that is your mistake.

Mr. J. Renwick: Mr. Chairman, again for the record, and simply for that purpose, the "Dictionary of English Law", which is edited by Earl Jowett, at volume 2, at page 942, refers to the definition from a legal point of view of a tax, and that is, an impost. In other words they use this word interchangeably with the word "tax".

> A tribute imposed on the subject. In public law taxation signifies the system of raising money for public purposes by compelling the payment by individuals of sums of money called taxes.

I have as well, Mr. Chairman, the definition of the word "premium" which is the same definition on which there could be no dispute. I have also the definition of the word "impost" which for practical purposes is interchangeable with the word "tax", and should later on anything turn on those points in the course of this discussion, I can cite those for the record.

Now in addition, Mr. Chairman, my leader has referred to the ruling which you gave yesterday, and which we supported. Of course, we did not appeal because we agreed with it. You ruled the amendment of my colleague the member for Scarborough West out of order. You did so on the basis that it was a tax or impost within the meaning of rule 112 of the rules of procedure of this House.

Rule 112 provides specifically—and although my leader referred to it for the sake of completeness, I will quote it, with the paraphrases that appear in rule 112, in The British North America Act—that the House

> shall not adopt or pass any votes, resolutions, address or bill for the appropriation—

I am skipping the words of any part of the public revenue because we did pass that resolution yesterday, or the day before yesterday, on Tuesday of this week.

> —for the appropriation of any tax or impost to any purpose that has not been first recommended by a message of the Lieutenant-Governor in a session in which such both resolution, address or bill is proposed.

I make the point that the constitution of this province is an unwritten constitution in most of its aspects, but one part of it which has been specifically adopted with the necessary

changes in it, is the adoption of section 54 of The British North America Act, which is contained in the revised statutes of the province of Ontario, and which makes the same provision so far as the levying of taxes is concerned in the House of Commons at Ottawa.

There is the identical requirement as a condition precedent for the validity of the imposition of any tax that that be done.

If I may move on quickly to the next point in it, you will recall, Mr. Chairman, that every time one of the taxing statutes is amended or a new taxing statute is introduced into this House it is proceeded by such a message.

I want to make this comment. I know of no statute of this province which imposes a tax, as such, which does not comply, until the introduction of this bill, with the fundamental requirement that the bill be specific either as to the amount, or as to the method by which it can be calculated. Because the fundamental principle of taxation under our kind of a system is that the citizen should be able to go to a statute passed by the Legislature, and in that statute find either the amount of the tax or the basis upon which it is calculated.

A tax must be certain, it must be open, and it must not be possible to have arbitrary variations of it by the executive through the medium of regulations which may be passed. There is in the province no tax as such which is so imposed by regulation, and if there were, it would be a nullity.

Now I turn to the next point which I want to make on the proposition that section 92 of The British North America Act in fact confers the legislative authority on this Legislature in matters of taxation or other levies which may be placed upon the subject.

I refer specifically in this instance to section 92 of The British North America Act, and I want to refer in the first instance, Mr. Chairman, to section 91 which confers the authority on the Parliament of Canada to levy such a tax. Section 91, under heading (3) says that the Parliament of Canada shall have the exclusive authority to levy—to enact legislation—for the raising of money by any mode or system of taxation. That of course is a wide-ranging ambit.

In the province of Ontario under section 92 there are but two provisions dealing with that kind of assessment, and heading No. 2 of section 92 states that the Legislature may exclusively make laws in relation to matters coming within the classes of subjects "next hereinafter enumerated", that is to say heading No. 2, direct taxation within the province for raising of the revenue for provincial purposes.

Heading No. 9 is the other area in which levies may be imposed by legislation of this asesmbly, and that says "shop, saloon, tavern, auctioneer and other licences" for the raising of a revenue for provincial, local or municipal purposes.

Now let me deal with that last heading first of all.

A licence is a fee-coupled permission to do something.

Now that is the kind of licence which is referred to in the question of shop, saloon, tavern, auctioneer and other licences, and I can cite many examples which will readily come to the minds of the members—a fishing licence is a permit to fish subject to a fee; a licence to marry is a permit to get married subject to the payment of a fee—

Mr. Nixon: Do you know of licences where no fees are required?

Mr. J. Renwick: No I do not.

Mr. Nixon: There are some.

Mr. J. Renwick: Well there may possibly be.

Mr. Nixon: We are listening to the important part—

Mr. J. Renwick: It may be that you will have an opportunity because this is a fundamental matter—

Mr. E. A. Winkler (Grey South): How about a licence to operate a camera?

Mr. J. Renwick: —to deal with.

Mr. Nixon: You are fundamentally defining it. It requires a fee—

Mr. J. Renwick: Well I know. I am only speaking—if I may comment then, to the leader of the Opposition—

Mr. Winkler: What about a licence to operate a camera?

Mr. J. Renwick: I am only speaking in terms of those licences which the province grants for the purpose of raising revenue, because that is the heading which we are dealing with. It is in order to raise revenue for provincial, local, and municipal purposes. Presumably the province could grant a licence to somebody and charge no fee for them.

Mr. Nixon: They do; all the milk farms.

Mr. J. Renwick: Have a licence to do something, yes. But to the extent that you want to raise funds by it, then the licence is permission to do something coupled with a fee.

A licence to get married, a licence to incorporate is a fee charged for the incorporation of a company, that is to carry on business in the corporate form—a hunting licence, any number of other licences.

Now I am saying that under section 92, the premium, the tax under section 13, whatever the quality is, must be one or the other.

I say, Mr. Chairman, it is not a licence; it is not a grant of permission to anybody to do anything coupled with a fee. Therefore, Mr. Chairman, I am driven on the provisions of section 92, to conclude incontrovertibly that under the statute it must fall within the heading "direct taxation within the province", and that the premium under section 13 is in fact a tax.

Now, Mr. Chairman—

Hon. Mr. Grossman: Do you want us to withdraw the bill?

Mr. J. Renwick: No. Mr. Chairman—

Mr. Lewis: We have got to do something, you joke about it, it is a serious matter.

Mr. J. Renwick: We are certainly going to try to help you in any way that we can, you understand that.

Hon. Mr. Grossman: You want to slough it off in a naturally irresponsible way.

Mr. J. Renwick: Now let me just again for the record—

Mr. MacDonald: People get imprisoned for technicalities.

Mr. Nixon: That is certainly one of those all right.

Mr. MacDonald: Speak to Bob Macauley.

Mr. J. Renwick: Let me, Mr. Chairman, put on the record the kind of address which is normal—I just selected one at random about it. When we were dealing with The Mining Tax Act, for example, the votes and proceedings of the House at page 452 for this year had this to say:

> After some time Mr. Speaker resumed the chair, and the chairman reported that the committee had come to a certain resolution as recommended by the hon. the Lieutenant-Governor as follows—every mine whose profit as determined under section 3 of The Mining Tax Act exceeds $50,000 in a taxation year is liable for, and the owner, manager, holder, lessee, tenant, occupier or operator of the mine shall pay a tax of 15 per cent on the profit of the mine in the taxation year, as determined under section 3 of The Mining Tax Act, as provided in Bill 111, An Act to amend The Mining Tax Act.

That is the kind of condition and precedent necessary before, under our constitution, a tax can be levied. If I may then, Mr. Chairman, refer to the analogous and substantially similar way in Ottawa in the House of Commons, that such a matter as insurance premiums are dealt with by that House which is in accord with my understanding of the proposition that I am putting forward tonight.

We find that under section 54 of The British North America Act, the House of Commons, in proceeding to amend The Unemployment Insurance Act of Canada, had this to say—and I am reading from the Journals of the House of Commons of Canada for Monday, January 22, 1968, at page 623:

> Mr. Nicholson, seconded by Mr. Robichaud, moved that the House do go into the committee of the whole at its next sitting to consider the following proposed resolution which has been recommended to the House by his Excellency: that it is expedient to introduce a measure to amend The Unemployment Insurance Act to increase the coverage provided by the Act to establish a new schedule of contributions to be paid by employers on behalf of employees covered by the Act, and to establish a new schedule of benefits corresponding to the new schedule of contributions; and resolved that the House do go into committee of the whole at its next sitting to consider the said proposed resolution.

Well, Mr. Chairman, it should be clear from that that the way in which it was done in The Unemployment Insurance Act was to have a schedule to the statute, so that a citizen of the province could go to the statute, The Unemployment Insurance Act, and specifically see what his statutory obligations about the payment of tax was.

I go back to the fundamental proposition that this bill has got to have a statement of the specific amount of the tax which is being imposed, or it must have a specified method by which a citizen can work out the calculation to determine the tax to which he is subject.

Now, Mr. Chairman, there are a couple of other relatively important, but marginal parts to this argument which I think I have got to draw to the attention of the committee.

I am not suggesting for one single moment that any other provision would provide any great deal of assistance to the problem but there is no question that the moneys, that is the premiums; the tax which is being levied by this bill on the citizens of the province who are within those mandatory groups compulsorily; is one which is payable to the Treasurer of Ontario.

Under The Financial Administration Act of the province of Ontario, the Treasurer is obligated to deposit it to the credit of the Consolidated Revenue Fund and it, therefore, is part of the public moneys of the province of Ontario.

It is interesting to note that the government did precede the introduction of this bill to the extent of providing for the appropriation out of the Consolidated Revenue Fund of the moneys which are required—some $260 million—for the operation of this plan up until March 31 next.

But there was no companion resolution in accordance with rule 112 of the rules of procedure of the House based upon section 54 of The British North America Act, being a message from the Lieutenant-Governor for the appropriation of this tax or impost. And I say in this case that this is a tax.

One can therefore say, Mr. Chairman, that in moving from a voluntary system which the OMSIP plan was—there was nothing of a compulsory nature about it, if you wished to apply you could become a member of OMSIP—in moving from that and imposing a tax by way of premium under this section, in a compulsory sense, which is going to be extracted from the citizens of the province who fall within the criteria established for the compulsion which is necessary to raise that money then, by that method you have established that this is, in fact, a tax.

Our position is very clear. On the problem, we have, from the moment we introduced the recent amendment, put forward the fundamental proposition that the people of the province are entitled to know the amount of the tax which is going to be imposed on those persons that fall within the taxing net of this plan, in either a specific amount, or by way of a method by which the amount of that tax can be calculated.

This part of it goes again to the root of the position which we have taken on this bill, and the root of the position that we have taken on this bill is that we believe that the people of the province are entitled to specific information about the amount of the tax. We believe that the people of the province, in putting into the statute this specific amount, are entitled to an explanation of the way in which the government arrives at that amount, how that calculation is made.

Or to go back to the fundamentals of the Prime Minister's statement on February 27, to which I referred yesterday:

> The supporting information which makes the government believe that this method is the most efficient and economic method of imposing the premiums for the operation of this plan by the government.

Now, there will be the obvious question. The obvious question is, what is the public purpose?

Well the government has moved from a position of a voluntary scheme to the proposition where there is a government purpose to be implemented, that there is a public good to be achieved by the imposition of the tax.

There may well be for some people a benefit which they will derive in different amounts because of their insurance which will provide them from time to time, should they have to pay doctors' bills, with insurance against that payment. But that fluctuating benefit from one person to another does not affect, in any sense whatsoever, the fact that the premium charged under section 13 is, in fact, a tax.

It is very interesting, Mr. Chairman, that the procedures by way of budget, the traditional procedures for the imposition of taxes, is for the Treasurer to bring down his budget, to set out what taxes he is going to collect and for what purpose.

Then there is an opportunity for the House to debate at some length the whole of the imposition of the taxes, and there are resolutions presented in order to give effect to those taxes. There is ample opportunity, over a period of time, for consideration to be given, not only by members of the assembly, but by the public, about the nature of the imposts which are going to be levied upon them.

In this case, that was not done. This bill, suddenly introduced 10 days ago, is designed to raise substantial amounts of money by way of tax on the people of the province and no amount is stated. It is subject to the additional flaw that by regulation passed by the Lieutenant-Governor-in-Council, the Lieutenant-Governor-in-Council is arbitrarily, for all times in the future—unless the government

chooses to amend the bill—able to change the premium or the tax which is levied.

That is one of the fundamental arbitrary Acts against which all the traditional charters of the liberties of the people living under this system have been hinged right from the time of Magna Carta, from the time of the Petition of Rights, from the time of the Bill of Rights, from the time of The Act of Settlement, and incorporated as a fundamental and basic part of the structure of the constitutional framework on which we are operating at the present time.

I think, Mr. Chairman, that what we want to do is to have this bill state the premium, or state the calculation on which the citizen can go to the statute and ascertain what the premium is.

In order that the government may accomplish that, and in order that, while the committee is still a committee of the whole House, we want, as one possible course of action open to the government, to remedy this fatal flaw in this section of the bill which will otherwise make the bill a nullity, an opportunity for the government to stand the bill down; to present to the House an address by the Lieutenant-Governor, pursuant to rule 12, appropriating this tax for this purpose in advance of it.

To revise and amend section 13 in order to meet the two specific requirements that I have set out, namely, that it must be either specific as to amount, or that it must provide a method by which the calculation can take place so that the citizen can know exactly what the amount is.

That is one alternative, and on the basis, and subject to whatever further debate ensues, I would think that that is the best course which the government, if I may choose to say so, should follow in this instance.

In a very brief summary, this section 13, purporting to levy a tax by way of regulation, is a flawed section, and the flaw in the section will make the bill and the plan a nullity unless there is a substantial revision of the procedures and methods in the way in which I have outlined.

It is most important that we deal with this as quickly as possible in order that the problem can be resolved.

Mr. Chairman: The hon. member for Windsor West.

Mr. Peacock: Mr. Chairman, the hon. member for Riverdale has put to you that the premium mentioned in section 13 is a tax. The words in the following section, section 14, "payable to the Treasurer of Ontario", are words which clearly state that this premium is a tax.

Let me answer at this point, if I can, the suggestion by hon. members opposite that they now levy a premium and collect it and use it for the purposes of the Ontario Hospital Services Commission, and that it is not a tax. And let me suggest to those members opposite that there is a considerable distinction between the bill which we now have before us and The Ontario Hospital Services Commission Act in respect to the nature of the levy described as a premium.

Under this bill, moneys collected by or on behalf of the Minister are going to be paid into the Consolidated Revenue Fund to be deposited there by the Treasurer of Ontario. They can in no light be thought of in the same sense as the premiums which the government has collected for some time under The Ontario Hospital Services Commission Act.

If I may, Mr. Chairman, let me go back to the preparation of the financing of The Ontario Hospital Services Commission Act. In the sessional paper, No. 58, tabled by the hon. Leslie Frost, then Prime Minister, on page 56 of that sessional paper which he tabled during debate on second reading of the Ontario Hospital Services Insurance Plan, at the bottom of that page 56, this sentence appears:

> The provincial contribution, i.e. the provincial contribution to the hospital insurance plan, exclusive of any revenue obtained from insurance charges, has to be raised by taxation whether by premiums or general levies.

The sessional paper entitled "Memorandum on Hospital Insurance and Related Matters Including Study Documents" prepared for members of the legislative assembly of Ontario, outlining the position of the government of the province of Ontario in respect to the federal hospital insurance plan, by the then hon. Prime Minister, sessional paper No. 58, written by this government and on behalf of the Prime Minister, refers to taxation whether by premium or general levy. In other words, premium is within the context of the general words "taxation".

Again, on page 60, Mr. Chairman, of this same sessional paper, you will find a reference in paragraph 5 to the levying of a deductible payment or a co-insurance payment or both, as a "break on a necessary demand", and that these must be considered as sources of provincial revenue.

Again, on page 66 of the sessional paper, tabled by the Prime Minister, we find a discussion of the principle of co-insurance in the hospital services plan that was then under consideration. And it says in regard to the impact of co-insurance:

> It will be recognized that this is a form of revenue, and in imposing such co-insurance charges, the Government assumes the same kind of responsibility that it assumes in imposing any other tax.

Again, on page 70 of that sessional paper, we have two references as to the nature of a premium or a co-insurance feature or a deductible feature, as a form of taxation, I quote:

> In Ontario, the $123.5-billion estimated for 1956 has to be raised by taxation whether by a premium levy or other form of taxation.

It is clearly intended, or was clearly intended, by the government of the province of Ontario in 1956, that its share of the cost of the hospital services plan of this province would be covered by a taxation of the public of this province in the form of a premium.

The next sentence reads:

> In this study by the government of the province of Ontario, it is proposed from consolidated revenues to pay $40 million, the remainder of $83.5 million to be raised by way of a premium tax or levy.

The words premium tax appear together on page 70 of that sessional paper, and clearly the word "premium" qualifies and modifies the word "tax".

Now, Mr. Chairman, why is it then, that the government of the province of Ontario did not introduce The Hospital Services Commission Act of 1956 preceded by a message from His Honour the Lieutenant-Governor recommending the imposition of a certain tax set out either in a specific dollar amount or by formula for the financing of the provincial government's share of the hospital insurance plan?

And the answer can be found, Mr. Chairman, within the office consolidation of The Hospital Services Commission Act, 1968. Forgive me if I take a moment to turn to that section in the Act. And it is within section 14, subsection 1, paragraph D:

> To receive and disperse all moneys pertaining to the plan of hospital care insurance.

The government of the province of Ontario in 1956 used that language in that Act to avoid the responsibility of imposing clearly and unequivocally a tax on the people of this province, a tax which would have required the approval of this Legislature as its means of financing its share of the hospital services plan.

Because, had The Hospital Services Commission Act of 1956 contained the language which is found in section 14 of the bill now before us, the words "payable to the Treasurer of Ontario" it would have had to have His Excellency the Lieutenant-Governor place with the Clerk of this House a message in which he recommended the imposition of a certain premium or a certain formula to be levied by the Crown and approved by this House.

Mr. E. W. Sopha (Sudbury): Well, was there not a resolution preceding it?

Mr. Peacock: There was no resolution preceding The Hospital Services Commission Act for the reason I have given in paragraph D, which provided that the hospital services commission could establish its own fund into which it would pay the premiums which it had collected and the Treasurer of the province of Ontario in no way would have anything to do with the collection of those premiums or the deposit of those premiums to the credit of the Consolidated Revenue Fund.

Mr. Sopha: That is conjecture!

Mr. Peacock: That is the language of The Hospital Services Commission Act. It set up a separate fund in ways, under the responsibility of the Treasurer of Ontario as to the deposit of funds to the credit of the Consolidated Revenue Fund.

And I might say further, Mr. Chairman, that in looking through The Medical Services Insurance Act, there is no provision—no provision, as is found in The Hospital Services Commission Act—that the premiums paid by subscribers to the OMSIP plan must be deposited to an account established by The Medical Services Insurance Act for that plan.

Under The Financial Administrations Act, the premiums collected by the health insurance registration board are remitted to the Treasurer of Ontario and deposited to the credit of the Consolidated Revenue Fund and have never, have never been approved by this Legislature, as is required when a tax is levied; a tax being the public moneys, the

public moneys deposited by the Treasurer to the credit of the Consolidated Revenue Fund.

I reminded you, Mr. Chairman, this afternoon that in clause by clause consideration of the Act to amend The Workmen's Compensation Board Act, an amendment was moved by the member for Brantford (Mr. Makarchuk) increasing the amounts of minimum permanent disability pensions to be paid to claimants under that Act. And the amendment was ruled to be in order, because it in no way violated the prohibition that this House may amend a recommendation of the Crown as to the levying of a tax or impost or a charge against the public funds.

The Chairman made that ruling to distinguish between the separate account of the workmen's compensation board from the Consolidated Revenue Fund, just as in yesterday's treatment of the amendment to clause 13 moved by the member for Scarborough West. He ruled it out of order by virtue of its application to the prerogative rights of the Crown to recommend taxes and imposts to this House. Only this House can approve those taxes and imposts.

We go through this examination of our constitution, Mr. Chairman, and our financial procedures only to point out to you that this is a levying of a tax which must be approved by this House in a preceding message from the Lieutenant-Governor recommending the taxes set out in the accompanying bill which His Honour sends to this House.

Mr. Sopha: All right, all that has been said.

Mr. Peacock: Right!

It was said, Mr. Chairman, in May that not even a Minister of the Crown may amend the amount of tax, or the formula for the tax, which is set out in the message sent by His Honour to this House for approval.

We are engaged in the levying of a tax under this clause 13 of the bill. It must be viewed as such by this government. The amount of that tax must be set out in a message from the Lieutenant-Governor of the province, recommending the amount or formula, and in the accompanying bill the amount or formula must be set out. It cannot be left to regulations provided by this clause.

If that message does not reach this House before it reports this bill, the bill will be a nullity.

Mr. Chairman: The hon. Minister.

Hon. Mr. Wishart: Mr. Chairman, I would like to say a word on this matter. I am not really interested in pursuing the dictionary definitions of the tax that was offered to us by the hon. member for Riverdale. But I did note in the dictionary definition he read from the Oxford dictionary—which is an authority, accepted by everyone—that a tax is a levy imposed for the support of government. On that ground I would not argue that in so many definite terms that this was not a tax. I would say it does not fit that definition.

Furthermore, section 13, to which we have to direct our attention, speaks of the premiums for health services insurance. I submit that this is an impost, if you like, but it is referable to a service which is to be provided for that premium, for that imposition of a certain sum, and it is referable to this service; varied to suit the amount of service that is to be given for the amount of premium charged.

Now, we have licence fees imposed by regulation. One that readily comes to my mind, by the regulations pursuant to an Act, is The Registry Act or The Land Titles Act. The regulations there impose, and they are imposed by regulation, a certain impost if you like. I am not going to be technical about the word "tax". A tax if you like, a fee if you like, for a certain service—

Mr. J. Renwick: It is quite voluntary.

Hon. Mr. Wishart: If you want to have the service you must pay for it.

Mr. J. Renwick: But there is no law that says you must.

Hon. Mr. Wishart: No; it is different to some degree in that.

Mr. Sopha: I would not hire either of these two guys as a lawyer.

Hon. Mr. Wishart: Let us pursue that for a moment. This imposition is not—

Interjections by hon. members.

Hon. Mr. Wishart: I do not care if I get the attention of the hon. member for Sudbury, but if he would let me make my remarks so that they might be heard, I would pursue this point, that this imposition is not laid on everyone.

It is not a general tax. It is only imposed on those persons who are to get the service and it is compulsory.

Mr. J. Renwick: Neither is any tax.

Mr. Deans: Neither is income tax.

Hon. Mr. Wishart: It is compulsory to that extent.

Mr. J. Renwick: There is always criteria, and if you fall within the net.

Hon. Mr. Wishart: Well, I should like to point out further that in The Legislative Assembly Act the language of the section, which I think has been voted here—it is section 56.

"The assembly shall not adopt or pass any vote, resolution, address or bill"—and these are the important words—"for the appropriation of any part of the Consolidated Revenue Fund"—

Mr. J. Renwick: We have done that.

Hon. Mr. Wishart: Just a moment—"For the appropriation of any part"; this is not appropriating any part of the Consolidated Revenue Fund for a purpose.

Then it goes on:

> —for the appropriation of any part of the Consolidated Revenue Fund or of any tax or impost to any purpose that has first been recommended by a message, etc.—

But if you read the language you will see clearly that the words "for the appropriation of" apply to the rest of the paragraph. It is not the imposition. It is not for the imposition of the tax, but for the appropriation of a certain fund to a purpose—

Mr. J. Renwick: The appropriation of a tax is to appropriate from the public the funds which are—

Hon. Mr. Wishart: It does not prevent or forbid the imposition of a tax, but the appropriation of a portion of the consolidated revenue fund to a purpose.

Mr. Sopha: Well, what is your point?

Mr. Chairman: Order!

Hon. Mr. Wishart: The same language is which was set forth in The British North America Act, in section 54 of The British North America Act.

I submit that the language makes it clear that it does not refer to the imposition of an impost, but to the appropriation of a sum from a fund to a purpose, and that is not this.

Mr. J. Renwick: Mr. Chairman, my point is that you have got to do both sides of the coin. You have got to have a message from the Lieutenant-Governor to appropriate money out of the Consolidated Revenue Fund.

If you will read the section extremely carefully you will find that you have got to have a message from the Lieutenant-Governor to appropriate any tax; appropriating money from the citizenry of the province.

If you will note, we invariably have both resolutions, as I gave the example under The Mining Tax Act in the one case. In the other case, the resolution which we have already passed under this bill, which I may say is repeated word for word in section 33, is a direct repetition of the wording of the message which has already been passed.

But there is no equivalent message preceding the imposition of the tax under section 13. They are two separate and distinct messages which are required.

Hon. Mr. Wishart: If I may come back to my main point, that this is not a tax. It is a charge of a premium for a service.

Mr. Sopha: Could I say a word. Could I intervene in this argument replete with legal casuistry between these two?

What is the purpose, and I am not asking him for an answer right now. What is the purpose of this pettifoggery? Is the member for Riverdale saying that somebody is going to take the government to court and have the bill defeated?

Mr. J. Renwick: Yes.

Mr. Sopha: Got to have it defeated because you did not get a resolution. Is that what he is saying? If he is not saying that then his argument is totally incomprehensible.

I have a suggestion to make.

Hon. J. P. Robarts (Prime Minister): It is intellectual calisthenics.

Mr. Sopha: Yes I think so.

Mr. J. Renwick: It is not and you know it.

Mr. Sopha: I have a suggestion.

Hon. Mr. Robarts: Not again, surely.

Mr. Sopha: I have a suggestion to make because I want to get on with the business of the province. The suggestion is that if there is any doubt about the matter at all—we are for Medicare here, this side—if there is any doubt then the matter can stand over until tomorrow morning, and an address can be obtained from the Lieutenant-Governor.

Mr. MacDonald: Right!

Mr. Sopha: Because it says the assembly shall not adopt or pass any vote, and if there is any doubt about it at all, and really there should not be any doubt—

Mr. MacDonald: We appreciate your thought.

Mr. Sopha: As I listen to his argument, his argument is pettifoggery, and it demonstrates that they are so much against the principle of this bill that they will seize upon any device at all to defeat it.

Now finally to demonstrate that presumably he knew this at the time the bill was introduced—

Mr. Lewis: No, we knew it yesterday.

Mr. Sopha: Oh I see, he did not.

Mr. Lewis: It came upon us at six of the clock.

Mr. Sopha: Oh, he seizes upon it. May I adopt your word "calisthenics"? He is indeed an expert in calisthenics. He is a verbal gymnast which shows that they will clutch at any straw in order to—

Mr. J. Renwick: I do not mind what I am called as long as the legislation is properly introduced and passed.

Mr. Sopha: —demonstrate to the people of Ontario. Well, let me say, that the position I take if there is any doubt is let us get the Lieutenant-Governor out of bed, and get the resolution. If there is no doubt, then let us get on with more important things.

Hon. Mr. Dymond: Mr. Chairman, there are one or two points which the hon. member for Essex-Kent brought up.

We have given very serious consideration, not only in writing this bill but all along since we have been in this, to the premium structure. While it is a two-structured system, it is desirable administratively.

You know the most common complaint we still get about the hospital insurance is the very bitter complaint from single persons who claim that they are being charged more than they ought to pay on the basis of actuarial study. I think this would be right, except that this is a community-rated premium. The next considered most bitter complaint comes from couples who claim that they should not be penalized by having to pay a larger premium because there are no children in the family.

Mr. Nixon: They do not pay more than double the single rate.

Hon. Mr. Dymond: That is right, but if we were to go to a two-premium structure only, there would be a difference.

Mr. Sopha: No there would not.

Hon. Mr. Dymond: Yes there would, with great respect. The hon. member knows—

Mr. Nixon: Excuse me, if I might enquire, perhaps the Minister would be able to clarify that. Surely the rate for a married couple is just double the single rate? You get away from that problem.

Hon. Mr. Dymond: Yes but on our actuarial studies you have got to follow X, 2X, 2X½ or 2½X.

Mr. Nixon: If the Minister will permit me, if he is talking about basing it actuarially, it would have to be X, 2X, 2X plus 1, 2X plus 2, and so on as far as you want to go, if you are going to spread it.

Hon. Mr. Dymond: Certainly, that is the way it was explained to me. They do not do it that way when they get into it. However, this is getting into mathematical calisthenics, where I am completely lost.

The hon. member knows quite well in his own operation that you use the two-premium structure ever since the co-ops began, and I believe one or two of them have four-premium structures.

Mr. Nixon: No.

Hon. Mr. Dymond: Maybe his has not but the medical co-ops in general, I think it has been the accepted practice in the service plans that the three-premium structure has been used.

I will tell the House this that this is part of our on-going study in this field. Now, I assure you, it would take four to six months administrative work in changing over our programme. I just do not think that we have the time to devote to that now. I do undertake to the House, Mr. Chairman, that this study will go on and I would say at a later date, the results of our studies will be reported. The House will then know what we have come up with on this matter.

Now the arguments that have been put forward, I am not even going to get into. I can only say to you, Mr. Chairman, to a simple country doctor, this is a damn good bill and we should hurry and get it passed so that the people get the benefits flowing from it.

Mr. Chairman: Those in favour of Mr. Ruston's motion will please say "aye".

Mr. Lewis: Mr. Chairman, we on this side would like to know what you, sir, think of the validity or legitimacy of this clause in view of the arguments that have been made. In view of the arguments also which you made very forcefully to this House yesterday afternoon.

Mr. Chairman, let me put it in this context. If this government wishes to use this scheme to impose a tax mandatorily on the people of Ontario, then the entire weight of parliamentary experience necessitates that they use the procedures which they are bound to follow. Those procedures include an address from the Lieutenant-Governor which will specify the amount of the tax. Those procedures also include the specifying of the precise premium amount in the clause, or the method by which those premiums are determined.

Mr. Chairman, make no mistake about it, this money is going to the Provincial Treasurer to be deposited to the consolidated revenue fund of Ontario. Unlike any other piece of legislation. Under the OHSC moneys are deposited into a separate fund for the purpose of the provision of the referral service to which the Attorney General referred. In this case—

Mr. Ruston: Mr. Chairman, a point of order.

Mr. Chairman: A point of order.

Mr. Ruston: Mr. Chairman, on OHSC—I do not know if people are aware—but OHSC premiums are paid directly to the Treasurer of the province of Ontario.

Mr. MacDonald: They are not.

Mr. Ruston: They are.

Mr. MacDonald: No, they are not.

Mr. Ruston: Well we had better check on it.

Mr. Lewis: It was documented tonight.

Mr. Chairman, I beg the indulgence of the House for a moment longer because we too want to see this bill carry as speedily as possible. But we are not willing to have the government of the province of Ontario impose a tax by way of premium which they intend to use for consolidated revenue purposes without indicating to the people of the province the amount of that tax which they are obliged to do by all Parliamentary experience.

If they insist on voiding their own bill—the matters of court action apart, they can come later—but if they insist on voiding their own bill, then it seems—

Mr. Sopha: Lewis against the Treasurer of Ontario and Robarts.

Mr. Lewis: As a matter of fact—

Mr. Sopha: Renwick for the plaintiff.

Mr. Lewis: —if it were merely Lewis against the Provincial Treasurer and the Premier, I would be honoured, but I would prefer to include the Minister of Justice because I—

Mr. Sopha: Sopha, Singer for the defendants.

Mr. Lewis: —was most impressed by the lack of force of his arguments in refutation.

Mr. Nixon: Did you ask the Chairman to say something?

Mr. Lewis: Yes I did. I am glad you bring me back to my focus.

I would therefore come back to the request of the chair to indicate his feelings on the argument that was made, and I will not reread his position of yesterday, it was more lucid than anything I have heard from the government side tonight. He referred to an impost and a tax, and on that basis ruled an amendment out of order, and you cannot put this bill through so deviously that you do not indicate what you are taxing the people for. It is not possible.

Mr. Nixon: Let us hear what you have to say.

Mr. Chairman: Well, when the matter was raised yesterday, and I gave my ruling in connection with the motions placed before the committee, I quoted rule 112, which rule refers to taxes or impost for any purpose.

I went on to recite to the committee the result of research that had been done, and information that I had obtained from the Clerk's office. I expressed my opinions insofar as that was concerned, insofar as expenditures, revenues, taxes, imposts, etc.

Now I had made that ruling yesterday, it seems to me, and I thank the hon. member for believing that I have sufficient capacity to have absorbed all of the legal technicalities raised by the hon. members. I assure them I have not.

It seems to me that the matter must surely be a technical point because the message from the Lieutenant-Governor was concurred in by the House before the bill was placed

before the committee; on top of which, when the bill is placed before the House for third reading and for Royal assent, the Lieutenant-Governor will then give Royal assent for the entire bill which makes everything legal that has been done and is to be done by the bill.

Mr. Lewis: Point of order, Mr. Chairman.

The message from the Lieutenant-Governor in which this House concurred referred to moneys appropriated out of the consolidated revenue accounts for purposes of payment. We are now spending moneys. We are now talking about moneys which are being paid into the fund.

I am sure the chair realizes what the government is trying to do. The government is trying to raise a major tax levy under the disguise of a health insurance premium, without specifying by legislation how much money they expect and the basis on which it will be calculated.

You see, the government was never interested, Mr. Chairman, in imposing the premiums for the purpose of health insurance. Never. All it was interested in was the money from Ottawa; that is what will be applied to the plan.

What this premium is to do is to provide moneys for the consolidated revenue fund of the province, which will have no bearing on health insurance at all. And if, Mr. Chairman, the government is going to use this calculated deception to increase dramatically the taxes of the people of Ontario, then they are obliged to use all the procedures. At least let us know, by way of message from the Lieutenant-Governor, how much they anticipate, and let us know in statute, as in every other taxing Act, how many dollars the premium will be levied at.

That is what we are engaged in, Mr. Chairman, and they should not be allowed to get away with this.

Mr. MacDonald: With respect, may I just briefly point out one defect in the case you are putting, Mr. Chairman. You have said that we have had addresses from the Lieutenant-Governor for the purpose which authorize—legalize, if you will—appropriations out of the consolidated revenue. But—

Mr. Chairman: Expenditures, as referred to in the message from the Lieutenant-Governor, determined by the amount of the revenues raised.

Mr. MacDonald: No, no!

Mr. Chairman: The expenditure referred to is the amount this province must pay out.

Mr. MacDonald: No, because as my colleague has pointed out on previous occasions—and he documented one case to you—you not only have the address which authorizes the appropriation out of the consolidated revenue, but you have the address which is the initial step in being able to get the money out of the public domain, so to speak, into the consolidated revenue.

That address has to be in specific terms—the amount of the tax—and it has to be incorporated in the statute. That is not here and therefore the bill is being proceeded with in an irregular—indeed illegal—fashion.

Mr. J. Renwick: Mr. Chairman, if I may just comment briefly on that.

Mr. Chairman, as I understand it, the proposition that you are leading up to is that the authorization of an expenditure is the authorization of a tax. I am saying to you that the two things are entirely different. For example, when we are dealing with the estimates, and vote each of the items in the estimates, which have been preceded by the required resolutions authorizing the expenditure, we are authorizing the expenditure. We are also authorizing the expenditure in lieu of an item in the estimates out of the consolidated revenue fund for this purpose. But you cannot possibly then go to the conclusion that every time this assembly authorizes an appropriation by way of vote out of the expenditures, that there is an authorization to tax.

The two matters are separate and distinct, and all of the precedents that we have referred to require you, Mr. Chairman, to take this matter under advisement. Before you rule on this proposition that the authorization of an expenditure is not an authorization to tax, I ask you if you would take the matter under advisement. Give it consideration, because the matter goes far beyond any of the questions of the partisan views about this or anything else. It goes to the fundamental methods under our system by which taxes are levied.

It is that crucial and that important, and I would ask, in any way that I can, Mr. Chairman, that you take the matter under advisement.

Mr. MacDonald: Mr. Chairman, forgive me but there is another brief point that I want to make. The hon. member for Sudbury has been rather critical of our whole presentation of this case.

Mr. Sopha: You are wasting time.

Mr. MacDonald: He has dismissed it as casuistry, as sophistry, as wasting time. It is interesting to note that after all his deprecating comments, he then said if there is any doubt—and there is—

Mr. Sopha: Because I want to get on with the province's business.

Mr. MacDonald: Okay. Let me dwell for a moment on this point.

If there is any doubt, and there is, then let the government move, by bringing in an address tomorrow morning specifying the amount of the premiums, which is the only way that you can get back within the four corners of our traditional normal constitutional procedure.

So instead of arguing disparagingly, let us draw attention to the fact that the hon. member himself has said "if there is any doubt," and there is no doubt there is. This government has an obligation to move to bring in that address tomorrow morning so that your bill will not be a nullity after you have passed it.

Mr. Sopha: The Premier thinks there is.

Mr. G. Ben (Humber): Let me remind you, Mr. Chairman, the bill needs third reading and it needs approval. We do not pass it until we give it third reading, so we can still pass the resolution if needed. In committee of the whole we only come to certain resolutions, Mr. Chairman, which we pass on to Mr. Speaker.

Furthermore, it is trite that an authorization to appropriate money from the Consolidated revenues is authorization to raise it.

Mr. Chairman: May I say that—

Mr. Sopha: Mr. Chairman, on a point of order before you rule. If there is any doubt about that at all, let us refer to the rule which I studied very carefully. I am not going to be very long about this. Let us look at the rule. I will abridge it.

> The House shall not adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue or for any tax or impost to any purpose that has not first been recommended by a message—

Mr. MacDonald: First recommended.

Mr. Sopha: "—of the Lieutenant-Governor in session." Now as I read that—

Mr. MacDonald: It was not recommended.

Mr. Sopha: As I read that, until this bill goes through third reading the House has not passed it. That is the point I make. So if there is any doubt then before it is called for third reading tomorrow, the government can go and get a resolution from the Lieutenant-Governor, if it is needed to satisfy the graduate of Borden-Elliott over here, and all his colleagues that he has persuaded.

So for heaven's sake we can get away from this legal pettifoggery and get on with the public business.

Mr. J. Renwick: Mr. Chairman, if I can make one comment on the point which the member for Humber has raised.

As I understand it—and I would assume that you would have to take advice on this matter as well—if the committee rises and reports the bill without the address having been presented, then from that point onward the flaw in that section nullifies the bill. I simply ask, Mr. Chairman, that the matter be taken under advisement.

Mr. Chairman: I am advised that that is not so.

Mr. Lewis: Well I do not care, Mr. Chairman, whether it comes in committee or third reading. As one of the disciples, God save me, of Borden-Elliott and other—

Mr. Sopha: This boy's father is a lawyer.

Mr. Lewis: —and other firms, may I say, Mr. Chairman, that the value of having the message from the Lieutenant-Governor—however much it may be depreciated by the member for Sudbury—means that this House will know the method by which the premiums are to be calculated, or their exact level, or the amount of revenue anticipated. So that finally we will have from this government what its intentions are, by way of imposing this tax. And that is no small pettifogging matter. That is the heart of this bill.

Mr. Chairman: I have listened to all of the arguments and I do not believe it actually is a point of order on which I am required to make a ruling. We do have a motion before the committee for consideration and I believe I should put that motion.

And the motion is simply that of Mr. Ruston:

> That the premium for health insurance services for a single person or an insured person and one or more dependents shall be such amounts as are prescribed by the regulations.

Mr. J. Renwick: Mr. Chairman, I move that the committee rise and report.

Mr. Chairman: Mr. Renwick moves that the committee rise and report.

Shall the motion carry?

Those in favour please say "aye". Those opposed please say "nay".

In my opinion the "nays" have it.

Call in the members.

Those in favour of the motion, will please rise.

Those opposed will please rise.

Interjections by hon. members.

Mr. Chairman: Order!

Clerk of the House: Mr. Chairman, the "ayes" are 12, the "nays" are 64.

Mr. Chairman: I declare the motion lost.

We now have a motion before us for consideration.

Mr. MacDonald: Mr. Chairman, on a point of order, we are not going to oppose this amendment which will carry the section other than by voice vote, but I want to indicate to you now that before third reading we will request the Speaker for a ruling on this point—

Interjections by hon. members.

Mr. MacDonald: Can we proceed without the flippancy of those who were not even here to know what we are talking about, Mr. Chairman?

Mr. Chairman: Order!

Mr. MacDonald: Before third reading we will request that ruling because it is our firm conviction—and we have provided the documentation to the House—that without the address specifying the tax, and therefore the level of the premiums in the bill, this bill will become a nullity.

Mr. Chairman: Those in favour of Mr. Ruston's motion will please say "aye".

Those opposed, will please say "nay".

In my opinion, the nays have it.

I declare the motion lost.

Section 13 agreed to.

Sections 14 to 16, inclusive, agreed to.

On section 17:

Mr. Lewis: Mr. Chairman, I am not going to make any extended presentation. I want to read you an amendment which we in this party think is necessary in order to clarify this section. I have crossed out part of it which might be offensive to the Chair or anyone else.

I move that section 17 of Bill 195 be amended by adding the following words:

> But notwithstanding the generality of the foregoing it shall grant full premium assistance to persons whose taxable income plus their personal exemption under The Income Tax Act is below the poverty line as defined by the Economic Council of Canada.

And that the section as amended become subsection 1 of section 17. And that section 17 of Bill 195 be further amended to add subsection 2 as follows:

> Any measures of income which are used in determining eligibility for premium assistance, must be reviewed annually by the board and must be increased on July 1 of each year by at least the same percentage as the Dominion Bureau of Statistics consumer price index has increased during the preceding 12 months.

Mr. Chairman: I shall read the motion—moved by Mr. Lewis, that section 17 of Bill 195 be amended by adding the following words:

> But notwithstanding the generality of the foregoing, it shall grant full premium assistance to persons whose taxable income plus their personal exemption under The Income Tax Act is below the poverty line as defined by the Economic Council of Canada.

And that the section as amended become subsection 1 of section 17 and that section 17 of Bill 195 be further amended to add subsection 2 as follows:

> Any measures of income which are used in determining elegibility for premium assistance, must be reviewed annually by the board and must be increased on July 1 of each year by at least the same percentage as the Dominion Bureau of Statistics consumer price index has increased during the preceding 12 months.

May I say that in my opinion the motion is not a proper one, it is out of order on the basis that there is an attempt in the motion to appropriate certain funds for a purpose, other than intended by the legislation. It is beyond the competence of the private member to introduce such a motion.

Mr. Lewis: Mr. Chairman, I am not going to challenge rulings. I shall accept your ruling. I shall ask the Minister, then, what is intended under the section because the difficulty with this bill lies in the government's reluctance to indicate its intention.

We would like to ask what its intentions are in respect of clause 17? What will it determine by regulation? What possibilities do members of the Opposition have other than to make specific amendments, if no intention is specified except by regulation, to which we are not presently privy? Can the Minister indicate what assistance he intends to grant under clause 17?

Hon. Mr. Dymond: Mr. Chairman, the present criteria or the present cases that are usually sent to the board—and from them, if necessary, to the council—are those which seek special assistance on the basis of temporary unemployment or some emergent situation, financial hardship, prolonged and difficult costly illness, matters of that kind which put people in a catastrophic situation from time to time and unexpectedly.

This mechanism was written into OMSIP in the first instance and you will recall on the introduction of the bill it was pointed out that this had been a very valuable benefit to provide for our people since something over 100,000 people had been helped in this way. It is a very satisfactory and very smooth working operation. That is the kind of thing. To put it in regulation allows us to meet emergencies that, at the present time, cannot be foreseen or may not be foreseeable, to make it as flexible as we possibly can.

Mr. Lewis: Mr. Chairman, on a point of order, is not the Minister talking about section 18? I am asking about section 17.

Hon. Mr. Dymond: It is exactly the same thing.

Mr. Lewis: No, it is not. Section 18 specifies, "premiums due to unemployment, illness, disability." Section 17 gives you a blanket granting of assistance in the payment of premiums for such persons and in such amounts as are determined in accordance with the regulation. Which are the categories of such persons and what does the Minister have in mind by such amounts?

Hon. Mr. Dymond: This is very much on all fours with section 18. It is to meet emergency situations.

Mr. Lewis: I really think that the Minister must be dealing with those people who would be assisted by virtue of indigence or by income tax level—is that not what 17 would apply to?

Hon. Mr. Dymond: Of course, those are part of the persons who are given assistance in such amounts as may be determined by regulation. Those are included, but sections 17 and 18 very much apply to the same thing. My information was specifically directed to 18. Section 17 deals with social assistance—those in receipt of assistance where they are not able to pay for the services themselves.

Mr. Lewis: Is the Minister saying then, Mr. Chairman—

Interjection by an hon. member.

Mr. Chairman: I think perhaps the hon. member for Scarborough West was calling for a specific point and he should be permitted to speak. I will recognize the hon. member next.

Mr. Lewis: Is the Minister saying that this is the section where the present provisions of OMSIP assistance will apply?

Hon. Mr. Dymond: That is right, Mr. Chairman.

Mr. Lewis: At the same levels, Mr. Chairman, as OMSIP?

Hon. Mr. Dymond: At the same level as we set out when I introduced the bill on second reading.

Mr. Lewis: Well, Mr. Chairman, because I cannot amend it, sir, and I appreciate your ruling, let us on this side of the House offer the most vigorous opposition to the proposition that the OMSIP levels of assistance should prevail.

We feel strongly about those people whose income is below the poverty line as defined by the Economic Council of Canada, that is—to remind myself of the words of the member for Dovercourt (Mr. De Monte) when he was discussing workmen's compensation—those families who receive less than $4,800 a year and are considered below the poverty line by the Economic Council of Canada.

For those families we think premium assistance should be total, and that nothing less will do. And to make an arbitrary cut-off at a much lower level visits a very severe hardship on all those who have already been defined as occupying the category of poverty by an eminent economic organization in this country.

Then, above that, that is, people who make in the vicinity of $4,800 to $16,000 or thereabouts, there should be partially assisted premium payments for large families, because they too have very, very marginal existence in terms of subsistence levels of life. I submit, Mr. Chairman, that in that way, the way in which the Minister has interpreted this clause, the clause is seriously deficient, and I appeal to him to consider at some future point, an appropriate amendment.

Mr. Chairman: The hon. member for Grey South.

Mr. Winkler: Mr. Chairman, there are some aspects of that argument that I cannot disagree with and there are some aspects of the entire programme with which I totally agree. And I must compliment the Minister for implementing the programme as it is. There is no question about that, and I do not think anyone in the province of Ontario will question that.

I think here the basic premise is, and arrives in, the basic exemption in income tax, which will fit the programme that Ontario implements. I wanted to say that because that is how the programme is today, and I am sure that if the federal government accepted its responsibilities in the area of poverty or however you wish to term the matter, I am sure that the Minister's programme will answer that very point.

Let no one in Ontario be deceived by whatever point the member is trying to force the provincial government into in Ontario. It is an accepted programme and I can only say that the Minister's programme complements exactly what the federal government is doing.

Mr. R. Gisborn (Hamilton East): I wonder if the Minister could tell me why he has the word "may" in this section, rather than "shall".

It reads:

> The board may grant assistance in the payment of premiums for such persons and in such amounts as are determined in accordance with the regulations.

If the regulation sets out that a person is entitled to it, would it not be mandatory for the board to pay it?

Hon. Mr. Dymond: Mr. Chairman, we get into another argument legally. This, I am told, is the word that is used frequently. If the regulations set out what we shall pay, we will pay it, make no mistake of that, sir.

Section 17 agreed to.

On section 18:

Mr. Ben: On section 18, Mr. Chairman, may I suggest—I have the amendment written out—that section 18 be amended by inserting the word "insured" after the word "any" in the first line. It is just a technical amendment and it is consistent with—

Mr. Lewis: That sounds like pettifogging casuistry to me.

Mr. Ben: I do not care whether it carries or not, but I think it would.

Mr. Chairman: Mr. Ben moves that section 18, subsection 1, be amended by adding the word "insured" after the word "any" in the first line thereof.

Hon. Mr. Dymond: This is just a sequence, Mr. Chairman—that these persons would not be insured. We do not care whether they are insured or not. If they are insured we would be glad to have an opportunity to carry them on, but if they are not insured, if their insurance has lapsed because of the catastrophe that has befallen them, they are the ones who apply to us.

Mr. Lewis: That amendment was ridiculous verbal calisthenics.

Hon. Mr. Robarts: I like that phrase.

Hon. Mr. Dymond: It does not really matter.

Mr. Ben: Well, Mr. Chairman, why does the Minister not say it, because the argument does not hold?

Hon. Mr. Dymond: I am afraid again if there is too rigid an interpretation—

Mr. Ben: Mr. Chairman, will you accept the amendment?

Hon. Mr. Dymond: Yes, I will accept, but if I come back with an amendment next fall, Mr. Chairman, I hope you will understand. I will accept it, yes.

Mr. Chairman: Those in favour of Mr. Ben's motion, please say "aye".

Those opposed, please say "nay".

I declare the motion carried.

Section 18, as amended, agreed to.

Section 19 agreed to.

On section 20:

Mr. M. Makarchuk (Brantford): Will the Minister indicate as to whether *per capita*

payments will be permitted by his department to group clinics?

Hon. Mr. Dymond: Again, as I said at the outset, Mr. Chairman, we have not decided what system may be accepted but this gives us the right to consider systems other than fee for service patients, and *per capita* is one of the first that has been brought to our attention as being one of great interest to some people.

Mr. Makarchuk: Mr. Chairman, I have an amendment to that particular section. The amendment reads:

That the following subsection be added to section 20 of Bill 195, An Act respecting Health Services Insurance:

20(1) The Minister may make grants and/or loans at interest rates not higher than the average rate paid by the province of Ontario for long-term bonds over the preceding 12 months to approved non-profit health centres for the acquisition of land or equipment and the construction or expansion of buildings for approved health centre facilities.

Mr. Chairman: Well, without any further discussion on that motion, I must say that it is out of order and not acceptable, due to the fact that it involves an expenditure of funds.

Mr. Makarchuk: I realize that, Mr. Chairman, but it does not—

Mr. Chairman: The motion is out of order.

Mr. Makarchuk: It does not preclude me from speaking on this particular section.

Mr. Chairman: You may discuss the section by all means, but I cannot accept the motion because it is out of order.

Mr. Makarchuk: Mr. Chairman, the purpose of the amendment, of course, was to improve the medical care—

Mr. Chairman: I wonder if the hon. member would speak up or turn his microphone over, I cannot hear him.

Mr. Makarchuk: I think it is the noise level in the front row there, that party that is causing it.

Now, Mr. Chairman, the extent of the motion was—

Mr. Chairman: The hon. member cannot discuss the motion which is out of order. Section 20 deals with the commutation of fees. The hon. member may discuss the matter of the commutation of fees.

Mr. Makarchuk: Had I been able to move such a motion, Mr. Chairman, the purpose behind it would have been to permit the government to pursue the idea that Medicare is not the final answer in terms of health care—

Mr. Chairman: I cannot tell whether he is out of order or not, because I cannot hear with the noise and he is not speaking loudly enough.

Hon. Mr. Robarts: Mr. Chairman, I assure you he is out of order.

Mr. Lewis: Well, I am closer to him and I think he is in order.

Mr. Makarchuk: Mr. Chairman, speaking to that particular section, I wish to point out to the Minister that Medicare is not, shall we say, the final answer in health care—

Mr. Chairman: The hon. member is out of order, completely out of order. He is not discussing this section at all.

Section 20 agreed to.

On section 21:

Hon. Mr. Dymond: Mr. Chairman, I would like to move that subsection 2 of section 21 of the bill be amended by striking out "to physicians" in the fifth line and by adding at the end thereof, "rendered by physicians", so that the subsection shall read as follows:

Where the revised schedule of fees results in an increase in costs of insured health services under the plan, the Lieutenant-Governor-in-Council may notwithstanding subsection 1 of section 19, establish by regulation the schedule of payment that shall be made for insured health services rendered by physicians.

Mr. Chairman: Shall the Minister's motion carry? Carried!

Mr. Nixon: Well, Mr. Chairman—

Mr. Chairman: Section 21 is not carried, just amended.

Mr. Nixon: Mr. Chairman, the amendment the Minister put forward was not quite the one I had in mind and I have another one to propose. This amendment has carried and I presume another one would now be in order. Is that in order?

Mr. Chairman: I would accept another one.

Mr. Nixon: Yes, thank you very much. Because this section 21, particularly the first part, deals with the responsibility of the Minister to deal with the Ontario Medical Association when changes in the fee schedule may, from time to time, be required, at least in the view of the medical association.

We have said time and again that we do not feel that the Minister should be left alone with this important responsibility. He has said himself that the medical council that has been proposed might be a suitable vehicle for holding hearings associated with this matter.

We in the Liberal Party feel that the members of the Legislature representing the public interest should have the responsibility to hear the views expressed and the positions maintained by the Ontario Medical Association when they wish to discuss changes in the fee schedule.

We believe that the standing committee on health would be a proper forum for this purpose, and for that reason I move for your consideration, Mr. Chairman, the consideration of the House, the following amendment to section 21.

That after the words "changed in the schedule of fees" in the last line, the following words be added:

> No revision of the schedule of fees of the Ontario Medical Association shall come into effect until such proposed revision shall have received public hearing before the standing committee on health, and have been approved by that committee, and the report on the hearing tabled in the Legislature.

Mr. Chairman, perhaps, if you will allow me to continue before you look at the reading—

Mr. Chairman: May I just put it to the committee first?

Mr. Nixon: Yes.

Mr. Chairman: Mr. Nixon moves that section 21 be amended as follows: section 21, subsection 1 after the words "changed in the schedule of fees" add—as stated by the hon. member.

Mr. Nixon: This in no way infringes on the principle of responsible government. I would expect that the Minister would himself take part in the discussions before the committee, or if he chose he could undertake some negotiations with the Ontario Medical Association in private if he felt that they would be more efficient and effective by so doing. It would be quite within his powers to give his own recommendations to the committee for their approval or disapproval as they saw fit.

But at least this would bring the members of the Legislature into a situation where they could represent the public interest and, in fact, be of some assistance to the Minister of Health in the continuing difficulties that he himself has expressed in dealing with the Ontario Medical Association from time to time.

I do not feel this infringes on his responsibilities. It simply broadens them. It gives the public forum, in which the Ontario Medical Association can put forward their reasons for changes in the schedule from time to time.

My own feeling is that it would benefit all concerned in that those citizens of the province who must, in the long run, pay the schedule as it changes would have an opportunity to hear these matters discussed in public, and we, as their representatives, would put the questions that I would feel would be meaningful to the Ontario Medical Association representatives for our own edification, resulting in a decision made by the committee, and a recommendation that would then be put before this Legislature, and which I believe would be in the best interest of modern democratic government.

Mr. Chairman: The hon. member for Riverdale.

Mr. J. Renwick: Mr. Chairman, I just want to comment. We were going to propose an amendment somewhat along the line. Without arguing as to the proper body, we would certainly support the amendment. We are interested in public hearings and, in addition to that, we are interested in making certain that there is a public airing of the conditions under which the plan qualifies under The Medical Care Act of Canada.

Those conditions are two in number. The first one is that the plan provide for reasonable compensation for insured health services rendered by medical practitioners. The second condition of the eligibility of the plan is that such compensation does not impede or preclude, either directly or indirectly—whether our charges are made to insured persons or otherwise—reasonable access to insured health services by insured persons, that is to have a public hearing concerning the two branches of those criteria which are essential elements of qualification of the plan under the federal Act.

It would be on that basis that we would support the amendment posed by the leader

of the Opposition. We do in fact think that the council provided in the Act is perhaps a somewhat better body to hold such public hearings.

Mr. Chairman: The hon. Minister.

Hon. Mr. Dymond: Mr. Chairman, when we wrote the Act, having regard to the discussions I have heard in the House, we believed that the council was the better body before which the medical association and all practitioners ultimately who are involved in this should come to justify any changes, or to explain the reasons for any changes in the fee schedule.

I was of the opinion—I still hold the opinion—that I cannot write into legislation an order forcing the standing committee to call someone before them. It seems to me that the standing committee, if I know anything of the rules governing a standing committee, have the right to call anybody before them. If they do not come willingly, there are ways at the disposal of the standing committee to have them come before them.

I would be of the opinion also that since no change in the fees paid or the amount paid in respect of fees for services can be effected without an amendment to the Act—and this is one thing that is written into the Act—that this House has the final determination. It can go through whatever steps it chooses to go through prior to coming to a determination on any amendment that may be proposed.

It would seem to me that, to sum up, the council is the more appropriate body having regard to the fact that the standing committee has a right, which does not need to be written into an Act, to call before them any body that they might want to question or with whom they might want to discuss matters of this kind.

Mr. Nixon: Mr. Chairman, I am interested in the views of the hon. Minister. Certainly the standing committees are under the direction of this Legislature, and if the Legislature took the decision through a bill of this type, which will become a statute to require their action in this regard, then I think it would be appropriate.

But under these circumstances, since the Minister does approve of the general concept of a public hearing, if he would consider a change in my amendment which would replace the standing committee on health with the council mentioned in the Act, I would be pleased to make that change—

Hon. Mr. Dymond: It is in now—

Mr. Nixon: —and that these hearings would be necessary on the part of the OMA.

Hon. Mr. Dymond: That is one of the functions of the council. It is laid down in the Act.

Mr. Nixon: What section? Under 27! What subsection?

Hon. Mr. Dymond: 27(c).

Mr. Nixon: It is not a public hearing though, is it? The whole point of the amendment surely is that the public would have an opportunity to hear the justification put forward by the medical profession in this regard. I cannot agree with the Minister that the principle is the same.

Too often there is the feeling that the profession dickers with the Minister behind closed doors and that while he protests in this House he does his best to hold the line. There is the feeling that he is overwhelmed by his colleagues in the active profession.

Now, to look to the council for the kind of assistance that the Minister suggests is presently contained in the Act is insufficient. They would be closed hearings under the provisions here.

We would expect them to be closed hearings, there is nothing requiring them to be open. I would think these hearings could take place even before the proposed schedule of the OFA were put before the standing committee, but where the representatives of the people in the committee would have an opportunity to question the doctors as to their reasons for proposing an increase.

In fact, simply promulgating an increase would have a moderating effect on the demands that would be put forward. I believe that the committee would be reasonable in assessing the arguments put forward by the medical association as the degree of complexity in medicine becomes greater and greater over the years, and the breadth of the services rendered change.

It is for this reason that I believe the amendment that I put forward should stand to provide for this sort of a public hearing. Surely the Minister—his reasons are very interesting ones—would agree that this House can direct that these hearings would take place whenever the schedule is to be changed, and that the committee should put their approval, if such can be gained, in a report

on the table of the Legislature for the edification of the public.

The Minister's primary responsibility, as is obvious in a system of responsible government, is not infringed.

Hon. Mr. Dymond: I do recognize that the standing committee has the right and that this House has the right to direct the standing committee to do it, if the committee does not do it on its own initiative. But as I understand it, the committee can, on its own initiative, invite these people to come before them and hold a public hearing.

But the council—it is laid down also in the Act that the majority of the council always shall represent the public interest.

Now, what is a public hearing? If you appoint people to represent the public interest, they are going to take the job seriously and I think do it responsibly, and they are going to reflect the public view in my opinion.

Mr. Nixon: You know what a public hearing is and it is not what you are talking about.

Hon. Mr. Dymond: The standing committee still has the right and I think after listening to these debates so frequently now, the standing committee will see to it that they find out all they can and discuss all they want in this matter as publicly as possible without breaking any of the Act.

I know of no Act that spells out—I could be corrected here—that a standing committee shall do certain things. It is really a sort of a thing that can be arranged on an *ad hoc* kind of basis and they can do what they want or what this Legislature directs that they shall do.

Mr. Sopha: Now, could I make three points briefly?

I do not want to be disingenuous about this but I can see very well how such a procedure would redound to the benefit of the medical profession themselves. There might be many areas where the fees paid for medical services under the Act are singularly inadequate. And this would furnish a vehicle for the medical profession in public to justify an increase in fees. And I am delighted that the member for Quinte (Mr. Potter) nods in approval when I make that point. So it is not at all one-sided.

The second point I make is that I venture to predict that the government is not going to be able to get away for a very long period of time, in paying vast amounts of money from the public treasury of this province for services, without making the fees part of the regulations.

I see no reason why the payments, the fees upon which payments are made, are not part of the regulations under the Act. But they are made on the basis of a private schedule of fees drawn up by a professional association in camera, and apparently, first appeal to the Minister of Health when they ask for consultations with him under section 21.

Now, I will predict that before many moons are out they will have to become part of the regulations under the Act. Now, I better pause; there is a great quarry going on.

Now, the third point that I want to make is that there is plenty of precedent for the establishment of fees by the public body. I am not going to repeat the observations that I made the other night.

But I draw attention to such things as the fees paid solicitors under The Surrogate Courts Act, where representations are had from the governing body of the legal profession to the governing authorities, the Attorney General, and his schedule of fees are then promulgated as a result of those discussions. But the whole body of the legal profession plays no part in arriving at the amount. So I cite that to show that there is a precedent.

The schedule of fees in respect of estates —and that is a very important sector, because we all eventually go to our "great reward," that special one reserved for legislators who work till 2.30 in the morning—the amount that the executor must pay for winding up the estate, is fixed by law. Charges above and beyond that can only be made in special circumstances. So I sort of withdraw, I have a revulsion for this argument that we must not interfere with the prerogatives of a professional group since we are accustomed in our tradition to interfere a great deal.

Now, the last thing that I wanted to say and I want to say it in a most kindly way that I can—I do not want to evoke any reaction in my good friend, the Minister of Health —is that I really do have some reservations, under this section, of the professional group coming to a fellow-doctor.

When they come to this Minister of Health, they come to one of their own, and he is put in a very unhappy position. He represents, as the Minister of Health, the public interest and he is talking to professional colleagues.

Hon. Mr. Robarts: Does that include a lawyer as Attorney General?

Mr. Sopha: Well I am sorry you raised that, because I answered that about three weeks ago when you were not here. The Attorney General is a lawyer because he is the government's lawyer. He is not your doctor.

Hon. Mr. Robarts: Oh what a specious reply.

Mr. Sopha: Not at all, not at all! Think about it for a moment. Think about it for a moment.

Hon. Mr. Robarts: I heard you say—

Mr. Sopha: Think about it for a moment. The government is in court many times.

Hon. Mr. Robarts: Specious argument.

Mr. Sopha: And when they are in court, he is your lawyer. And as the Toronto *Globe and Mail* put it so correctly, he is everybody's lawyer; he is everybody's lawyer in the province.

Hon. Mr. Robarts: That is a specious argument.

Mr. Sopha: All right, all right, John. You can say that. Go ahead and say that.

Hon. Mr. Robarts: Would you say every medical doctor from—

Mr. Sopha: Having studied under MacGregor Dawson—will you listen to me? Will you listen to me?

Having studied 20 years ago—

Hon. Mr. Robarts: I was just asking a question.

Mr. Sopha: Will you listen to me and I will answer you? Could I answer you?

Hon. Mr. Robarts: Please do!

Mr. Sopha: Fine!

Having studied 20 years ago in the Museum Theatre up the street here under MacGregor Dawson, an outstanding authority on the government of Canada and the British Parliamentary system, I have always believed—

Mr. E. Sargent (Grey-Bruce): I never heard it.

Mr. Sopha: Will you permit me? I have always believed—

Hon. Mr. Robarts: I doubt that he will. He never permits me.

Mr. Sargent: You did not teach me yet, Jack.

Mr. Sopha: I have always believed that it is a mistake to have an expert in a portfolio. It is a mistake to have an expert in the subject under his purview in the portfolio, for many reasons that I will not detail tonight. I will not detail them tonight, but if you think of them over the summer holidays, they will come to you.

All you need in a portfolio under our system is a capable administrator. That is all you need. You do not need an expert in the field.

Hon. Mr. Robarts: Oh no!

Mr. Sopha: He will get expert advice from—

Mr. Chairman: This is not the subject under discussion.

Hon. Mr. Robarts: Mr. Chairman, I can only say that the speaker has never formed a government.

Mr. Sopha: The Premier asked me a question.

Interjections by hon. members.

Mr. Sopha: Look at the dirty allusion. You see, the *ad hominem* argument.

Hon. Mr. Robarts: Just disregard it.

Mr. Sopha: You got it; you got it. It can be said that if the NDP victory in Manitoba presages a victory in Ontario for those fellows they too have got to get a new leader.

And let me say this, that is what the hon. member for Riverdale thinks too.

Mr. MacDonald: You are more worried about our problems than your own.

Interjections by hon. members.

Mr. Chairman: All those in favour of Mr. Nixon's motion will please say "aye".

All those opposed will please say "nay".

In my opinion the "nays" have it.

Section 21 agreed to.

On section 22:

Mr. Gisborn: Have we gone to section 22?

Mr. Lewis: That was a noble fight, Bob, I am sorry about the—

Mr. Gisborn: Mr. Chairman, subsection 1 of section 22 reads:

> Where the physician or practitioner intends to charge the insured person an amount of more than is payable for the insurer's health services under the plan, he shall so advise the patient prior to rendering the service.

Now, as a layman, I am not the best at analyzing legal documents, and with this Act, in this section I just do not understand what lies in there at all. Therefore, I want to move an amendment to this section:

That, subsection 1 of section 22 of Bill 195 be amended by adding after the word "patient" in the fourth line the words, "in writing" so that the subsection shall read:

> (1) Where the physician or the practitioner intends to charge the insured person an amount more than is payable for the insured's health service under this plan, he shall so advise the patient in writing prior to rendering the service.

Now, this section, of course, refers to extra billing—

Mr. Chairman: Mr. Gisborn moves that subsection 1 of section 22 of Bill 195, An Act respecting the Health Services Insurance, be amended by adding after the word "patient" in the fourth line, the words, "in writing".

Mr. Gisborn: This section, Mr. Chairman, of course refers to extra billing, that is, billing for the ten per cent or other amount above what is covered by the basic plan.

I am not going to repeat our strong concern and criticism in regard to extra billing. We have heard from many members on this side of the House our complete opposition to it, but the thing that strikes me is that when we were criticizing the Minister strongly for the possibility and the eventuality of over-billing, we sort of got a shrug from him saying that, well, it does not happen.

We have had some experience, there are members of our party who have had personal experience, with continuous and regular over-billing. The thing that strikes me is that there is no place in the bill that prohibits over-billing, and there is nothing in there that says they can. It is just left out so that makes it allowable.

If this section had been left out I might not have felt so bad about it, we criticized the over-billing in the second reading, but it appears to me that the Minister has put this section in to give encouragement to doctors to over-bill. It is some encouragement to put a section in there saying that if you are going to over-bill then you must notify the patient prior to service.

Now it does not explain what it means if he notifies the patient, in what manner he does it. Does he just say while they are in his office: "Well, you may get another little bill for 50 cents or another dollar, or something from me"? That is the notification, that is all that is necessary under the present reading.

I think, if we are going to have them notified, then they should be notified in writing, and I do not think that this would be too much of an imposition upon the medical profession. I would hope the Minister would give that some consideration, and maybe explain to the House why subsection 1 of section 22 is there.

Mr. Deans: Mr. Chairman, there is one other small matter that the Minister might consider in his answer to the member for Hamilton East.

It might be worthy of consideration that a patient should sign the notice that is sent to him, in order that there is some proof that he did get it. It is very difficult, regardless of whether a doctor sends it out, which is fine, that that offers some safeguard. The other position might be that the patient ought to sign to make it binding on both sides.

Mr. Chairman: The hon. Minister.

Hon. Mr. Dymond: Mr. Chairman, we did think a very great deal about this. I can tell hon. members that had they followed the history of social services insurance throughout the world they would find that the most prominent and most damning criticism levelled at it is the amount of red tape involved in it. Indeed, this resolution was condemned by the hon. member's seatmate while he was talking the other day about the amount of people that would be necessary even now.

Add to that, if billing to schedule is as right as my hon. friend would have us believe, add that additional paper work and it just is not practical.

Furthermore, Mr. Chairman, if we demand that this be done in writing we are going to have an inspector in every physician's office watching every case that is dealt with, ensuring that the Act is obeyed. It may be good in theory, but I can assure you that this is one of the surest ways of bungling the administration of the Act hopelessly and it would work more against it and more to the

disadvantage of the patients than it would be to their advantage.

I believe this is the best possible compromise and if we find that this does not work then we will have an opportunity on the basis of experience to give consideration to some other more stringent method. In the meantime I suggest to you that this is a good safeguard and while we have thought of the possibility of the ways and means that they might be given notice, or to be considered to have been given notice, we believe that this is the best compromise we could have.

I therefore believe that this is unnecessary.

Mr. Gisborn: Mr. Chairman, I agree with the Minister that you can develop a red tape situation, and a costly one, but if that is the case, why is that section in there at all? To remove the red tape and the cost, why does the Minister not just put a short, brief paragraph in there to prohibit over-billing? That would rectify the situation. His answer seems to be more redundant to me than the section is.

Mr. Chairman: All those in favour of Mr. Gisborn's motion will please say "aye".

Those opposed will please say "nay".

In my opinion the "nays" have it. I declare the motion lost.

Section 22 agreed to.

Sections 23 and 24 agreed to.

On section 25:

Hon. Mr. Dymond: Mr. Chairman, I would move that subsection 1 of section 25 of this bill be deleted and the following substituted therefor:

> (1) On the 1st day of October, 1969, every contract of insurance for the payment of all or any part of the cost of insured health services performed in Ontario and received by any person eligible to become an insured person under this Act is void and of no effect insofar as it makes provision for insuring against such cost, and no person shall enter into, or renew such a contract except under this Act.

I would state to you, sir, before you put this, that a complementary amendment will be required as we go back to section 8, and then I will tell you about it afterwards.

Mr. Chairman: Shall the Minister's motion carry?

Mr. Lewis: Mr. Chairman, could you reread that?

Mr. Chairman: Yes, I will read the motion again. Mr. Dymond has moved that subsection 1, of section 25 of the bill be deleted and the following substituted therefor:

> (1) On the 1st day of October, 1969, every contract of insurance for the payment of all or any part of the cost of insured health services performed in Ontario and received by any person eligible to become an insured person under this Act is void and of no effect insofar as it makes provision for insuring against such costs and no person shall enter into or renew such a contract except under this Act.

Hon. Mr. Dymond: Mr. Chairman, very briefly, this pre-empts the field.

Mr. Chairman: Shall this motion carry?

Mr. Lewis: Mr. Chairman, before it is carried, why was it changed to make this specific amendment—given, what section 25, subsection 1 consisted of before?

Hon. Mr. Dymond: I, for one, thought that the present language, the language in the bill as written, was a little bit obscure and it was difficult for me to understand what it was doing, what it was intended to do. I wanted that clarified and I believe the amendment clarifies it. It makes it very clear that the government is pre-empting this field.

Mr. Lewis: It is pre-empting in the terms of the 10 per cent as well. That is what this clause is doing.

Hon. Mr. Dymond: Nothing to do with the 10 per cent. You mean, in forbidding the insurance? Oh yes, yes.

Mr. Lewis: Okay!

Mr. Chairman: Does this motion carry? Carried.

Section 25, as amended, agreed to.

Mr. Chairman: Now we have a complementary motion to section 8 if the committee will recall. We will now go back to section 8.

On section 8:

Hon. Mr. Dymond: I move that subsection 2 of section 8 of the bill be amended by striking out:

> And subsection 1 of section 25 does not apply in respect of insured health services

performed under a plan referred to in clause (a) or (b) before that date.

in the tenth, eleventh and twelfth lines.

This section—well I will let you put it first.

Mr. Chairman: Mr. Dymond moves that subsection 2 of section 8 of the bill be amended as just related to the committee.

Hon. Mr. Dymond: Mr. Chairman, this provides for continuity of the service and section 25 allows the government to pre-empt the field on and after October 1st.

Mr. Chairman: Shall the motion carry?

Section 8, as amended, agreed to.

On section 26:

Mr. Lewis: Mr. Chairman, I pray sir, that even though our amendment not be accepted by the government it will at least be accepted by you. I want to have the pleasure of moving one amendment which is in order this evening.

On section 26, sir—you will agree with this one—I move that subsection 1 of section 26 of Bill 195, An Act respecting Health Services Insurance be amended by deleting the words "Ontario Medical Association" in the sixth line and substituting therefor the words "Ontario College of Physicians and Surgeons", so that the amended subsection shall read:

> (1) There shall be a health service insurance council consisting of not fewer than nine members who shall be appointed by the Lieutenant-Governor-in-Council and of whom a majority are representatives of the public, two are representatives of the medical profession nominated by the Ontario College of Physicians and Surgeons and two are representatives of the designated agents.

Now surely that is an innocent and in order amendment, Mr. Chairman:

Mr. Chairman: Mr. Lewis has moved that subsection 1 of section 26 be amended by deleting the words "Ontario Medical Association" in the sixth line and substituting therefor the words "Ontario College of Physicians and Surgeons". The hon. member.

Mr. Ben: Well would you explain please?

Mr. Chairman: I think I can accept the amendment.

Mr. Lewis: Well there is the first victory. Now, Mr. Chairman, I shall proceed to the second.

We in this party are moving for the substitution for, I think, a fairly simple and, I hope, compelling reason.

The Ontario Medical Association is, as the Legislature knows, the trade association of the profession rather than the licencing and regulatory body of the profession. We felt very strongly, Mr. Chairman, that in the composition of the health services insurance council, representatives of the regulatory and licensing body should be part of the council.

But even more important, by way of extension of that argument, Mr. Chairman, I refer the attention of the members of the House to section 27, clause (c):

> On the direction of the Minister to conduct the discussions with the Ontario Medical Association referred to in subsection 1 of section 20.

That is, the discussions relating to the setting of the fee schedule and it seemed to us that members of the Ontario Medical Association as part of the council should not be discussing with members of the Ontario Medical Association the setting of fees by the Ontario Medical Association; that there was some valid point in having the college of physicians and surgeons designating two people of the regulatory and licensing body.

So at least one would not have the same people talking to the same people, one would have a largely representative group, representative of the public and of the profession, speaking to the elected representatives of the OMA in the setting of fees. And that this is a distinction worth preserving.

It is a distinction which we have made at other times for roughly the same reason; that the licensing body of medical practice in this province should have that particular reference and that is the reason for this simple amendment.

I think that in terms of public competence in the discussion of fee schedules it would be very much enhanced.

Mr. Chairman: The hon. Minster.

Hon. Mr. Dymond: Mr. Chairman, it is a very simple and very innocent appearing amendment. It is quite an innocent amendment too. But again I have to advise you, sir, it just would not work. First, the college would feel very much that there was a conflict of their interest. They are the statutory regulating body of the profession. But they have nothing to do with the setting of fees and this is one of the great problems we would put—

Interjection by an hon. member.

Hon. Mr. Dymond: It is and that is precisely their point. We would force them in a position of this kind, we would force them into a conflict of their interest. The—

Mr. Lewis: But in the public interest.

Hon. Mr. Dymond: But this is what they have to avoid because they cannot afford to be considered by the public as being concerned primarily with their own economic interests. The trade body, as my hon. friend calls it, and—

Mr. Lewis: I did not mean it in a disparaging way.

Hon. Mr. Dymond: No, but that is a good way of putting it, since it is the economic arm of the profession. And that is one of their functions, to set the fee schedules.

It is also their responsibility to be in a position to tell us about the day to day relationships of the practising physicians with their patients. But the college, I am quite certain—I know, Mr. Chairman—would not take this responsibility and I think we would defeat the purpose. I think we need physicians on this council. I do not think that we should, just out of hand, say that the two men who are nominated by the profession are going to selfishly consider the interests of the profession only.

I do not think my hon. friend has suggested that really, but there is a tendency to think that. I believe that they recognize that they are citizens as well as practitioners and then of course they are always in the minority. This is laid down in the Act. I say to you, Mr. Chairman, this would not work because I am quite certain the college will not take this responsibility.

Mr. Lewis: With respect, Mr. Chairman, if one were to make the argument which is being made by indirection, by the Minister, of a conflict of interest, one could say that the Ontario Medical Association as a trade association has little right to receive and investigate complaints in respect of the operation of the plan.

What role is that of theirs? That is section (a) under 27, to advise and make recommendations to the Minister in respect of the operation of the plan. What role is that of theirs? Advise and make recommendations respecting the premium rate, why would the trade association have that role to play?

It seems to me, the more I listen to the Minister, that what we are saying to the college of physicians and surgeons is, we respect that you have a public interest and what is more, we know you would serve that public interest with integrity and since you license and regulate we would like two of your number on the council protecting the public interest in all of these various facets given to the council under section 27. Particularly that of the fee schedule, because one would not then have the invidious situation where members of the OMA are negotiating with members of the OMA.

It seems to me, Mr. Chairman, that one is really saying to the college of physicians and surgeons that we want you in this one public area, the public interest, to extend your dimension of service, and I have no qualms in seeing the college doing that. I do not think that conflicts with the college's role. In fact we are saying to the college—we have sufficient respect for your integrity that we are sure there would not be a conflict.

Hon. Mr. Dymond: Let us not lose sight of the fact that every practising physician is, must be, a member of the college. The only difference here is that you are asking that the college nominate him. Now every physician need not be a member of the association, but every practising physician must be a member of the college, so actually the two representatives of the—

Mr. Lewis: All the more reason.

Hon. Mr. Dymond: Well this is what I am pointing out to you, they are members of the college already, the only difference is they are not nominated by the college. This is the only difference that your amendment would make, they are members of the college.

Mr. Lewis: Well there is a big difference in being and not being members of the college.

The Minister himself has said so. It will be brought into the public sector. I think I would like to hear in iconoclastic interjection by the leader of the Opposition to state the position of his party.

Mr. Chairman: All those in favour of the motion of the hon. member for Scarborough West will please say "aye". Those opposed will please say "nay". In my opinion the "nays" have it.

Call in the members.

All those in favour of the motion of the hon. member for Scarborough West will please rise.

Order! Those opposed will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 28 and the "nays" 46.

Mr. Chairman: I declare the motion lost.

Section 26 agreed to.

On section 27:

Mr. Lawlor: Mr. Chairman, I have a minor amendment to section 27.

Interjections by hon. members.

Mr. Lawlor: Mr. Chairman, considering the lateness of the hour, I shall not flog this animal either. What we have got in front of us here today is a rather anaemic looking rascal. A little flushing out might do this little critter no harm at all.

If the Minister will look at the British Columbia legislation—God forbid—under this head, he will see that clause (a) of section 27 is rather more abundant. Because of the vast interest being shown in this particular amendment, I shall proceed—

Interjections by hon. members.

Mr. Lawlor: —I shall proceed to read it.

Subsection (a) of subsection 1 of section 27, Bill 195, An Act respecting Health Services Insurance, be deleted and the following substituted therefor:

> To receive, hear, investigate and resolve complaints in respect of the operation of the plan.

I think it speaks for itself.

Mr. Chairman: Would the hon. member permit me to put the motion to the committee so that they can hear it?

Mr. Lawlor has moved that subsection (a) of subsection 1 of section 27 be deleted and the following substituted therefor:

> To receive, hear, investigate and resolve complaints in respect of the operation of the plan.

The hon. member for Lakeshore.

Mr. Lawlor: As I say, my remarks speak for themselves. It gives it slightly wider powers than at present. It is somewhat in the form of a review board. It should be engineered and it should be able to resolve the complaints.

I suggest that it has some merit.

Mr. Chairman: The hon. Minister.

Hon. Mr. Dymond: Mr. Chairman, it is a simple amendment, again against the intent of the council. The council is not to be an executive body, it is to be an advisory body, and it is to be charged with the responsibility of resolving complaints. The purpose of the council will then be negated. I therefore suggest that this does not fit at all.

Mr. Chairman: Those in favour of Mr. Lawlor's motion please say "aye".

Those opposed please say "nay".

In my opinion the "nays" have it.

I declare the motion lost.

Section 27 agreed to. Section 28 agreed to.

Mr. Lawlor: You can pass the rest of the legislation through yourselves.

Interjections by hon. members.

Sections 29 to 31, inclusive, agreed to.

On section 32:

Mr. M. Gaunt (Huron-Bruce): Mr. Chairman, I have an amendment to section 32. I move that paragraph (g) of section 32 be amended by adding after the second word "services" in the first line, the words: "but including chirophatic, osteopathic and optometric services". So that the clause shall read as follows:

> Specifying what services, other than medical services, but including chiropractic, osteopathic and optometric services, are insured health services for the purposes of the plan and prescribing what practitioners may render such services and under what conditions such services are insured health services and prescribing the amount of payment for such insured health services.

Mr. Chairman: May I say that a motion similar to this was defeated before the consideration of this bill. The motion is therefore out of order.

Mr. Gaunt: Mr. Chairman, I indicated at the time that I moved the original motion that, in order to make the bill complete, it had to have a complementary amendment. This is simply the complementary amendment.

Interjections by hon. members.

Mr. Chairman: Shall section 32 stand as part of the bill?

Section 32 agreed to.

On section 33:

Hon. Mr. Dymond: Mr. Chairman, I move that Bill 195 be amended by renumbering sections 33, 34, 35 and 36 as 34, 35, 36 and 37 respectively, by adding thereto the following section:

Section 33. The Minister shall make a report annually to the Lieutenant-Governor-in-Council upon the affairs of the plan and every such report shall contain the report of the provincial auditor under section 3, which shall include his certificate as to whether the accounts and financial transactions of the plan, including those of designated agents, meet the requirements of this Act and the Minister shall later report before the assembly if it is in session or if not at the next ensuing session.

Mr. Chairman: Shall the motion carry? Carried.

Section 33 agreed to.

Section 34, formerly 33, agreed to.

Section 35, formerly 34, agreed to.

Section 36, formerly 35, agreed to.

Section 37, formerly 36, agreed to.

Mr. Chairman: Shall the bill as amended be reported?

Interjections by hon. members.

Bill 195, as amended, reported.

THE POLICE ACT

House in committee on Bill 178, An Act to amend The Police Act.

Mr. Chairman: On section 1. Shall section 1 stand as part of the bill? Carried.

Section 2 carried.

Mr. Deans: No! No!

Mr. Chairman: The hon. member has asked me to give him time. I did call section 1 and I did pause.

Hon. Mr. Grossman: He is tired.

Mr. Chairman: I know, but the hon. member was insinuating to me that I did not give him any time. He gets up and waves his hand. This is not proper.

Interjections by hon. members.

Mr. Chairman: I called section 1. Shall section 1 stand as part of the bill?

Section 1 agreed to.

On section 2:

Mr. Chairman: Shall section 2 stand as part of the bill?

Mr. Deans: Mr. Chairman, no.

Mr. Chairman: If the hon. member wishes to speak to section 2, will he please rise and address the Chair. After all, I do not know what he is getting up for, unless he addresses the Chair.

Mr. Sopha: He might be going to the washroom.

Mr. Chairman: That is right.

Shall section 2 stand as part of the bill?

Mr. Deans: Mr. Chairman, no.

Mr. Chairman: The hon. member knows that the proper procedure, if he will refer to the rules, is to rise and address the Chair.

Mr. Deans: Sir, I have twice done that. I am terribly sorry if you cannot hear me. I have twice said, "Mr. Chairman"!

I ask you now, am I recognized or am I not?

Mr. Chairman: If the hon. member rises and says, "Mr. Chairman"—

Mr. Deans: I have done it twice.

Mr. Chairman: I have not heard him.

Interjection by an hon. member.

Mr. Chairman: I have not heard him.

Mr. J. Renwick: Well, everybody else did.

Mr. Chairman: Shall section 2 stand as part of the bill?

Mr. Deans: Again? Mr. Chairman.

Mr. Chairman: The hon. member for Wentworth.

Mr. Deans: Thank you, sir, I certainly do appreciate it. It is a tough day; it has been a long day.

Mr. Chairman, I find the matters contained in section 2 to be extremely offensive. I find that what is being done here, as we mentioned in second reading of the bill, is aimed directly at dividing the bargaining units of the police associations of Ontario.

The purpose for introducing this—the entire drive behind the introduction of this particular section—has been instigated by the police governing bodies, by the various commissions by the 78 officers in Metropolitan Toronto. Those people have done this, in my opinion, sir, to the detriment of many thousands of ordinary police officers across this province.

In the city of Hamilton, for example, the six out of the seven senior police officers have indicated quite clearly, by poll, that they do not want to leave the bargaining unit and are not in favour of any change. It seems to me that to pass an Act that affects every police body in this province, for the sake of protecting or meeting the whims or desires of 78 officers in Toronto is not right.

What is going to happen here, and I made this argument to the Attorney General some time ago—and in fact, even suggested an amendment which he indicated to me he would notify me whether it was accepted or rejected, but he never did—is that there is going to be a distinct opportunity to play off one group of police officers against another in bargaining procedures. To use the one to hold down the wages of the other—and I think that the Attorney General recognizes that this is a distinct possibility. Much effort has gone into bargaining and establishing proper differentials throughout the police forces in order that the senior officers receive remuneration in accordance with the function that they perform, in relation to functions performed by other police officers.

What will happen here now, if they are allowed to bargain independently, is that the entire differential process that has been established to date, will be destroyed. The opportunity for commissions to reach agreement with the senior officers which will act to the detriment of the police forces, the general police force, is very great. Now, had the Attorney General perhaps been in favour of allowing the associations and then getting to a point of insisting on joint bargaining then we might have been able to support that kind of a move. We might have been able to. As I understand the police association, and the senior officers' association, they both indicated that they were prepared to undertake that kind of an amendment.

I think that the Attorney General is not acting in completely good faith with the two associations. The representative of senior officers indicated that he was not averse to joint bargaining. The representatives of the police associations themselves indicated they were not opposed to joint bargaining. They have also indicated that they were not opposed to separate units within the association. Surely, if the people who are most involved were prepared to accept that kind of move, it was beholden upon the Attorney General to meet it with legislation that would permit it.

What is being done here is that the management group have been able to assert their wishes to the detriment of the people who will be most directly affected. In my opinion this is not good legislation. The Attorney General, in the argument that I put forward before, stated that he did not believe there would be any pressure on these officers. He says that the Act is permissive legislation, and it is permissive legislation. But one of the unfortunate parts about it is this: There will be considerable pressure put on the senior officers from the day that this Act comes into force, to leave the association and to form, for themselves, an association. If the statements that I make in regard to the detrimental effect this will have on the bargaining unit are in truth, and if the Attorney General recognizes the distinct possibility of this, then what he has actually done is destroy the efforts of the associations over the last 10 or 15 years.

The kind of pressure I talk about is very subtle pressure. It is not direct, out-in-the-open type of pressure. It is the pressure that says to the senior officers in a very quiet and subtle way: "If you hope at any time to reach the rank of chief, or deputy chief, for example, you must—or it would be to your advantage—to have your own association." It is the kind of pressure that says to them: "Look, you are being held back by the bargaining procedures you are presently involved in. If you were to form your own association there is more money available for you. You can get additional remuneration on top of what you might receive."

And yet, the truth of this has not been borne out in the amendments to The Fire Departments Act. In actual fact, when the deputy chiefs were removed from The Fire Departments Act, and let me say to you, sir, in regard to that, as an example, that was brought about by pressure of this type. That Act was changed by pressure of the type that will be forced upon the senior officers of the police departments. The kind of promises that were made were the promises of increased salaries, greater remuneration, but it never materialized. It did not materialize, and a great number of deptuy fire chiefs today are making less money, in proportion to

those officers under them, than they would have been making had they remained in the bargaining unit. This same thing is going to be used, this same kind of gentle persuasive pressure will be used to entice these senior officers to form an association of their own, which will operate, in my opinion, to the detriment of the force.

To go to the other argument, the one I made to the Attorney General during the second reading. It is necessary, in a police force, that there be a great sense of loyalty, responsibility and camaraderie — as my colleague from Lakeshore would say.

Mr. Lawlor: One for all and all for one.

Mr. Deans: It is necessary that this kind of an atmosphere prevail throughout a force. This cannot be done with a split force. It cannot be done if a false division is made. All of the arguments put forward by the commission, all of the arguments put forward by the senior officers association in Metropolitan Toronto are not valid. Some may well be valid, but not all of them, and the most invalid of all is the argument that the senior officers are management. The senior officers are not management. The senior officers are no more management than are the constables on the beat.

Every officer has to make for himself the determination of how his job ought to be done. He is responsible for his own actions. He is responsible to himself and to the people. Other than for the general overseeing and bookwork, there is not the responsibility in the senior officer classification that makes him management. He has a distinctly different responsibility perhaps than the constable, but it is not a management responsibility.

It seems to me, that from my own point of view, the most compelling argument, really, aside from the technical ones and the thought of the breaking up of the bargaining unit is the need for the close association of all of the officers. It is absolutely vital that there be a close association and the ability to communicate one with the other on a level, aside from the supervisory to lesser levels. What is required and what makes an association like this work so well, what makes keeping the association together so important, is that when a question arises, and there is a conflict between the constable and the senior officer, there is another avenue open to him for discussion, with both present, to discuss it.

But, after having sat down with the senior officer in his office at his place of business and discussed whatever the problem may be, there is then open to the constable and to the senior officer, the opportunity to sit down together at an association meeting and to discuss, as two people, man to man, what the problem is that has not been resolved to the satisfaction of either side. This is lost by dividing them.

I cannot see why the Attorney General is so insistent on making this move. I cannot see why even permissive legislation to cover the province of Ontario is necessary to meet the situation of Metropolitan Toronto. I cannot see why 78 officers in Metropolitan Toronto, who have decided for themselves that their situation is different and they themselves require some form of association, should, in any way, be permitted to influence any other part of the province.

I would suggest to the Attorney General that this portion of the bill is not good and that what ought to be done, if he would not withdraw it—which I would prefer—is that he would at least amend it in such a fashion as to leave the joint bargaining process and leave the opportunity for both to come together. In fact, make it mandatory, for both to come to the bargaining table together as one body in order to preserve and to maintain and to protect the interests of both parties.

Mr. Chairman: Would the hon. Attorney General care to reply or have more discussion on it?

Hon. Mr. Wishart: Perhaps if I may be permitted, Mr. Chairman, maybe I could shorten some of the debate.

I would like to point out, Mr. Chairman, that we had a very full debate on this principle of the bill. This particular section, which contained the principle, was very fully discussed on second reading. There was a very full discussion in committee, the committee on legal bills. The hon. member who has just spoken joined us in that committee, sat with the committee and had the privilege of speaking, where he put forward the same argument he puts forward tonight.

Mr. Sopha: Well just wait until we get to section 7, we are going to hear it all again.

Hon. Mr. Wishart: I am not questioning that he has the right to speak again, but I do point out that—

Mr. Deans: Mr. Chairman, on a point of order. I did not at any time during the hearing of that committee make any argument of any kind.

Hon. Mr. Wishart: I am sorry if I was mistaken, I thought the hon. member had spoken. Mr. Chairman, I apologize if I am wrong on that.

First of all, I would point out that the language of the section is optional. There is no one being directed or forced to do anything. There is the option for the senior officers to form their own association if they wish, and they must be 50 per cent or better. There must be a majority in any force.

The hon. member has said there is no desire for this, there is no urgency for this, the senior officers are not asking for this. If that is the case, it will be little used.

There is one senior association of which we know and they were represented at the committee hearing. They have pointed out that they have sought to form a separate association since 1960 and to have it covered by legislation. They are not members of the Metropolitan Toronto association, they do not pay membership dues, and they, therefore, have no right to bargain.

We have retained the right of bargaining, we have made it optional, and to say that that is oppressive or directing simply does not follow.

Far from the bargaining working to the detriment of one group or the other, I think it may very well assist, it may raise the level of pay and working conditions which may be obtained.

The hon. member has said in one part of his argument that on the commission, the board of police commissioners, there will be pressure to get the senior members out.

I do not know who will exert this pressure, but he used the language: "You will get more money if you come out". Well, if they will get more money, then certainly their level being raised will not depress the level of the others.

Mr. Deans: I am suggesting that argument will be used, but I suggested also by way of explanation that after it was used in The Police Act and The Fire Departments Act, it never materialized.

Hon. Mr. Wishart: Well, if they are going to get more money, then surely we cannot argue in the same breath that it is likely to depress the other association, those below the rank of inspector.

I would point out that agreement on this was reached two years ago by the Ontario Police Association, the Ontario Provincial Police Association, by the governing bodies, the police commission—all police bodies represented reached agreement that this should be done.

Mr. Deans: At the committee hearing the representatives said no.

Hon. Mr. Wishart: Yes, it has been recited in the committee. It was agreed upon, and it was retracted in a very mild way when we prepared the statute two years ago. But the pressure, the urgency to do this by the senior members, has continued. I think it is a good thing.

One reason I think it is a good thing is because it does exist in the Ontario provincial police force. Those senior members are dealt with differently, and when you talk about camaraderie and morale, I hold that force up as an example where it works, it makes for good administration.

Mr. Deans: It is an entirely different situation.

Hon. Mr. Wishart: That is the prime purpose of this legislation, good administration. And you have the best example that you could have in the Ontario provincial police force. This is the way it is done, and there it works. It works in every other province in Canada except Ontario. Every other province in Canada except Ontario has this arrangement. So we are not introducing something that is strange or new. We are the last ones to have it.

Those are the points that the hon. member raised.

I would like to make reference to the amendment which he was good enough to bring to me yesterday which suggested that, if there is to be a senior members' association, that at least let them bargain with the main association or let them be part of the whole.

I looked at it, considered it, but I do not think I can entertain it because if the senior members are to come out, if I were to move in some change here at all what might be done would be to take away from them the right to bargain.

I did not want to do that. That was urged upon us; let the senior members form their own association and not bargain, but be treated, as it were, as management, and dealt with.

This is the way the Ontario provincial police senior members are dealt with. They do not bargain.

If I were to change that at all, that would have been the way I would have preferred

to go, but I did not feel it was proper in this legislation to take away the right of bargaining.

Now, Mr. Chairman, I think I have dealt with those points which have been raised by the hon. member.

Mr. Chairman: Section 2?

Mr. Lawlor: I thought I noticed the other member moving forward to stand up, Mr. Chairman.

Yes, Mr. Chairman, I do not intend to be inhibited simply because of the hour. If the government wishes to bring on this legislation tonight, that is their business.

I think what this section comports is a deliberate election in the direction of an option taken by the Attorney General under the aegis of certain police chiefs, and without very much support in the rest of the province as far as we can determine. As a matter of fact, a single force, as far as we could see on that committee, was responsible for this legislation.

I say your option is between a British model on the one hand of what a police force is and should be, and an American model on the other. I suggest that the British model in this case has more to commend it than the American, and that in observing the overall direction that you are going to take in the future you ought to give very serious consideration to what the British do, and not be under the baneful influence of what the Americans historically have come to do?

The American experience in this regard at least, is not an altogether meritorious one, and it brings about, as you know, overtones of the police state, the strong arm method, the third degree, the various things that have come to smack and be redolent of the underside, the underbelly of American law.

This is not so obvious in Great Britain, partially because of the way they regard their policemen and their police force, and the way they have structured that police force.

What you are doing in this regard is between the two models. It is on the one side the mistaken notion—mistaken by the member for Sarnia, and apparently mistaken by the hon. Attorney General—that the police force is a quasi or para-military organization.

That is not the British concept. It may be for all I know, the American one. It seems to be. That they stand shoulder to shoulder like storm troopers. It is very difficult to determine from photographs exactly in which country these various quasi military organizations are acting.

But in the British model—and here is the crucial difference—in a British notion of a policeman, the constable on the beat is his own final authority. In other words he has a role of very wide discretion and self determination. He is not subject to superior orders, as a soldier is.

The whole question of the Nuremberg trials is to what extent is anybody subject, or ought to be subject, to superior orders.

The minute that you cede that another person giving orders simply because he holds a rank superior to your own, is by that very fact, able to have these orders carried out irrespective of how inhuman they may be, by that very fact, you have fallen into *derelictio* and the whole way of life that we have sought to engender is destroyed.

We all know that. And the British, in their model of a policeman, say that he is his own final authority. We cannot plead as he does something wrong in the course of his duty that he was ordered to do so by some superior. It points to him.

Mr. R. D. Kennedy (Peel South): He is supervised.

Mr. Lawlor: There is external supervision, but when it comes down to laying charges he stands alone. His police commission may help and assist him in paying the council's fees in court. But it is his, and it is made quite clear in the British system that it is his own determination, that it is his responsibility, the acts that he takes out on the beat and the street.

Now, the opposite side of this coin is the military order system, the whole hierarchical structure which you are implanting and embodying in this legislation and giving official sanction to. Once you open the door you may say, "Oh, they have an option. It is permissive. They do what they please."

But the fact is at the moment they are not in that position, and the opening of the door has been done because of some pressures obviously brought upon the Attorney General in this regard, from the management side of the fence. In this particular way the Attorney General in fact encourages the founding of this 78-man organization, taking also a number of civilian personnel in a confidential capacity—about 200 I understand—out of the present police unit.

Well, we feel it is a mistake. We feel that you do destroy the homogeniety of the

force, that sense of unity, that sense that each police officer in the area in his respective duty, carries out that responsibility on his own hook. And he is on a line with his peers in doing the duty that he is doing, in making an arrest, in enforcing the law.

To the general public, he occupies the position of any rank in the force. The chief has no paramouncy over him in this particular regard. The chief has a direct, administrative function. It is not the relationship, in other words, between employer and employee in industry. And while the inspector who appeared before us arguing this case made a most candid presentation, his candid presentations, as candid presentations often are, was naive.

I mean it was a blatant appeal to the American management concept that there are echelons of authority, that we are on the one side of the fence, divided from the great unwashed on the other.

We are the entreprenurial group somehow, we are the superior wisdom operating from on high. This is the tone, this was the drive, and that is wrong. That is not the way the police force can be organized. It is not a branch of the Ford factory. Policemen have more responsibility than that. Policemen are not that closely supervised, or they ought not to be, and we ought not to give cognizance to anything that would undercut or erode the area of their independence as officers.

This theory of independence as officers also breeds a whole host of beneficial things in the general public. It places them in much closer accord with the population at large.

Is not the main difficulty with our police forces at this time as almost between parent and child, and school and parent, a division, the deep gulfs that we are opening up inside this society?

The policeman on the beat, I understand in the metropolitan police force, is another sign of the autocracy taking place internally, of the regimentation that is increasingly going on, sir. I regrettably say it seems to me with your sanction, that this centralization, this notion of hierarchical authority, requires on their side that they put the policeman in squad cars, and they move about impersonally in all the incarceration of a machine, with all the division between person and person that that engenders.

The officer on the beat—and he only goes on the beat in Toronto, I understand, when there is an extra number of policemen—was he not vital to the needs of the community? You have to, it seems to me, to some extent at least, given the moneys available, reverse these trends, take into consideration the human dimension which is usually the question of the quality of life in which we live. We should not subscribe to and enforce the automation, the impersonality, that is being engendered both within the terms of this hierarchy and in the whole approach to the operations of the police force such as this tiny section, once you unfold it, envisages.

In Great Britain, again to continue the British model, they have—you know I suppose in committees of the Legislature, and this body itself being a court—that the rule of counsel in court that when they know of a factor against themselves, they ought to reveal it however may it damage their case, and then hope to discriminate; but helping to discriminate in this body I find a rather fruitless task.

In any event I think I should make a clean breast of it and say that while I will argue strenuously for a particular role of independence for the policeman in Great Britain, at the same time the British do have a division into three different categories. That is an interesting fact, but then it is a difference, by investigating it, it is within a police federation where each one of them represent and elect members to a branch, and where the inspectors are not divided from the sergeant, and the sergeants are not divided from the police and constabulary as a whole.

Actually they operate jointly with a joint bargaining committtee, each one for his own purpose sitting separately for his own bargaining. You heard in the committee, and surely the economic facts of life are apparent here, just what detrimental effect these people bargaining as an isolated unit and undermining, producing by settling for innocuous terms or settling for what happens to please them at the moment, what it does to their fellow brothers on the force and on whom, in circumstances, they may be very dependent for their very lives.

I mean, out in an encirclement of a criminal clique or something of that nature they depend upon the officer on the beat and, in the other circumstances, they want to segregate themselves off and bargain—I mean this is the disposition and they have done so. They took a three per cent increase as we well know quite illegitimately, without any sanction from any legislation whatsoever—as a device of fact etc.—which undermined the general association negotiations.

I do not know that the Attorney General has bowed with the storm on this legislation.

I am sure that we, in the Opposition, would not have moved him a twig of a hair's breadth in this regard, had not the Press supported the Opposition in this regard.

The Attorney General nevertheless, gracious as he is on occasion, has bowed on a number of sections. I despair, I admit, of his bowing under this particular head. I am sure he is convinced, but we can always hope for more benison in the future.

Maybe in the fall, after a long summer's retirement and basking in the moonlight and in the afternoon sun around here, he will be able to come back and recognize the merit of a joint bargaining association wherein they all participate together.

When they negotiate they sit down with a police commission, the inspectors may bargain, the senior officers may bargain—having their own bargaining officers on this association for the overall good of the force, and not setting up internal divisions which are artificial, in the case of police departments, and quite demeaning to the whole operation.

One final word on it as to why the division, historically as I see it, between the British and the American model.

The American concept is of hierarchical authority, of strict law enforcement, of the cult of the detectives. In the British model, it was the man on the beat again. In close relationship, taking cats down from trees, "lodging drunks", being a friend, being close to the people.

In the city of Toronto finally, and this is one of the better things that they do, acting as crossing guards, placing themselves in some kind of a mete rapport with a population as a whole and not always being the hostile one out there, ready to write you a ticket, or place you under arrest, or give you a tongue lashing.

I mean this sense that the police are one with us, and that our interests are identical with theirs, really, instead of this terrible permissiveness that is permeating life at the present time. I say what lies behind the American experience seems to me to be prohibition.

With prohibition the police became corrupt. I mean they knew it was a silly law. They participated and winked their eye and received rakeoffs and payoffs in order to keep the speakeasy alive. They were always politicians too, in the state. I was reading a famous case out in Oregon, the name does not come back at the moment, of just how deeply the tentacles of crime corruption had penetrated into the police forces in those times, in those years.

This gave a new coloration to the whole of the American police enforcement. This led to a second thing, that they said that they did not want politics. When the reforms came, they took politics out of the police force. The emphasis of the Attorney General's legislation and his remarks of recent date, through you, Mr. Chairman, to the Attorney General has been—let us keep police at arm's length, we cannot trespass on this territory because of this blighting experience of the past.

I suggest to you that, like most things in human life, there are detriments to that too. And on examination and in light of the British model, the benefits—the benefits of some kind of interrelationship between the politicians, and the police, and a direct citizen control over the police, will far outdistance what these detriments that have arisen in the past and the American experience have been.

The American experience is now proving to be the blight. We have bred our own Frankenstein in the United States, and it is going to be some job to corral. Whether the real difficulties are going to lie in the streets, or within the departments controlling them, will be a major problem in the next decade in that country. We must avoid that experience, towards which we presently tend, by all the forces of these types of legislation.

Therefore, the depression as it is experienced in the States.

And prohibition bred a certain concept of the police which led, in turn, to a reaction—keep the police out of politics. Which reaction, I think, is overblown. The Attorney General said yesterday, he did not subscribe to the kind of reasoning that when something happens to be contemporary it is therefore something to be adopted or something even right.

I agree with that of course. We judge our things not in terms of the passing moment. But on the other hand we have to make an exquisite judgment of that moment too, in terms of what content, what current is, in an overall way, the most soothing and the most beneficial to the population as a whole.

And what has existed up to now has existed —you know with faint praise. It has helped to maintain a measure of stability. But the general function of the police ought to be, I suggest, in our regimen, one of peace, order and good government.

The order of situation, and not the emphasis upon Dick Tracy and the detection of

crime and the stamping out and routing down of criminals. That is important enough and there are branches of the police that ought to be given special powers and equipment so to do. But the bulk of the police force is not engaged in the detective activity. That is a very special thing and that seems to take up the whole heavens under the American dispensation.

With that in mind I would simply wind up by saying that it is a mistake in our judgment to segregate, or permit this segregation. If it does take place I would trust that the experience of the senior officers will lead them to see that they are abusing their brothers in the police force at least. I would forewarn them against doing so in their bargaining sessions with the association, and to recognize and to provide a way for themselves that, if they feel that in their small unit and in their cosy relationship with the chief of police, who is already a part of their unit—*ex officio*, so far as I know, but a part nevertheless—he is exempted, or he is prescribed from the unit under the legislation. But we were told the chief of police of Metropolitan Toronto and all law deputies were within the unit that they had formed up till this time, then that cosy relationship should lead to their own aggravation, then they may come back into the association as a whole.

Or at least, let us leave ourselves open to overtures whereby the whole association may bargain for its several parts.

Mr. Chairman: The hon. member for Wentworth.

Mr. Deans: I yield the floor.

Mr. Chairman: The hon. member for Sudbury.

Mr. Sopha: Mr. Chairman, the member for Lakeshore has touched every base and has made every post a winning one and the arguments that he has made here tonight are unassailable. There is no question about it, that this is an Americanization of our police forces and it is the importation of a foreign concept, but totally consistent with our habits of mind as a colonial people.

That is what we have always been, and I suppose, for the rest of the century, what we will be. For a long time, we borrowed from the British and now apparently we are tired of that, and we are fetching more and more of our cultural configurations from south of the border.

There is no doubt whatsoever that this is an outgrowth of the fetish with rank. Mr. Shaddock—I believe that was his name, I hope I am correct in identifying him—of course, let the cat out of the bag at the committee.

Mr. Shaddock was the spokesman for the senior officers' association, and throughout the whole range of his argument he time and time again, referred to the relationship of the separation of the bargaining powers with disciplinary problems. Let us know that the senior officers—apparently some 70 in the Metro force—have been rendered anxious, and have been bothered by the fact that they have to associate with the plebeians on the force and rely upon them for the bargaining. It detracts from the disciplinary structure of the force and its operation.

Now, my friend, I do not need to elaborate the very pervasive argument he made: you can see it every night on the television. If you want to sit for a couple of hours and watch a police thriller, you can see that obsession with the rank of the police force and the prestige of the cognoscenti and of those that are endowed with authority—quite apart from the useful allusion that he made to the fetish with the detective in American life.

Now, on the other hand, of course, he alludes to the homogeneity of the British practice and the essential characteristics of the policeman in the British tradition that apparently has escaped the Attorney General.

That is, that according to his activity, or in reference to his activity, what he is employed to do, there is no distinction in rank, from the chief of police right down to the lowliest constable.

And of course that gives rise to the fear that we have. It is a basis of a very real fear that, with this development of the authoritarian concept, the prerogatives of the constable are in danger of being interfered with by his superiors. And there is a detraction from his discretion in the enforcement of the law.

That is to say, if the Attorney General allows a concept to grow up, which is a natural outgrowth in this separation of bargaining, who is to say that, within a short space of time, that the authoritarianism has not overflowed into the sphere of the senior officers telling the officer what he is going to do, in respect of the enforcement of the law and the laying of charges against individuals, or the refusal to lay charges or the conferring of unwarranted benefits in respect of the enforcement of the law, because the enforcement of the law, when all else is said and done, is, far and away, the chief activity of the police officer?

That activity, of course, is of paramount importance to the method in which he bargains. But it leads to another very salient observation, sir, that I charge here in this Legislature. In the early hours of the morning, and with my friend from Lakeshore, I make no apology whatsoever about speaking about this important matter.

I charge that there is a trend growing in this country whereby there is being imposed upon the public a para-military organization. And the police forces, those in charge of the police forces, are setting themselves up as an authority above all control.

Mr. F. Young (Yorkview): The Minister—

Mr. Sopha: Now, how else can you explain—how else, I ask the Attorney General, can you explain—the insolence of Chief Mackey to the supreme legislators of the land? What other explanation is capable that he shall—

Mr. Chairman: You are very wide—

Mr. Sopha: All right, you will start to inhibit me. Go ahead.

Mr. Chairman: But you are very wide of the section. I would just suggest to the member that he is very wide of the particular section which has been adopted in principle.

Mr. Sopha: He sure as hell is going to have mine.

Hon. T. L. Wells (Minister without Portfolio): Prove that last statement.

Mr. Sopha: He is going to have mine.

Prove my last statement? Yes.

Does it need proof other than the report in the Press that when a polite and courteous request was made from the supreme sovereign body of the country to the chief of police of Metropolitan Toronto, he told them, in a fashion, to go to hell?

Hon. Mr. Wells: That does not prove your argument.

Mr. Sopha: He told them to go to hell.

Hon. Mr. Wells: The law unto himself.

Mr. Sopha: All right, I will put it another way.

I am sorry the chief citizen left. I am sorry he left because it is opportune to say to him, in the presence of his Attorney General, that in the face of this trend of imposing the police authority on the citizenry, we are going to look to our lawyer to prevent it.

Our lawyer! There he sits. The lawyer for this Legislature. Your lawyer, and the lawyer of all the people of this province. And in the final result, it is our lawyer that will preserve us from this development. And I say in this province there is very markedly a trend among the high police authority that they want to set themselves above the law.

Now do you want some more proof? Look at the number of cases that are now legion where chiefs of police give themselves the prerogative to make suggestions about the policy of the law. Every parliamentary committee that meets, you will find the police authorities telling the politicians what the law should be.

Mr. Lawlor: Who do they think they are?

Mr. Sopha: And when it was decided that by their sovereign will the people of this country—do you want an example?—were expressing their sovereign will that capital punishment would be abolished, the chiefs of police were at the parliamentary committee urging that it be retained.

Hon. Mr. Wells: That is their right as citizens.

Mr. Sopha: Be retained!

Well if, my friend, they are what we say they are—a quasi-military or a para-military organization—then they are bound by the same conventions as the army, the navy and the air force. They make no pronouncements on policy whatsoever.

Hon. Mr. Grossman: Oh that has changed; they go on strike over there too.

Mr. Sopha: Policy is the single preserve of the legislators, and I say that they are para-military in exactly the same position as the army because they are the only body within the society that has the right to use force.

Hon. Mr. Wells: They have to put their life on the line.

Mr. Sopha: The only one that has the right to use force!

Mr. Lewis: They have got to put their life on the line is what you are getting back.

Mr. Sopha: But my greatest disappointment is not with the Attorney General himself; my greatest disappointment is the reaction that I see in the Treasury benches. When my friend for Lakeshore was speaking, you could not get the Minister of Agriculture and Food

(Mr. Stewart) out of his paper. The Minister without Portfolio was doing his correspondence and the Minister of Highways (Mr. Gomme) was immersed in I do not know what, and I am depressed—

Hon. Mr. Wells: We have heard that four times already.

Mr. Sopha: —because I have the knowledge that there is no examination of this legislation in the Cabinet Council. There is no analysis of what is going on, and the dangers that this society faces from a police force that is not kept in check and is prone to use unwarranted measures against the people that they are hired to protect.

Mr. Sargent: Name us a crime!

Mr. Sopha: Well, I will put it another way, we will put it another way.

In the British system, in the British tradition, the policeman is looked upon as a friend, an ally; they are proud of that tradition, that he is someone that you go to for assistance.

If, for example, you leave a certain community and find you have left your laundry behind, you write to the chief of police and he sends a constable around to get it, and he forwards it on to you. That is to say he is an adjunct to society; he is one of their agents; he is a source of assistance.

The great danger in this society, of course, and what they fail to see on the Treasury benches, is that there may be before our eyes the development of an unsalutary situation where policemen are looked upon as enemies, and especially enemies of those who wish to protest, those who wish to demonstrate.

I have lost the Attorney General entirely; I have lost him entirely. The Minister of Mines (Mr. A. F. Lawrence) has more important matters to take up, but—

Hon. Mr. Wells: You are off the section.

Mr. Sopha: I want to say in all sincerity that in this month of June 1969, I have a very real and very deep fear that we are emerging into a cultural milieu whereby the police forces at the behest of reactionary groups will make unwarranted use of force against certain elements in the society that are for the moment unpopular.

I remind myself, of course, I remind myself of the time of other backlash, the backlash of 1837 when a man in this city protested. A man protested, the Tories of that day went down to his office on King Street and took his printing equipment and threw it in the Toronto harbour. That was the backlash of that day. That was the popular thing to do. The majority of society was against the man who protested. Therefore, it was all right—

Mr. Chairman: Order please!

Mr. Sopha: It is easy to convince—

Mr. Chairman: Order, please!

Will the member for Sudbury allow that he is well outside the scope of this particular section?

Mr. Sopha: Right, right!

Mr. Chairman: This section has been passed in principle.

Mr. Sopha: Well, why do we have this stage? Why do we have this stage at all? Look in the rules.

Mr. Chairman: Well we have had second reading and we have had committee —

Mr. Sopha: I want this section defeated.

Mr. Chairman: You want it changed?

Mr. Sopha: No, we want it deleted. We want it deleted. You see, most of the argument which is expressed as an outgrowth of a very valid fear was lost on the Attorney General because I did not have the advantage of his attention.

I can only say that at that party nest, he might examine the editorial in the three Toronto papers during the past week. He shrugs his shoulders. The points that were made were very valid. The editors of those papers of course would not be carrying out their responsibility, if they did not express an anxious concern.

Interjections by hon. members.

Mr. Sopha: It is really a matter of sadness to me that the Attorney General is blinded to the reality, that he does not see that it is part and parcel of one matter, this section as well as section 7. It is all part and parcel of the same process that is going on. I must say that I fear that the arguments made by my friend from Lakeshore and myself have been lost on him. They have been lost on him.

Mr. Chairman: It is a question of principle, though, is it not?

Mr. Sopha: Certainly it is a question of principle, very deep principle. A principle sincerely held.

Mr. Chairman: The principle has been debated.

Mr. Sopha: We want this section deleted. We are against the separation of the bargaining unit. For the reason, which I tried to show, that it permits the development of a quasi-military organization. Which is unchecked, uninhibited and really, honest to God almighty, the Attorney General of this province does not see the danger.

He does not understand and he does not want to understand. Those people around him, who gave in to this in the Cabinet Council, they do not understand either. They do not understand the problems. The people of the province are entitled to be protected from the police, the unwarranted use of authority.

On the other hand, we are entitled to take steps to foster an organization that acts in civilized fashion within the society and is truly an ally of the sovereign people. That is what we want.

We speak no words of enmity towards the police forces. We want to see the development of a healthy body because all of us over here, it need not be said, have no truck nor sympathy with the criminal element.

Criminals have no respect for other peoples' rights and the police forces have all the support that we can give orally, morally or in any other fashion, to bring them to the bar of justice. It must be done within the context of the strict reservation of the rights of the law abiding.

That is the point that we make and we say, Mr. Chairman, that by permitting the development of this fragmentation of the police force, then you inhibit on the one hand the development of that type of police force that we want to see. On the other hand you encourage people like Mackey to make unwarranted use of their authority.

Now that is the point. That is the point and one would hope that the Minister of Mines would see it, one of the more intelligent members, the more perspicacious members of the Cabinet, the Minister of Mines, one would hope that he would see it. I have given up on the others understanding it.

Those things are worth getting a bit excited about at twenty-five to one in the morning. I make no apology and I do not care who wants to go home, when we are talking about such vital matters to the fabric of our society.

The damn truth of it is that this bill did not get the thought that it deserves.

Interjection by an hon. member.

Mr. Sopha: All right, what happened? You were not even at the committee. What happened at the committee in respect of this bill that did not get the thought that you should have given it in the Cabinet? I will tell you what happened.

Mr. Chairman: Order, please!

Mr. Sopha: Two of your members who sit in the House, the member for York East and the member for St. Catharines, got up and threatened the Attorney General to vote against it.

Interjections by hon. members.

Mr. Chairman: Order, please.

Hon. Mr. Wells: On a point of order—

Mr. Sopha: That is about the first time in about four months that he has been here and said anything.

Hon. Mr. Wells: Let the record show I was at the legal bills committee when this section was debated. I was sitting at the legal bills committee.

Mr. Sopha: What did he say?

Mr. Chairman: The Minister said he was at the legal bills committee—

Mr. Sopha: I did not see him.

Mr. A. K. Meen (York East): Mr. Chairman, on a point of privilege.

Mr. Chairman: Order, please!

Mr. Meen: I did not threaten the Attorney General with voting against his bill. I have supported this bill in principle. I spoke with respect to section 7 and I propose to have a few words to say on that section again tonight.

At that time, I told the chairman of that committee that I supported the motion by the member for Sarnia (Mr. Bullbrook) in principle but that I could see that it had some weaknesses, there were some reasons for not doing it.

I will not cover that point now. I said in view of the Attorney General's explanation that I did support the bill. What the member

for Sudbury is saying, he is reading the editorials in the papers which completely misconstrue the situation at that meeting.

Mr. R. M. Johnston (St. Catharines): Mr. Chairman, fortunately or unfortunately, the member for St. Catharines' name has been injected into this discussion.

Mr. Sopha: Yes. You abstained on this section—

Mr. R. M. Johnston: I really did not state as you stated what I did.

Mr. Chairman: I am suggesting that there is no necessity to rehash that particular committee hearing.

Mr. R. M. Johnston: I have this privilege, Mr. Chairman. I have a point of privilege here I am sure.

Hon. Mr. Wells: Sure he has. He has all night.

Mr. R. M. Johnston: I quarrel with my friend from Sudbury as to his statement. I have been opposed to this bill since its inception and I am still opposed to it tonight.

Mr. Sopha: That is great.

Mr. Chairman: The hon. member for Sudbury.

Mr. Sopha: That is really refreshing. I must confess that I did not see him at the committee. Is he wearing disguises recently?

Mr. Chairman: Order, please.

Mr. Sopha: That is the whole point. The Attorney General can sit and smirk all he wants about it and shrug off the editorials in the press. But the fact still remains that this bill did not receive the thought that the people of Ontario are entitled to expect.

Interjections by hon. members.

Mr. Sopha: That is the problem. The other statement I can rely on is that it gets almost no analytical examination at the Cabinet Council at all, I suspect. I suspect that it gets almost none, in virtue of the lack of interest—the lack of interest in this House tonight when these speeches were going on.

The Minister of Agriculture and Food: what is in there? Something about that farm vote? You cannot get him out of that paper at all. He has been in it all night.

Interjection by an hon member.

Mr. Chairman: Order please! The hon. member for Sudbury mentioned he was concluding his remarks.

Mr. Sopha: Yes, well I like to wake him up a little bit, the high-priced help on the first two benches over there.

They need to be shaken up a little bit because they are our protectors in respect of legislation like this reprehensible legislation, and by George, Mr. Chairman, before I sit down I am going to tell you once again that I see among the body politic, I see the development of this imposition of police authority on the people.

The creation of a sacred cow in our police forces, the obsession of authority of the senior officers—I cannot explain Mackey's action in any other way. By George, I want to say to you as quietly and sincerely as I can that I expect that the protection that my family, my constituents, the people of my community, myself and all of us will get, will be from that man over there. He is the man to give it to us, and that is what I mean when I said to the Prime Minister tonight, when he interjected, that he is our lawyer.

That is the meaningful part of his office, that he is there. What ought to be done at an early time in the political life of this province is that there ought to be a separation of the law enforcement parts of the Minister of Justice function from the administration of justice itself. That is to say that there ought to be one person charged with the responsibility of overseeing the operation of the police forces, and another individual charged with the responsibility of the Attorney General's functions in the courts.

We cannot long delay the day when that must come about, in order that the body politic get the fullest protection that it deserves from a possible growth of tyranny among those who would misuse the police arm.

Hon. Mr. Wishart: Mr. Chairman, if I may, you have been very charitable I think in allowing hon. members not only to not deal with section 2—

Mr. Sopha: What are you, the guardian of the rules?

Mr. Lewis: It is intrinsic to section 2.

Hon. Mr. Wishart: Well perhaps it is. I am not going to be wildly oratorical. I would just like to say this, I think you have been charitable in allowing the hon. members

who have spoken to roam far afield. What I have to offer might be helpful since all of the speech I think of the hon. member for Sudbury was generally on section 7.

I just wanted to let the House know, sir, that when we come to section 7 I have an amendment to offer which I think may save a lot of words if we could deal with it section by section.

Mr. Chairman: On section 2?

Mr. J. Renwick: Mr. Chairman, the comments I want to make are completely divorced from the statement which the Attorney General has just made. I happen to believe that in the long run this is a much more fundamental section of the bill than clause 7, because the battle in that area has already been won.

It is only a matter of time whether the Attorney General is going to agree tonight to political control of the police force. I can only guess what he is going to introduce. But on this bill, and I speak because I sit as a member from the city of Toronto, I want the Minister to know that I am opposed to clause 2 of the bill, fundamentally opposed to it, for the reasons which my colleague from Lakeshore, another member from Metropolitan Toronto, put forward.

I support naturally the amendment put forward by the member for Wentworth because we thought that even by that amendment we could erect some small dyke to protect us from the particular clause which he has inserted.

The Attorney General I do not think will ever understand what is happening in Metropolitan Toronto in the field of police activity. Inspector Shaddock, frank as he was before the committee, stated very clearly that he and his group were management. He said in substance, "We would negotiate our working conditions, but we would never think of making demands because we are management".

He said also, "Oh yes, the Deputy Chief and the Chief of Police of Metropolitan Toronto are members of our association and, of course, they are excluded by The Police Act from being part of the bargaining unit, I guess we will have to make them honorary members".

So what the Attorney General is doing in this section is creating a structural change in the police force in Metropolitan Toronto. It will spread like a contagion to other parts of the province. There is no question that in the larger areas, Windsor, the Niagara area, and as the regional governments are put together, the pressures for this kind of bureaucratic structure of the police force, running counter to all the traditions that the member for Lakeshore has laid out for the Attorney General, will be perpetuated.

All we have to do—and the Attorney General during the recess might perhaps consider—is to ask the police commission to investigate both pictorially and from the police records and the court records what happened on October 17 at the Viet Nam demonstration in front of the United States consulate.

It was a lawful assembly, but the police did not adhere to the traditions of our society in the way in which they handled the assembly which was taking place. They arrested numbers of citizens. Each of those citizens has been tried in a court and has been acquitted.

On that occasion, Inspector Magahy of the Toronto force with his group of men, and under the crowd control instructions and technique which he had learned at school in Chicago, destroyed a lawful assembly of the citizens.

Interjection by an hon. member.

Mr. Lewis: Oh do not make ignorant interjections!

Hon. S. J. Randall (Minister of Trade and Development): The Viet Cong led by Mr. Lewis.

Mr. Lewis: You are an embarrassment to the Cabinet.

Mr. J. E. Bullbrook (Sarnia): Mr. Chairman, on a point of order if I might, surely you are not going to permit an interjection of that nature with the inference inherent in that. I think he was referring to the hon. member for Scarborough West. Surely we are not going to permit that, Mr. Chairman.

Mr. Chairman: The hon. member for Riverdale.

Mr. J. Renwick: One thing the member for Scarborough West can do is take care of himself. The member for Scarborough West did not happen to be in front of the United States consulate on October 17.

Hon. Mr. Randall: He organized the parade.

Mr. J. Renwick: He did not organize the parade. That is typical of what happens in

Metropolitan Toronto when you elect members from suburbia who do not understand what takes place in the heart of the city.

Now, let us get down to the brass tacks of what we are talking about. The member for Lakeshore has attempted politely, and with reason, to bring to the attention of the Attorney General, that you are succumbing to that aspect of the American culture. You have come down here to an area of the province of Ontario which is closer than any other to the pressures that come from the United States, and you are creating a police force which is going to be a semi-military operation.

Hon. J. Yaremko (Minister of Social and Family Services): Which is second to none on the continent.

Mr. J. Renwick: I want the Attorney General, and I am not going to go on at any great length about it, to understand the distinction that my colleague, the member for Lakeshore, made which is an essential part of the tradition of police as we understand it. That is that the police officer cannot, under any circumstances, plead the orders of his superior officer. The police officer also cannot be discharged summarily for a breach of discipline.

He has got protected methods of procedures apart altogether from any collective association to which he might be a party.

That is a fundamental distinction. It is crucial and essential to the distinction in British tradition between the police operation and the military operation.

If the Attorney General will have a structural study made of the Toronto police force and the steps which have been taken over the last five years in that force he will see a constant and continual structural change taking place.

The latest step as stated by Inspector Shaddock is that now the management of the police force—a very polite term—will consist of the boards of directors, the police commission of the city of Toronto, the chairman of the board, the chief of police and the executive officer and his four vice-presidents and a series of executive officers with a distinct difference between the other members of the police force who are sort of the workers in the game.

I am saying to the Attorney General, if he wants to understand the development of the police tradition, it has nothing to do with a corporate structure. It has nothing to do with a bureaucratic structure. It has nothing to do with a hierarchical structure.

Let us not kid ourselves about this. The structure of our society in all its aspects is adopting and reflecting the structure of the corporation; the hierarchical structure; and it is reflected in many other areas of our life.

My colleague, the member for Peterborough (Mr. Pitman), has made this point; my colleague, the member for Wentworth, has made the point. Our universities are structured more and more that way. All of our basic institutions are being structured.

I am saying that the police force, as an institution in a democratic society, cannot be structured that way except to the detriment of the citizen and to the detriment of the police officer and a destruction of his status.

Mr. Chairman, the police in the city of Toronto and the study of the record in the court and pictorially, and in the press, and the police records of the anti-Viet Nam war demonstration before the U.S. consulate on October 16, will show you that the police did not obey one single facet of the law of this country in criminal matters related to lawful assemblies, unlawful assemblies and riots.

They destroyed a lawful assembly by men who were trained in Chicago on crowd control, or, as that is the current euphemism that was removed from the police training calendar of this province, as it was for the first time called, "riot control."

They did not obey any of the fundamental laws.

Mr. Sopha: It is important because it goes to the fabric of our society.

Mr. J. Renwick: They did not obey the law of the province and they arrested citizens who were tried in your courts, the status of which you raised, they were tried in your courts. They were acquitted and you cannot get from your courts a transcript of the evidence in order that now anybody might take it and produce some kind of a study about it.

We have asked for a transcript since last February. We have asked for a transcript of the evidence in one of those cases and we have not got it yet. The men were acquitted, and the women were acquitted. But the lawful assembly of the citizens of Toronto who were concerned about the war in Viet Nam was dispersed. How? By the use of mounted police officers on the sidewalks of the city of Toronto. When the magistrates in this province, the provincial judges in the province held in your courts

that that was a lawful assembly. But do you think for one single moment, do you think for one single moment, that the transcripts of the evidence, the arguments that were made, the decisions of the judges, will ever find its way into the hierarchy of the police force for study, in order that they will modify their techniques? Of course they will not. The next time there is a—

An hon. member: How do you know?

Mr. J. Renwick: Because they have not got them yet. If they had wanted them they would have asked for them.

Mr. Chairman: Order please. I feel that the member is—

Mr. J. Renwick: Mr. Chairman, I am quite prepared to come to order. I am saying to the House that the police are not interested in fundamental law.

Interjections by hon. members.

Mr. J. Renwick: I am saying to each member of this House that if there is a commission appointed to study the pictorial record, the police records, the events which took place on that day, the men and women who were charged, the interviews that took place, those that saw them, the transcripts of the court records, to produce in the city of Toronto a commission report about police activity in this city it would equal, not in the same dramatic sense, but it would equal and display all the same basic faults that happened in Chicago in August.

Mr. Chairman: Order please!

Mr. J. Renwick: All of them, everyone of them.

Mr. Chairman: The member has used the example—

Mr. J. Renwick: Mr. Chairman, I am simply saying that as a member representing a riding in the city of Toronto, who has some little knowledge of what is taking place in one aspect of police affairs, and who could recite many other examples of what I have used in this particular example, to illustrate, to the Attorney General, that you have got to understand what you are doing when you introduce this kind of a section.

The collective bargaining—if you look at it as a collective bargaining section only, people will say, "Does it not make very good sense?" But the pressures that have been brought to bear, as the Attorney General said, during the time that the committee was sitting, were representations from the police commission of the city of Toronto—

Hon. Mr. Wishart: All police.

Mr. J. Renwick: All police. But a lot of pressure was brought to bear and he had to make the decisions. We said it on second reading, we are saying now, the member for Lakeshore has said it. The member for Wentworth thought, you know, that somehow or other he could get the government to agree to this small amendment to protect the collective bargaining part of the problem. But, because he cannot get that amendment accepted, it is simply because the Attorney General does not understand, or if he does understand, he is not prepared to do something about this bureaucratic, hierarchical authoritarian structure which is contrary to the whole principle of democratic process.

Mr. Chairman: Order please. The member is getting very repetitious.

Mr. J. Renwick: Mr. Chairman, I close my remarks, by simply saying that I am fundamentally opposed to—

Interjections by hon. members.

Mr. Chairman: Order please!

Mr. J. Renwick: Mr. Chairman, I am going to digress about the Minister from Don Mills (Mr. Randall). I do not often do it. I live in his riding. He does not understand that his colleagues, judges of the provincial courts, acquitted, after adequate hearings, all the people that the police force in Metropolitan Toronto had arrested.

I can understand why the Attorney General has had all the problems which he has about clause 7. It is very simple. I can quite understand and my guess is that when, after 25 years, the minutes of the Cabinet meetings of this period are shown, you will find that the Attorney General in his own quiet way, indicated that if he did not get political control of the police forces he, the Attorney General, might possibly consider resigning. And this government depends so much upon the Attorney General to shore it up, that they could not face the proposition of being without him. Let us not kid ourselves about it.

Mr. Chairman, you have been very patient. This is a matter which is of great concern to me. The hierarchical structure of the police in the city of Toronto is something I am violently opposed to. If he had come in and told me that the inspectors in Sault Ste. Marie

were interested and inspectors in Toronto were not then I might have had a different reaction. But when he tells me that it is only the inspectors and above, in the city of Toronto that want it, then as a person who was born here, lived here, brought up here and represents a Toronto constituency, I say, Mr. Chairman, the Attorney General is totally wrong on this section of the bill.

Hon. Mr. Wells: Mr. Chairman, after the outburst of the member for Riverdale, I cannot, as a Metro member let this section go without giving my position and my views on this matter.

Contrary to what some of the hon. members may think, I think that I followed the development of this section in as much detail as anyone in the House. Perhaps with more detail than many. I think it has been misconstrued.

But before stating that, Mr. Chairman, I feel, as a Metro member, and as a person who has also been born in this city and brought up in this city that I have to come to the defence of the police of Metropolitan Toronto—

Mr. J. Renwick: Oh, you do not have to come to the defence of the police force.

Hon. Mr. Wells: —who have been slurred and besmirched by these left wing socialists. All I can say—

Mr. J. Renwick: Mr. Chairman, on a point of order.

Interjections by hon. members.

Mr. Chairman: Order, please! You were giving a point of order when you rose.

Mr. J. Renwick: I just want, very quickly, to point out the misrepresentation of the Minister without Portfolio, although I am not going to ask him to withdraw it. I have not, in any of the remarks that I have said, said anything to the detriment of any of the police constables or the police associations.

Hon. Mr. Grossman: You said the police were lawless.

Mr. J. Renwick: I have directed my remarks to the problem involved in the inspectors and above, in the Metropolitan Toronto police force. If the member wants to direct any remarks to me, let him stick to that particular proposition.

Hon. Mr. Grossman: You had better check *Hansard*.

Hon. Mr. Wells: I am not a lawyer, but—

Mr. J. Renwick: You do not have to be.

Hon. Mr. Wells: —as I sit here and listen to the member's group—the Metropolitan Toronto police, this means all the men from the chief down to every lowly constable. We have just finished—

Mr. J. Renwick: If you would come into the House more often you would hear what was being said.

Interjections by hon. members.

Mr. Sopha: Can you not keep a little law and order over there?

Hon. Mr. Wells: The hon. member, Mr. Chairman, has grouped the police together in the remarks that he has made. Such as, "They are not interested in the fundamental law" —applied to the Toronto police.

Hon. A. F. Lawrence (Minister of Mines): That is what he said.

Hon. Mr. Wells: That is what he said.

Interjections by hon. members.

Hon. Mr. Wells: Mr. Chairman, with, of course, the typical disdain for democracy—

An hon. member: A motion a few minutes ago.

Hon. Mr. Wells: —that the new left continually shows. That is, of course, that anything that they say is the truth, but when we try to get our hearing, we are muzzled.

Mr. Chairman, you know I would just like to ask him who organized those Viet Nam demonstrations in Toronto. Was it the Communists, like those who organized the demonstrations in Quebec?

Mr. Lewis: As a matter of fact, it was probably the CIA.

Hon. Mr. Wells: Well, just let us see.

What I want to say, Mr. Chairman, is this. All we have to do, in talking about the police force, is look around and see what has happened from the militant socialist left, in the American cities. Mr. Chairman, my wife can walk down the street in the city of Toronto, my children can walk down the street in the city of Toronto, because of the police force that we have in this city—

Interjections by hon. members.

Hon. Mr. Wells: —and I want to tell you, Mr. Chairman, that I think it is a shame to

hear remarks like those made by the member for Sudbury and the member for Riverdale against the Metropolitan police force.

Mr. Sopha: On a point of order. I will not ask the hon. Minister to withdraw that. I just want to make it absolutely clear that nowhere in my remarks did I make any aspersion against any constable on the Metropolitan Toronto police force.

None of my remarks, I am sure, would be disputed by the executive of that association as I heard them at the committee. Furthermore, the record will bear me out that my remarks were totally directed to the top echelon of the hierarchy of authority of the Metropolitan police force.

Mr. Chairman: Order!

May I say that there is quite as much interruption, and perhaps more, coming from the Opposition as there was from the government, therefore I would suggest that the hon. Minister be permitted a little more—

Mr. Lewis: And now—further word from the landscaped gardens of Scarborough.

Mr. Chairman: I would suggest that in all reason I would ask—order, please—that the Minister be given about the same amount of peace in this Legislature as was given to the member for Sudbury.

Mr. Sopha: That is a suburban speech.

Mr. Chairman: Order, please!

Hon. Mr. Wells: Mr. Chairman, it is nice to hear about the landscaped gardens of Scarborough, because the absentee member is never in Scarborough.

Interjections by hon. members.

Hon. Mr. Wells: Mr. Chairman, to deal with this section. This section comes about at the request of 78 men—ordinary men like you and I—who have asked for this, and in effect have had this in operation since 1966.

The member for Sudbury referred to Inspector Shaddock and put in his mouth something like, "We do not want to mix with the plebeians on the police force." I am sure that Inspector Shaddock never expressed any opinion like that or holds any opinion like that. Inspector Shaddock is a man who, as I say, is a person just like you and I, and is very active in community work.

Another man who appeared there was Inspector Ralph Booth, who pioneered the youth bureau with the Toronto police force and has been the past president, from two years ago, of the Ontario Municipal Recreation Association. These are the kind of men—they are ordinary men—who have asked for something in a very simple way, something which the Ontario provincial police force have, something which the police forces in ten other cities of Canada have. I think, Mr. Chairman, all these red herrings have been thrown over a very simple matter.

This is a matter of choice—any association. If a police association feels so strongly that the men should stay with it, they can talk together and convince them to stay. But where you have a group, like this group in the Metropolitan police force, who have already made the decision to leave, they made it many years ago, they are merely asking that it be put into effect.

Mr. Lawlor: How many years?

Hon. Mr. Wells: How many what?

Mr. Lawlor: How many years?

Hon. Mr. Wells: Since 1966.

Mr. J. Renwick: Yes, many years!

Hon. Mr. Wells: Well, all right, that is still more than two.

Hon. Mr. Grossman: At his age they are a lot of years, at your age they are not.

Hon. Mr. Wells: They made this decision, Mr. Chairman, and all they are asking is for us to put it into legal form in this bill. All these red herrings that our militant socialist friends throw across; they merely try to cloud the issue, because what they want to do is keep the old union together, you know. And they may talk about the corporate structure descending into our society.

Mr. Lawlor: Pretty safe for you, defending the *status quo*.

Hon. Mr. Wells: We are entitled to our opinion just as much as you are to yours, and ours is just as likely to be right as yours.

There is absolutely nothing wrong with what these men of the Metropolitan Toronto police force have asked for, and I think, Mr. Chairman, this is a good amendment and I think it should be passed by this House quickly.

Mr. Sopha: Mr. Chairman, I want to make two additional points, because I am really pleading for my honourable friends to see the point I am trying to make.

I am saying that by the extension of the separation of the collective bargaining unit, you are concomitantly extending the disciplinary powers of the senior hierarchy of the police force to the end that they might use that discipline in a very unsalutary way to interfere with the discretion of the individual constable. That is my point, the only point that I want to make.

I say that that is a wrong path to take, because we do not want to do anything, as legislators, to separate the senior group in the police force—those in authority—and enhance their prestige and put them up, over and beyond and outside of a rapport with the constables who ultimately must enforce the law.

I have had considerable experience with the police and I want to illustrate what I say by two examples—

Hon. Mr. Wishart: Would the hon. member permit?

I am not sure he is aware that this senior members' organization now existing, which has existed for some three years at least, is not bargained for by the association. It is treated differently; although there is no law to cover the situation, they are dealt with separately—this is the point—they are now dealt with by the board of police commissioners.

Mr. Lewis: They are bargained for by the association.

Hon. Mr. Wishart: They are not taken to one side and dealt with differently.

Mr. J. Renwick: But they are bargained for—

Mr. Sopha: May I tell the Attorney General that in Sudbury I had the honour one time of being solicitor for the police association and in Sudbury the association bargains for the inspectors. It is a part of the bargaining unit.

Hon. Mr. Wishart: Same in my city.

Mr. Sopha: And the president of the police association in Sudbury for many years has been a constable. He is a constable. The inspectors are part of the unit, and I do not want to see a derogation.

Hon. Mr. Wishart: I do not think there will be any change that this law will make in that.

Mr. Sopha: Of course there will.

Now, I want to give two examples of what I conceive to be the trend that is against our democratic way of life. A few years ago I acted for 14 people who were arrested by the police on the instructions of the senior officer for interfering with the quietude of a political meeting at which the guest speaker was John Diefenbaker, Prime Minister of Canada.

So I have the experience of knowing what a misuse of the police force can come to. And I said in the courts at that time, to the magistrate, that the first person who would defend the right of these people to demonstrate against his meeting would be Diefenbaker himself.

That is the danger, may I say to the Minister of Trade and Development, that when he talks about the militant left, the people he is talking about are young people—

Hon. Mr. Randall: Not necessarily. The member is living in a dream world.

Mr. Sopha: May I just add, because this offends the Minister of Correctional Services, that the course of human industry has demonstrated beyond all dispute that the only way to the progress of the human kind is as a result of the activities of those who offend society and the police. That is the only way.

Hon. Mr. Grossman: So what is new?

Hon. Mr. Randall: Look at the University of Toronto.

Mr. Sopha: The only way.

Interjections by hon. members.

Mr. Sopha: Now, the other example that I want to give is about a month ago I was in the court in Sudbury defending six high school students charged with loitering, and the only common characteristic about those young people was that they all had long hair. They had long hair and the police had them in the courts because they were standing on the corner of Larch and Durham Streets on a Saturday evening.

There are the dangers about which we speak.

Hon. Mr. Grossman: I thought the member was not saying anything about police.

Mr. Sopha: Now the other point I want to make deserves emphasis. I ask you. I beg you, to listen to it.

I make the point as a matter of principle, that there is no nook and cranny, recess, or any other place in the whole horizon of the administration of justice in the province of

Ontario where the Attorney General's writ must not run. He is the man who has to exercise the sovereign political control over the police forces of this province.

Finally, I want to say to that group over there, I promise you, that in the two years left in the life of this Legislature, I tell you that in respect of the protection of our civil liberty and the healthy control of the police forces, that there will be some of us over here who will exercise unrelenting scrutiny. We expect to have an ally in the Attorney General in doing that.

Hon. Mr. Grossman: We will be right with you.

Hon. Mr. Randall: The member will not be alone.

Hon. Mr. Grossman: You will, and the rest of the government—

Mr. Sopha: The rest of you I cannot rely upon, because of the unfortunate barrackry that we have had here tonight about a matter whose importance is not transcended by anything else in the public life of our province. We should make common cause about these matters. We should understand and appreciate that if democracy is to be viable in Ontario, that we have to tolerate and encourage protests.

That is how society becomes more human, instead of talking about, as the Minister without Portfolio talks about, the false prestige of the police forces. We all share an abiding support of the police forces.

Hon. Mr. Grossman: The member just makes it sound different.

Mr. Sopha: When we step into the era of electronics and technology, there are many of us who recognize the horrible tyranny which would be our fate if we did not keep an unrelenting scrutiny on the exercise of that group, the only group in the society that have the right to use force.

Mr. Chairman: The hon. member for Scarborough East.

Mr. T. Reid (Scarborough East): Mr. Chairman, I would just like to comment, not as a lawyer, but as someone who has talked to I guess what would be called junior officers. If we have senior officers, then presumably the remaining group are called junior officers. The thing that worries me in talking to some of these men—

Hon. Mr. Wishart: Mr. Chairman, we do not talk about officers. Members, senior members. There is no junior member. Those above a certain rank, that of inspector, are senior members.

Mr. T. Reid: I certainly accept the correction of the Minister. I read section 2 where it says in this section that senior officer means a member of a police force of the rank of inspector or higher, or a civilian employee employed in a supervisory or confidential capacity. I say if you have senior officers, then by a residual definition you would have junior officers. Therefore, I have spoken to non-senior officers.

Interjections by hon. members.

Mr. T. Reid: If I can continue to refer to the men I talked to as junior officers, I would say that I am appalled at some of the inhuman stories they have told me about their relationship with people whom the Minister wants to call senior officers.

They get a traffic ticket, they are up in front of a disciplinary committee. Your shoes are not shined, you are up in front of it. The stories I have heard, to the Attorney General, through you, Mr. Chairman, are that there really is a problem between the senior officers in Metro and the junior officers. It is a human relationship problem.

Hon. Mr. Wishart: Perhaps this Act will cure it.

Mr. T. Reid: Will it? No, it is just the opposite. This is the point I am trying to make, Mr. Chairman, and I can only say this on the basis of personal experience.

I am not acquainted with the law, I do not have the wisdom or the knowledge of the Attorney General, but all I can do is to convey to him feelings I have had in talking to junior officers about the problems they are having with senior officers.

The Minister says that this section is designed to clarify that, to make it clear who are the senior officers and who are the junior officers. I would say, sir, that my analysis and feelings about it are just the opposite. One must not bureaucratize the type of management system that we have in business, that we have in government, in the civil service, into the police force.

I was struck by the words of my friend, the member for Lakeshore, as I listened to that lecture on the fundamentals of law, the fundamentals of the role of the policeman, and the relationship of the policeman to his senior officers or to the people that instruct

him. I was terribly impressed with that argument.

I can only conclude, Mr. Chairman, on the basis of these conversations with constables in Scarborough and in the city that their lot is a very hard lot. That their wives are out cleaning homes to get money to live on. That their senior officers treat them often like very junior members of the same association. Treat them with disdain.

I suggest what this section if any does is set up the police force, especially in Metropolitan Toronto, as a para-military operation. I am awfully scared and I only wish I could convey to the Attorney General, and to some of the other members, this thing I have. If you translate the police force into a paramilitary operation, it is a very, very serious move in the wrong direction.

I suggest, with all due respect to the Attorney General, whom I respect immensely, that there may be something fundamentally wrong in what he is doing in this section.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, I am not trying to do a selling job to the Attorney General at this hour of the morning but I go along with my colleague who has just spoken with regard to the awareness of the Attorney General and what he actually needs.

The powers of police in this province, Mr. Attorney General, have grown with the concurrence of the power of this party across there over the years. The control you have over the people of Ontario has not coincided with the growing strength and powers of the police.

Hon. Mr. Grossman: Well they have done a good job.

Mr. Sargent: In the early chapters, going back to the formation of the Ontario Police Commission, I have been chairman of the police commission in Owen Sound for many years—

Hon. Mr. Wishart: And a good chairman too.

Mr. Sargent: I am saying, at the formation of the Ontario Police Commission, that was the first wrong move we made because, from here on, the police commission of this province is not responsible to the people of Ontario.

Here and now, you are compounding the problem by giving an elite group, a group who are the brass of the police forces, you are giving them the parallel of the early chapters of "Mein Kampf" of Hitler when you let the elite group set up themselves as the police force.

This maybe is stretching it, but I am saying that this is the route you are travelling. I suggest to you, Mr. Attorney General, that you are creating a special force, a special group, again not responsible to the people. This is a very dangerous route to travel. I think it is time that you were made aware that the people of this province are concerned about the powers of police.

Mr. Chairman: The hon. member for Windsor West.

Mr. Peacock: Mr. Chairman, I want to ask the Attorney General, in view of the representations that were made to him by Inspector Shaddock in the standing committee on legal bills in regard to this section, whether no province of the country provides for the inclusion of senior officers, inspectors and up, in the bargaining unit defined in their police Act.

With respect to the Attorney General, Mr. Chairman, I want to ask him whether that was the first occasion on which it had been represented to him that all other provinces but Ontario and all other police Acts but Ontario's provided what is to be amended here. If that was the first occasion on which that proposition was represented to him, has he since then verified Inspector Shaddock's contention?

Hon. Mr. Wishart: No. Perhaps it was not the first occasion on which I knew that other provinces—I would not say that I knew every other province—had this arrangement which we propose. I think it was the first time I have heard it stated that every other province in Canada, except Ontario, had it, and I heard it from Inspector Shaddock. He seemed like a reliable informant. I have not had an opportunity to check it yet.

I would only say, while I am answering that question, I find it strange to have it argued, put forward to me, that we are importing here something American when we have it in our own provincial police force. If we may believe the representation by Inspector Shaddock, we have it in all the other provinces. I find it very hard to follow that it is an American importation. I just take this occasion in answer to that question to say that.

Mr. Peacock: Mr. Chairman, I did not raise in my remarks the element of the introduction of the American structure of hierarchy. But may I ask the Attorney General one further question with regard to the point I raised? Has he examined any particular police Act of any other province to determine how they handle it?

Hon. Mr. Wishart: I have not on this point.

Mr. Peacock: Then, Mr. Chairman, we are left with the contention that it is solely this particular group of officers and I must take issue with what the Attorney General said earlier in this debate on section 2—that the Metropolitan Toronto Police Association has not bargained for this group of 78 inspectors and that the group of 78 inspectors has been treated in some different manner.

Like the Minister without Portfolio, I happened to sit in on the proceedings of the standing committee and heard it represented by the president of the Metropolitan Toronto Police Association that as the association representing—

Hon. Mr. Wishart: Perhaps I could clarify that. Maybe I did not make my remarks entirely clear. I said they were treated differently and I think the president of the police association—

Mr. Peacock: Only in respect to three per cent.

Hon. Mr. Wishart: Yes, they got an additional pay over and above bargaining. They were given a different treatment, that was the point I really wanted to make, that they were bargained for and then they were taken aside and given an additional amount.

Mr. Peacock: That is the point. There is the distinction that the Attorney General—

Mr. Deans: That was the enticement—

Hon. Mr. Wishart: That exists now. It is going on. That is the point I was making. Going on.

Mr. Peacock: Mr. Chairman, what I wanted to establish—we have narrowed down considerably what the Attorney General has represented to us as the matter in which the board of police commissioners treated the 78 inspectors.

It is that matter of the three per cent increase; in no other wise were they treated in a different fashion in terms of wages and other forms of compensation.

My point to him is this, that in every other review of the fulfilment of the obligations of a representative of a group of employees or persons—a representative carrying on a collective bargaining function—that review, to determine whether or not the collective bargaining agency or association has fulfilled its obligations, is usually to determine whether or not the association or collective bargaining agency has abandoned its responsibilities.

That usually constitutes the only grounds for declaring that the association or the collective bargaining agency for a group of persons within a defined unit, such as we have under The Police Act here in respect of the Metropolitan Toronto police force, that the persons so abandoned can only then be separated out into a separate unit for collective bargaining purposes.

In other words, so long as the Metropolitan Toronto Police Association can represent that it has, in fact, bargained for and in no way discriminated against the 78 senior officers in regard to the proposals made by the association on the board of police commissioners, there is no way in which it can be held that the police association has failed to represent all of the persons in the bargaining unit.

I remind the Attorney General that it was the senior officers themselves, speaking through Inspector Shaddock, who represented to the committee that they themselves had withdrawn and had chosen not to participate, even though they might well have proposed a representative of their own group to sit on the committee, taking part in the negotiations between the association and the board of police commissioners.

Now, just one other point, if I may make it, with respect to this section. One further remark of Inspector Shaddock, in addition to his assertion that the officers wished to view themselves as management, was that they wanted this separation from the constables' bargaining unit in order to achieve—and I am here paraphrasing his words—the senior officer wanted to achieve a level of discipline necessary for them to meet the particular relationship required between them and their men. I think the inspector's words were "our men". This suggested to me a very strong reinforcement of the desire of these officers, really not just to bargain for themselves but to attain and assert that management role.

Now, looking forward to the day in the very, very near future, when under this section 2 they achieved that management role

and that particular level of discipline over their police constables, we then destroy the aspirations of the police constables of this province to achieve a professonal and semi-professional status as career officers of the police forces of this province. Because at once there is a very marked gap between their status and the status of the senior officer which will never be bridged by virtue of experience as a constable on the beat, by special training courses, by enrolment in diploma courses at the universities of the province, or what other scheme of educational upgrading they might wish to use to further enhance a professional status.

I assert to the Attorney General, police constables in this province wish to attain this. I view the attainment of that professional status as a means, possibly the only means, by which we are to avoid the importation of the problems that the Minister without Portfolio spoke so vehemently about, earlier in this debate.

I had not realized, Mr. Chairman, that those influences, that law and order syndrome south of the Canada-U.S. border, had extended so far east. But it has extended certainly to the riding of Don Mills and to the riding of Scarborough North.

I am very much conscious of it in my own community which is located across the river from Detroit, which has problems of a dimension and significance that none of us in Ontario can possibly comprehend.

And I do not wish to see, under this section 2, that rigid delineation between the senior officers and the police constables which utterly frustrates the aspiration of the police constable to become a professional person, and prevent himself from falling into the kind of caricature that we have observed in action on the other side of the river.

I believe that the aspirations of so many of the police officers with whom I have come in contact—even in very distressing situations in my own community, situations in which they were undergoing the same kind of riot control as their counterparts across the river have been using in the last several years—that they genuinely wish to achieve the kind of professional status within the force, and respect and prestige with the public of their community and this province that will never require of them the use of that kind of equipment against any citizen of this province. And I hope the Attorney General will see the implications of section 2 in that light.

Mr. Bullbrook: Mr. Chairman, I had not intended to join the debate, but I will just for a moment, if I might. I was going to leave the burden of my remarks this morning —or tonight or this morning—in connection with section 7. But I understand from the Attorney General he is going to entertain an amendment and I imagine it will be one that would be acceptable probably to this side of the House.

If I might, presumptuous as it might be and anticipatory, I want to congratulate him in that connection. But I hope I will be able to reiterate this. There have been significant arguments put forward tonight as far as the administrative repercussions of this section as seen by people on this side of the House. There were thrust forward these implications and I did not grasp them at first; I do grasp them now.

There is more to this section, Mr. Chairman, than just the aspect of collective bargaining. But these aspects have been put forward much better than I can by my colleague from Sudbury and the member for Riverdale, and now the member for Windsor West, other members, and my friend from Lakeshore.

So I do not want to dwell upon it but only to convey to the Attorney General, if I might, the fact that as I sat here and listened to this debate tonight, I see some extreme merit in the philosophical position put forward. Perhaps I should not say philosophical, but I see it as in relation to the direct application of this section in connection with collective bargaining.

But I want to record now something that I said in connection with the application of this section relative to collective bargaining. The Attorney General, Mr. Chairman has understood my position from the beginning. On second reading I pointed out quite clearly my concern for fragmentation of the bargaining unit. The reason I am concerned with that is that here you have a somewhat unique situation in this respect, that you have taken away the right to strike; so I think that an evaluation of the bargaining unit is different in this respect, where you have taken away the right to strike.

You have got to retain strength within the bargaining unit and so the essential ingredient is to retain that strength.

Now it is all well and good to say that it is permissive. The fact of the matter is permissive or not, it is exactly that. It permits the fragmentation of the unit and we might be faced next year or the year after with the reduction of the unit again by the withdrawal of sergeants. Well we might. Once you begin

it, this is the thin edge of the wedge. But I have never been attracted too much to that type of argument.

But as I said in the committee, Mr. Chairman and to the Attorney General, what bothers me is that when you take away these senior officers and forget about what I call straight line bargaining—I think the Attorney General knows what I mean in that connection—when you get into bargaining on a percentage basis, in the collective bargaining theatre, and when you are talking about an inspector at $14,000 a year and relate a five per cent increase to him, you are then relating this to a first class constable at $7,900. The five per cent is not adequate.

This is the problem that I see because once you permit the senior officer to bargain independently and if they take a percentage position all the time, it might ultimately detract—I should not say might—it will ultimately detract from the latitude available to the remainder of the force.

This, I suppose, is not as significant a thing as those matters brought up but it is one point in connection with the legislation and it bothers me that you are going to begin this.

So I ask you, along the lines put forward so well previously, in connection with the inherent difficulties seen by my colleague from Sudbury and the member for Riverdale, in connection with the—should I use the word "Americanization"—of the force, as I understood it, well that is basically it. They worry about this hierarchical involvement. But, I ask you to consider this difficulty from a practical point of view.

Mr. Chairman: The hon. member for Peterborough has been trying to get the floor for some time.

Mr. W. G. Pitman (Peterborough): Mr. Chairman, I realize that it is a very late hour. However, we are not playing games over here. We feel very, very sincerely that this is an extremely important piece of legislation. Perhaps, one of the most important pieces of legislation that is coming before this House during this session.

The Attorney General has stated in his remarks that other provinces have the same kind of situation and that they have organized themselves in this hierarchical system.

Well, the first thing I think that the member for Windsor West has shown is that we are not very sure just exactly how this has been done. We are not sure whether the safeguard in maintaining that unity within the police force has not been dealt with in those police Acts as it has not been dealt with in The Police Act that we have before us. That is the first point I want to make.

The second point I want to make is, that because other provinces are doing it does not necessarily make a case for Ontario doing it. A number of members here have this evening, pointed out the peculiar differences in Ontario and other provinces. We here have urban problems; we have inter-city problems; we indeed, are much more closely associated with the kinds of problems that we see across the border in the United States, and we certainly do not want to see those kinds of urban problems dealt with by police in Ontario cities in the way in which they have been dealt with in the United States.

I am not going to mention the provincial police because I do not think this is relevant to the kind of police force which is dealing with an inter-city problem or the kind of urban problem that we are talking about here tonight. I do not think that is relevant at all. We are talking about police forces in cities in Ontario, and I want to make this simple point that we have here, I think, a kind of situation which we wish to keep as it is.

Now I rose tonight really because on my way back and forth to my own home I read a book which—perhaps I might suggest that the Attorney General might well read during the holidays.

As a politician I think he would enjoy it. He will find it very entertaining and it is called "An American Melodrama", and it is an account of the presidential campaign in 1968. And this campaign worked up to the conventions which took place in Miami and Chicago—

Hon. Mr. Wishart: Author?

Mr. Pitman: The authors are three British authors who were covering this campaign for, I think, the *London Observer*—Lewis Chester, Godfrey Hodgson and Bruce Page.

Interjection by an hon. member.

Mr. Pitman: The Viking Press I think puts this out. And this book I think describes in detail the way in which police forces were used in the city of Chicago.

Now I was very much impressed the other day with the Attorney General's comment about the problem of politics becoming involved with police and the role which he saw for the commission as stepping the politicians back one step away from control of the police. Here you have a situation where Mayor Daley

was determined to create a certain kind of an atmosphere. He was obsessed with law and order, as he put it.

As a result, the use of police in that city was a chamber of horrors where the police were actually carrying on a campaign against the news media. Ten or 15 newsmen were beaten and hurt in the demonstrations in the city. They were carrying on a campaign against private citizens, and they were doing it—I assure you, as this book reveals—with the superintendents and other senior officers present, carrying on that activity.

Now the police officers—and this came out in many of the hearings that were held after this event—the police officers' defence was the Nuremberg trial defence, as the member for Lakeshore has pointed out: "I was carrying out the orders of my senior officer, and he was there." That could not be defence in Ontario. It could not be, and this is the way we wish to keep it in Ontario.

I would suggest to the Attorney General—and he made this point—that he does not want to import aspects of police activities of other countries. And we have pointed out that this is, in a sense, importation; whether he wishes to accept that point of course is irrevelant.

But the point is that in the United States there are social scientists who are looking at police forces in the urban centers of the United States and are saying: "We must try to decentralize—we must try to stop this kind of line development."

In doing this, they are really reflecting the society of the United States where even in the modern corporation there is an effort to try to break down this kind of hierarchy, to try to encourage participation and the role of the constables becomes a reflection of this concept, which is now a modern concept, one for which the member for Lakeshore gave the precedent in British history, in the British past. For some strange reason someone said that history repeats itself, well maybe a story repeats itself or maybe we just simply seem to be going around in circles.

But the point is that now, the British concept of the constable is being looked at by American sociologists and they are saying that maybe this is one way that we can improve the relationship of the police and the people in the urban centres of the United States.

That is why I look at two or three of the arguments which the Attorney General has brought forward here, in all sincerity this evening, and I find myself rejecting these arguments for these very reasons: that we are following a path which will be, I think, rejected very soon in many American cities.

Why do we need to repeat those mistakes? We do this on every aspect of our Canadian society so often. We do the same thing in broadcasting, we do the same thing in education. I will not go into that tonight. So often we have done this. We repeat the same mistakes, almost at the same time as it is recognized that these are mistakes below the border.

Mr. T. Reid: This government does not research.

Mr. Pitman: Well the member for Scarborough East says this government does not do any research. Well I think that in this particular case, the Attorney General must admit that his research is faulty, because I do not think he has been able to tell us tonight just how this development has taken place in other provinces.

But most of all, I think a very solid research job would reveal the degree to which the American society is rejecting this very kind of line development, line decision development, which he is encouraging. He is encouraging by this development here tonight. Now I know his other argument is that this is permissive legislation, and this does not force these police officers to do anything that they need not wish to do.

But I do suggest to the Attorney General that he is not naive. He is not a babe in the woods in this area. He knows exactly how power and how influence carries on in a municipality, the pressures which will be placed upon senior officers to move out of that bargaining unit.

Now I am sorry the Minister without Portfolio has left so I will not try to answer one or two of his arguments, but the point I am trying to make is I do wish that the Attorney General could see it in his heart to be flexible on this point to give us a few more months to look at this.

I do not think this is a piece of legislation in which there is the same kind of fear and concern as there was in the Medicare, and some of the other legislation we have been dealing with. Let us say these sections I do not think have to be dealt with in a hurried fashion.

We have on this side put forward our arguments as cogently as we can. In some cases perhaps, we have become disturbed and we have shown that disturbance in the way we have articulated our position tonight. I

hope that we have not aroused the Attorney General to dig his heels in.

He has been flexible in other areas of this bill, and I do suggest to him tonight that he take another look at this section, that we not repeat misakes that are being made in other jurisdictions. And that is very simply my point tonight.

Mr. Chairman: The hon. member for Brantford.

Mr. Makarchuk: Mr. Chairman, I wish to make a few comments on the same thing, and try to sort of look at this para military structure that the Minister is trying to bring in.

In the case of Toronto it seems to me that what you will have at the top is, as I have heard described once, a cross between Oliver Cromwell and Attila the Hun. Then down the line you have sort of the minions or the generals who will be controlling this military organization. It seems to me that this is not the thing that you want at this particular time where you have the rank, the snobbishness, and all the other aspects that are peculiar to military type organizations.

What you do in a situation like that, Mr. Chairman, is you destroy the cameraderie, you destroy the rapport that may exist between various members of the police force. You eliminate the questioning attitude; you eliminate any discourse that can possibly exist between various ranks in the police force. You eliminate that feeling of mutual respect that is very much necessary in any reasonable functioning organization.

What you do, Mr. Chairman, is create divisions which will bring into existence on the part of the police, a form of an unquestioning response to the orders or the dictates from the top. It will be sort of a matter of "theirs is not to reason why, theirs is to do the job or get fired". This is what the situation is.

What you are doing really is you are sort of bringing in Americanization, because this is the way they operate. But with Americanization you are going to have sort of the brutalization that comes with this type of an operation.

When you separate the individual—and this is what you are doing in this case—you separate the policeman from the officers at the top; you lower him automatically; you class him as a second class citizen; he is something else. You can disfigure his whole psychological makeup. There is a loss of self esteem that develops or creeps into this individual. He does not feel himself as a citizen at this time, and as a citizen you have responsibilities as well as privileges. But he is not considered to be that kind of a citizen by virtue of this particular Act of the Minister of Justice.

This policeman you have sort of lowered in the scale, you have actually taken away his normal citizenship from him. It is not just the fact of this bill, but all the other measures in The Police Act that are in existence right now do not in any way contribute to the policeman's self esteem.

When you do that, when this man has lost his self esteem to an extent; when he has lost his feeling of citizenry; and when he is called upon to perform his duties, you find out that this man will act in a manner in which his actions are peculiar to an individual who does not feel that he is a citizen.

A citizen has rights and a citizen has responsibilities. When you take these away from him, this individual—the policeman in this case—will not act in that respect when he comes to dealing with other people, with the citizens who are not on the police force.

This results in a situation that we have in the United States, and I would like to point out to the Minister that about I think a year ago when the riots were on in Newark, in New York, the war zone up there, there was a picture in *Life* magazine of a negro boy who was shot and he was bleeding on the sidewalk and of the policeman standing there with the shotgun.

There was total indifference on the face of this policeman. He was not part of the citizenry of the country, he was not part of the institution. He was something else because they had sent him off there. And this is what we are trying to do here. This is what this particular bill is leading us into—the same kind of a situation of callous indifference to the needs of people, the callous indifference to the responsibilities of policemen.

Mr. Lewis: Mr. Chairman, I had forty winks and I have had a second wind.

Mr. Sargent: We do not need it tonight, let's go.

Mr. Lewis: No, I think the Minister will probably be sitting until the section goes if I sense what is happening on that side of the House—and I think the member for Grey-Bruce took two or three minutes earlier. I have not spoken on this clause. I just want to direct myself to it for a very short period.

I want to try to make the point, Mr. Chairman, that what we are trying to convey to the Attorney General—I do not want to seem presumptuous—is the way in which the fragmentation of the police force which is permitted in this section extends itself to the society as a whole; the way in which the behaviour of the policemen thus affected extends itself to the society as a whole.

There is an American sociologist-educator, Edgar Friedenburg, whose name the Attorney General will know, who has written a number of studies. One of them, which I commend to him, is a little book of essays called "The Dignity of Youth and Other Atavisms", in which he develops a principle which he calls "ressentiment". He described this as the effect upon groups that are trapped in a sense of intense frustration in a hierarchical structure.

In terms of illuminating the area he feels is under greatest stress, he uses the teacher and the policeman, and he demonstrates, very much characteristically in the terms of the legislation which we are now dealing with, that when you establish an inspectorate and superintendent group in a separate association, caught between a deputy chief and chief at the top, and the constables below; that the frustrations felt by virtue of the fealty which must be paid to the absolute power at the top, those frustrations are inevitably visited upon the constable.

The constables in turn visit the frustrations they feel upon the populace as a whole, and what very much has happened in American society is an expression of the ressentiment theory—the entire hierarchical stratification of the American police force has had this rather turbulent reflection in the way in which they treat the mass of citizenry.

Hon. A. F. Lawrence: The original example of the school teacher.

Hon. Mr. Wishart: It seems to me that here we have a group of senior officers, one particular group in this city, frustrated, seeking something. Would not the argument run that if you give them something they had been looking for all these years; would that not help remove some of that frustration? That would be, I think, the way I would argue.

Mr. Lewis: I think not because I rather think the source of their frustration is not solved by the creation of this independent group. The source of their frustration, I suspect, is solved by a different kind of reorganization of police forces in this province and a shift to civilian control. I suspect that that is where the resolution of the frustration comes.

What will be done to the ordinary constable in the exercise of his duties is something which we in this House fear greatly. Not simply in the terms, Mr. Attorney General, which have been put to you about the internal organization of the force, but in terms of how it affects police behaviour and society as a whole.

I appreciate that the member for Scarborough North, the Minister without Portfolio felt constrained to rise and provide accolades for the Metropolitan Toronto police and say how pleased he was that he could walk down the streets of the city of Toronto, unlike an American city, without fear of violence.

Well, it would be a useful point were there any analogy. But Toronto does not have a race problem, and Canada is not fighting the war in Viet Nam. Therefore there is no analogy. That the Minister without Portfolio would try to draw the parallel is really a matter of some depression. I also say, with respect, to the Minister of Trade and Development, that he does a grave disservice. Maybe it is not a grave disservice, but he casts a very unfortunate reflection on the people who demonstrate in this society when he throws the verbal net as wide as he does.

I grant him, sir, that in every demonstration both of the left and of the right, one has idiosyncratic fringe elements. But in the case of the demonstration outside the U.S. consulate, and in the case of the vast number of demonstrations in this city, you have people engaged in thoughtful, heartfelt, conscious dissent. They are largely young people.

They are the people who are suffering what is essentially the frustration felt by the police force in this society, which frustration will be greatly enhanced by the further dismemberment as contained in clause 2.

We are making these arguments in good faith. We are not making these arguments purely as an exercise as this Police Act sees its way through debate.

Mr. Sopha: Like the Minister of Mines used to be.

Mr. Lewis: Mr. Chairman, those are the only observations—

Hon. Mr. Randall: If we do not agree with you, do not get mad.

Mr. Lewis: I am not asking for concurrence. I am just saying that one should, in this area, be careful about how much one impugns, because there is a great deal at stake here. In this day and age, I would think that dissent is a rather more inviolable right of this society—

Hon. Mr. Randall: I wonder if the hon. member would mind if I ask him to answer a few questions?

Perhaps your party is naive in any way. You lend yourself to some of these people who take advantage of these peaceful demonstrations to create problems for the police and I believe the police are accused of police brutality.

I listened to our hon. friend from Peterborough with great interest in the book he has in front of him. I have not read the book. I would like to get a copy of it. But I wonder if these people who wrote the book tell the police side of the story which appeared in the press that morning after those riots in Chicago, brought on by people who did not live in Chicago, in the main, but came there to demonstrate peacefully, they picked up something like 150 carbines—not carried by the police—and 45 pistols. Now these people were not demonstrating peacefully. They called the police every filthy name they could lay their tongues to. Then they wondered why the police reacted.

May I just go a little bit further? May I suggest that I read three days before the parade down University Avenue that Stephen Lewis was going to organize a parade and I believe you organized it in all good faith. The first thing that happened when you got to College Street, the group you had with you started to turn left against the premise that they had to go straight down University Avenue. That is where the first trouble began. When you got in front of the American embassy down there, there was a group that was anti to yours.

Now the police were in between. They had to take sides one way or the other. They probably picked up some on the other side, as well as yours.

Let me also point out: your great friend, Tommy Douglas, I have a lot of respect for him, but how many times has he been duped? The first time was by Dr. Ingraham in Vancouver. After he got all the medical supplies put together, Tommy Douglas says, "Oh, I thought he was collecting for both sides. I will dissociate myself from Dr. Ingraham."

Just a few months ago, he was caught out in left field again. He joined another group. He said, "Oh, I did not know they were a Viet Cong group. I must dissociate myself from them."

Let me go back to, I think, the federal member for Greenwood, Andy Brewin, who organized with the churchmen of the NDP in Montreal. Who came in and took over? The black power.

I think you are being very naive if you think you can walk away from those problems and say you are not responsible.

Mr. Lewis: I have listened hitherto. But to suggest that of Andy Brewin is the most unkind cut of all.

Hon. Mr. Randall: I did not say he was responsible. I just said he organized that situation in Montreal—

Mr. Lewis: I do not know what churchmen you are referring to and I do not know of any church group in Montreal that was taken over by black power.

Sounds to me like a fantasy of the right, rather than a reality of the left.

Hon. Mr. Randall: There were riots there for almost three days. They tried to get Mr. Cleaver, the Black Panther leader, to come to Montreal and the Black Panther group were there.

Mr. Lewis: You mean the conference which my colleague helped to chair?

Mr. Makarchuk: Mr. Chairman, I happened to be at that conference and as the chairman on one particular day, I would like to say at this time that the hon. Minister does not know what he is talking about.

Hon. Mr. Randall: You must admit that the Press did not report the meeting properly then.

Mr. Lewis: You have asked me two or three questions. I simply put to you that no member of the House, on this side—or indeed, on that side, particularly the Minister of Mines and the Provincial Secretary (Mr. Welch)—has to help me in correcting your impression of what occurred at Chicago.

You may find the character of Mayor Daley attractive. There are some people on the North American continent who do. But what occurred in Chicago was witnessed by several million people, several tens of millions of people, right across the North American continent. The number—

Mr. Sargent: On a point of order, Mr. Chairman.

Mr. Chairman: What is the point of order?

Mr. Sargent: This vote has to do with section 2. We are going all over the map about riots in Chicago and about chairing a convention in Montreal, and yakkety yak. It is ten to two.

Mr. Chairman: That is the best point of order for a long while.

Mr. Sargent: Good! Let us get back in there.

Mr. Lewis: Mr. Chairman, the Chair sat patiently, as did I, while the Minister asked his questions and I only intend to answer two of them. I have answered to my satisfaction the Chicago one, except to refer the Minister to the official report which was compiled on the nature of the Chicago riots. I will leave it at that.

Hon. Mr. Randall: May I just say this? I am not a doubting Thomas, but I simply say that there are two sides to the story, yours, mine and the truth. Sometimes I do not think the truth—

Mr. Lewis: If you would like some light reading between now and eight o'clock in the morning, I suggest you buy the little pocketbook called "The Algiers Hotel Incident" by John Hersey, to evaluate what is happening in North American society in terms of police power.

Mr. Sopha: Can I recommend one?

Mr. Chairman: Any other recommendations?

Mr. Lewis: Indeed Norman Mailer would perhaps titillate the Minister rather than inform him, so I will not suggest it.

Mr. Sopha: Norman Mailer is a great man on titillation.

Mr. Lewis: You are not kidding. That is why I chose the word.

Now, Mr. Chairman—

Mr. Chairman: May I recommend a good book?

Mr. Lewis: Yes.

I do not understand why the Chairman is imposing closure on my effort to answer such worthwhile questions. Mr. Chairman, I must clear my name, as a matter now of privilege.

Alas, may I tell the Minister of Trade and Development, I did not organize the demonstration outside the U.S. consulate. I was part of a friendly little gathering outside the city hall which was quite orderly and calm and unprovoked.

Outside the consulate, other things took place. The police apparently misbehaved and charges were laid, and, as my colleague from Riverdale said, all the people who were charged were exonerated by the courts of the chief law officer of the Crown. I think that again demonstrates where truth, if such there can ever be ascertained, lies.

I come back, Mr. Chairman, to the point that I know you wanted me to make. You wanted me to say that we on this side of the House recognize how much you would wish to change this section, could you command some modest Cabinet support. You won your battle in Cabinet on section 7 and a strenuous battle it has been.

We know, on this side of the House, how you fought the Neanderthals who surround you and we salute you, sir. We understand, Mr. Chairman, that the blood flowed freely and there is—

Interjection by an hon. member.

Mr. Lewis: I commend the Attorney General for holding on to his portfolio in the face of such an onslaught. He has commanded the deluge. We hope the Minister will also reconsider clause 2, as he has clause 7. I think that the argument that has been put had some very substantial merit.

Mr. Chairman: Section 2 carried?

Mr. T. Reid: Mr. Chairman, I would like to conclude an argument that has been progressing for about two hours. It is right on section 2, I assure the Attorney General, Mr. Chairman.

The Attorney General has replied on a number of occasions, one of the main reasons that he wishes to have this section in this Act at this time is that 78 senior officers of the Metropolitan Toronto police force have requested it. In fact, they have actually been operating as an independent group.

I replied to him that that is very, very significant thing.

That these 78 men wish to have, or to be able to have, a separate association, and bargain separately from the other members of the police force. But I suggest that the problem is much deeper than he has, up to this point, suggested to this House.

When I quipped to my colleague on this side of the House from Peterborough, that the Minister has not done his research, what I really meant was he has probably done research of a certain type.

He has probably looked at other police Acts. He has probably looked at other jurisdictions in this country, and abroad, and perhaps even in the U.K. But I doubt it. He has looked at it in a legal way.

But I suggest he has not looked at it in what I call—as a former social scientist, if you like—the sociological aspect of it, the attitudinal aspect of it. I would say to him that one of the most significant things that has taken place here tonight is that he has said: These 78 men want it. I say to him, Mr. Chairman, that he should find out why those 78 men want it. What are their attitudes? What has formed those attitudes? What is being taught at the police college? What are they saying to one another across this continent at international police conferences? And what attitudes basically do these men have?

This is why I say, and I am beginning to see the significance of this section more and more clearly, to the Minister that he must do this research before he brings in this law. He must have some idea of the implications of this law. He must be able to predict with some certainty, not just out of his back pocket, what might happen to the police forces, in Metropolitan Toronto in particular.

I say that the issue is fundamental. It is deep, it goes at the roots of who goes into police work, why they go into it, what sort of education they are getting in that isolated police college. It raises an issue, sir, finally I think, of the insularity, if you like, of the police. I suggest that there are many things involved—one being that the attitudes of the policemen in requesting this are very important, and the Minister should find out how those attitudes were formed.

I think it would lead him into a number of very wide conclusions. One of which, only, I shall recommend, is get rid of that police college, get your policemen on to the university campuses where they can come in contact with—with reality and other disciplines—other attitudes that they might be able to understand better. And it might be good for the other university students too, to find out the type of people who are going into police work.

But I will not generalize, Mr. Chairman. I just say to the Minister again, that he must find out why those 78 men want this. If he does not know, this clause should not go through tonight.

Mr. Chairman: The hon. member for Wentworth.

Mr. Deans: Mr. Chairman, I just want to revert back to an argument that I started before. Am I right—and I ask the Attorney General, to nod his head or blink his eye or something if I am wrong or stop me—that the representations made to you were made to you by the police commission, and by the chiefs of police associations and by the senior officers' association?

Are those the only people who made representation to you in regard to this?

Hon. Mr. Wishart: Well, Mr. Chairman, for the third or fourth time I answer. This matter was, I think, first brought to our attention under no pressure that I would call such, by the senior men themselves. They told us in committee that since 1960, they wanted to form their own association. They came to us, and they came to us continuously.

During my five years they came every year, saying: Will you let us form a separate association so that we may carry on our aims and objectives?

Two or three years ago I drew together the executive of the Ontario Police Association, executive of the Ontario Provincial Police Association, representatives of the governing bodies, the Ontario Police Commission, and some other police chiefs. We sat together in my office in this building and discussed all the ramifications of this and agreed that this very type of section on a majority basis, was a good thing.

I drafted the section. It was put in the bill. After that there was some little retraction from it, but, there has been no pressure otherwise and the senior officers themselves have seen it.

Mr. Deans: I did not say pressures, if I used that, I withdraw it—and I do not care whether it is pressure or what it was. But the group that sat down with you initially was primarily a management group. The Minister would agree with me on that?

Hon. Mr. Wishart: And senior officers, and the Ontario—

Mr. Deans: Yes, and the only two persons who were not management were the Police Association and the senior officers. The remainder was a management group—and you

say that there was consensus reached of the majority of people there. Quite obviously. For the majority of people there were management group, and one of the two groups who were not management were seeking the amendment.

So quite obviously you were going to get a consensus, I think. Now it seems to me, that I have put you in the position of joint bargaining to the senior officers group. Have you enquired of them whether or not they would find that unacceptable?

Hon. Mr. Wishart: They would prefer not to bargain at all. And as I told you in committee, while they may be bargained for, in the strict sense they have no representation, at least they do not take representation on the bargaining committee, although invited.

They would be happier, I think, if they did not bargain at all, if they were dealt with in the same way as the Ontario Provincial Police senior members.

Mr. Bullbrook: Look at your explanatory note, what—

Hon. Mr. Wishart: I know.

Mr. Deans: The point I make is this. They might be happy, or they may think they would be happy, not to bargain at all.

The import of the whole thing is that they would find themselves disadvantaged if they did not bargain. They would find themselves disadvantaged. And what you are really doing now, in order to protect them is that you have agreed to bargaining for them; perhaps even against their wishes. You have taken it upon yourself to say: "Well, look, in order to protect your best interests, we think you should have bargaining powers." Now I am asking, in order to protect the best interests of the remainder of the force who number many thousands as opposed to the 78, you say that the bargaining shall take place in a joint fashion.

It does not make any sense to change an Act for the sake of 78 people, which change will adversely affect the many other thousands who desperately need this in order to provide them with a reasonable living standard. And the question, as I see it, is that the police commission well understood the position of the police association.

They attended a meeting of the police-governing bodies during this year—in March of 1968, pardon me—the 6th day of March, 1968, and Mr. Milligan, the chairman of the police commission, stated quite clearly then, and I read it:

> Mr. Milligan indicated that the Ontario Police Association agreed with the amendment—

That was the amendment proposed by the police commission, and he said:

> —provided the new association so formed becomes a branch of the OPA.

He did not at that meeting indicate that they felt that there was anything wrong with that position. It just makes no sense. What you are doing now is that if the joint bargaining does not work, if, for some reason, it does not work, then you can then amend the Act. But the hardship you may inflict—and I feel sure you will inflict—by not accepting that proposal, that proposition, that position, at this time, will take many years to undo.

This is the position you are putting them in: A one year setback in collective bargaining process, takes three, four, or five years to make up. If you put the police association in the position of having bargaining hindered or impeded because of this Act that you are now taking, it will take them many years to make it up, if ever they do. You are not being asked to put them back on the Act; you are not being asked to put them back in and leave them as they were; all that is being asked is that you let them bargain jointly.

Mr. Chairman: Does the Attorney General wish to comment?

Hon. Mr. Wishart: I think I have said everything.

Mr. Chairman: Section 2 carried?

Mr. Lewis: No, no!

Mr. Chairman: All those in favour of section 2 being carried, please say "aye".

All those opposed please say "nay".

In my opinion, the "ayes" have it.

Call in the members.

Those in favour of section 2 forming part of the bill will please rise.

Those opposed to section 2 forming part of the bill will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 41; and the "nays" 22.

Section 2 agreed to.

On section 3:

Mr. Sopha: Mr. Chairman, on sections 3 and 4 I think the Attorney General means,

the second last word, "a board" and not "the board".

Hon. Mr. Wishart: I thank the hon. member and I was going to mention, Mr. Chairman, that "the" on the second to last line in both the sections should be "a". I take it that can be corrected on the printing.

Mr. Sopha: Another Liberal victory.

Mr. Lawlor: With the great good fellowship that we shall enjoy until dawn, I see no reason why one should cut back the efforts to the complete instruction of the House. We were, Mr. Chairman, and the Attorney General will know, because it was promised to him in the course of the committee discussions, going to discuss the role of county court judges, and I think we should proceed to do that.

The sections, the chapters 46 and 47 of the McRuer report, or maybe it is 46 and 45, give conclusive and detailed argumentation which, I would think, was completely coercive in its reasoning touching the role of the appointment of county court judges.

The Attorney General misstated my position the other day under this head, and of course, subsequently I have had an opportunity to check my memory. In the recommendations made, what I said seems to me to be correct, that McRuer, in the gravamen of his assessment of the role, is thoroughly against, the role of county court judges on these commissions, and on police commissions too and time after time as arbitrators, as conciliators. Mr. Chairman, through you to the Attorney General, there is only one place, at page 698, that the police commissions are discussed. McRuer's position on that has to do with the role of remuneration to police officers under this head.

Now, if you read McRuer narrowly, as you may well do in this regard, the whole weight seems to fall to the question of whether they are being paid extra-curricularly for their activities or not. I suggest to you that that is not really where he places the weight as I read it.

It is the extra-judicial employment as such which, I said, he would allow only subject to the permission of the chief justice of Ontario, or perhaps Judge Wilmot, the chief judge of the county and district courts. Having set them up in 1962 and given them complete supervision of the whole field so that judges may be allocated to where they are most needed, within the dimensions of that performing the duties precisely of county court judges in a way that is adequate to the need, then if there is any overlay or any time to dispose of, then only, as I understand, would he allow the county court judges to go off on these jaunts, on these extra-judicial things.

One of the things that, I will not say shocked me, but bothered me considerably was the business of—and I do not think it is stamped out yet, correct me if I am wrong, as you know doubt will—is the business of moonlighting in the sense of by more or less subterfuge, deriving extra increment from acting in a variety of capacities, be it the milk board, be it the labour arbitration, and on police commissions.

The Extra-Judicial Services Act, I think it is called, came into effect some years ago in an effort to give a kind of overall supervision to this field. I think you will have to agree with me that under the terms of this statute, a device was used, in other words, of permitting them out-of-pocket expenses, travelling expenses at $60 a day.

McRuer takes grave exception to that, and then he points out that at a subsequent date—

Interjections by hon. members.

Mr. Lawlor: Go on back and play poker, for heaven's sake.

At a subsequent date he raised it to $100.

Interjections by hon. members.

Mr. Lawlor: Well, that is what you are employed to do here if your constituents only knew it.

Well, we will inform your constituents of your feelings in these matters.

It was raised at a subsequent time to $100 a day. That can hardly be out-of-pocket expenses. In other words, this was straight pay for extra-judicial work, and the range in which this was employed was very considerable.

I would like, in backing the argument, to refer to what Eric Silk, QC, has to say about arbitrations. He said:

> Should the view be taken that for a reason that is beyond my comprehension, these chairmanships should be filled by county and district court justices, then to assure that the distribution of work—and so on.

Then he goes on to the role.

Now, as 717, the "Purposes of the Law", two grounds are set up as to why McRuer feels that this ought not to be the case. The first ground is that it affects their independence, that it involves them in extracurricular

activities which identifies them with parties and controversies which may subsequently come before them in the courts, and, I suggest, not merely on the basis of remuneration, although remuneration is a central factor in that theme.

The other aspect, of course, is the fact that it is, by and large, as he states, unfair to the fellow judges so to do. He says:

> Where a judge engages in activities for which he receives remuneration beyond the statutory salary and allowances that are provided by statute for all his brother judges, he has lost some of his independence, and certainly if he has not lost his independence he has lost the appearance of independence.

On this business of receiving extracurricular pay by one device or another, as I say, I am anxious to learn if it still goes on today, because I am of the opinion that it most certainly does despite the amendment to The Judges Act, two or three years ago—1967 I think—where the federal statute which appoints these judges says explicitly that they may not derive any remuneration apart from any of their regular judgely duties.

For the Supreme Court judges, through the provincial Legislature, you do supply them, I think, in the case of Supreme Court judges with $4,000 a year, over and above their federal salaries. They do not get the federal salary of $2,000 because you do so.

Mr. Sargent: We are not talking about salaries.

Mr. Lawlor: Apart from all these things, McRuer says, at the bottom of page 716:

> Quite apart from The Judges Act, the provisions of The Extra-Judicial Services Act override all other provincial legislation and it, therefore, follows that in no case is it legal in this province to pay a judge remuneration or for any judge to receive remuneration for services rendered as a conciliator, arbitrator or referee with respect to any matter over which the province has legislative jurisdiction, whether those services are rendered pursuant to a provincial statute or to any agreement.

Hon. Mr. Wishart: If the hon. member would permit, I think perhaps I could shorten the debate on this. First of all, I think we have made it clear that as a result of Mr. Justice Stewart's decision, no judge now sitting or henceforth to sit on a board of police commissioners, will ever be appointed as an arbitrator as far as our policy is concerned. Secondly, that leaves only a handful that are sitting on a commission. That is all we have left.

We do not pay any judge who sits as an arbitrator. We are forbidden to do so by the federal Act. They can get actual expenses and actual expenses only. It must be the actual expense. They get no remuneration.

An hon. member: They are paid by the municipality, are they not?

Hon. Mr. Wishart: Well, it may be paid by the government in the case of a police commission arbitration, but they are not paid any remuneration. We went through this last night, this whole discussion about judges. I do not know if the hon. member for Lakeshore was here. We had a long discussion. The same sections came up in the Niagara bill, and we discussed all this at great length so I am not going to repeat.

Mr. Sopha: No, he was not here. He was in Manitoba.

Hon. Mr. Wishart: No, I think perhaps he was here.

Mr. Lawlor: The hon. Attorney General has misstated my position on several cases.

Hon. Mr. Wishart: At the foot of page 688, Mr. McRuer says they have a function as arbitrators. This is Mr. McRuer, if you care to follow him in this case.

Mr. Lawlor: Mr. Chairman, I will be very brief, I promise you.

The Attorney General has answered the main problem. Why then, as I understand it, does Judge Fuller sit on five different police commissions in the Niagara region? I had understood that this was one of the reasons you were not too anxious to change. He is a good judge. But five different police commissions! Is he not remunerated for any of them?

In the case of Oakville, of course, Garth Moore was sitting on three different police commissions—Markham, Vaughan and Richmond Hill. Now, what is the reason for this?

Hon. Mr. Wishart: Oh, I was not referring to boards of police commissioners. I said we would not be appointing a judge to sit on a board of police commissioners to be a member of an arbitration board. Now, we have quite a number of judges sitting on boards of police commissioners. They may be paid by the municipality. If they are doing so, they are doing it at their peril, I think, in taking the money.

Our Police Act says you shall appoint a judge of the county court, and we usually appoint the judge in the county. And where there are several little towns or cities, a judge may serve on several. His experience is just as valuable on one as it is on the other. He learns the area of police responsibility, police problems, police government, that is in The Police Act. And he is appointed by the Lieutenant-Governor-in-Council.

Mr. Lawlor: Yes, and that is unchanged—

Hon. Mr. Wishart: That is not in this bill.

Mr. Lawlor: In any event—

Hon. Mr. Wishart: That is not this section, though. This is talking about arbitration.

Mr. Lawlor: It is tied in with it.

Hon. Mr. Wishart: Sections 3 and 4 talk about arbitration, not boards of police commissioners.

Mr. Lawlor: It may be the hour of the night, it may be the pity of Buddha or something like that, but I shall desist except to ask one further question—

Hon. Mr. Wishart: I cannot hear him.

Mr. Lawlor: I want to know about the Ontario Association of Municipal Police Governing Authorities. Are these judges, county court or otherwise, sitting on police commissions the only members? Or is it possible to be a member of that association without being a member of a board?

Hon. Mr. Wishart: Oh, I am sure I can answer that. First of all, I would like to preface my reply by saying I do not know much about the association of police governing authorities, it is an association which they formed. Now, I understand it includes municipal people such as mayors, judges who sit on boards of police commissioners. Judge Bruce McDonnell at the moment happens to be the president, I think, of the association of police governing authorities. It is largely municipal, largely mayors, reeves, some judges. And I do not know how big it is or how many members there are, but they meet together just to exchange experiences, discuss policies and they are not official in any way. They sometimes write me a letter, sometimes they ask if they could come and see me and let me have the benefit of their thinking. But as far as I am concerned, they are not an official organization and I do not know their composition.

Mr. Lawlor: Well, I say to the Attorney General through you, Mr. Chairman, without moving amendments or without making a greater fuss about the matter, let me just read a sentence or two and then make an appeal. This is from the judgment of Mr. Justice Stewart in the Oakville police case:

> Reference was made to the fact that Judge Moore had also attended meetings at the Ontario Association of Municipal Police Governing Authorities. Without going into the material filed in detail, this body is organized for the benefit of management and at some of its meetings skilful lectures have been given by the representatives of the associate boards in how most effectively to deal with the bargaining committee of police forces. In other words, tuition has been given to increase skills in acting for management in labour disputes.

These would not confute the independence or lack of bias of those attending them.

And therefore what I want to say by way of appeal, while you have been good enough to amend the legislation saying that they may not be sitting on other boards while arbitrating or serving as chairmen where the failure to appoint a chairman is concerned in arbitration, there could still be such a judge sitting on this particular board.

All I am asking is, please watch when you are appointing that such is not the case, as Judge Stewart. Apparently they are deeply oriented in a particular direction which takes away from their impartiality.

Hon. Mr. Wishart: That would be precluded because I am sure any judge that is a member of the police governing authorities will only be a judge who is on a governing authority or the police commissioners. So if he was not on there, if he is on there, he is precluded by the section as amended.

Mr. Chairman: Is the Chairman to understand that where we have "who shall not be a member of the board" it should read "shall not be a member of a board"? With the consent of the House, can we read in both sections 3 and 4, "a board" instead of "the board"?

Section 3, as amended, agreed to.

Section 4, as amended, agreed to.

Sections 5 and 6 agreed to.

On section 7:

Hon. Mr. Wishart: I move an amendment to section 7. I move that subsection 2 of

32(b) of The Police Act as enacted by section 7 of the bill be amended at the commencement thereof "subject to the approval of the Attorney General".

Mr. Chairman: Mr. Wishart moves that subsection 2 of 32(b) of The Police Act as enacted by section 7 of the bill be amended at the commencement thereof "subject to the approval of the Attorney General".

Mr. Nixon: Mr. Chairman, I just want to say a word about the amendment. I think the Attorney General is to be congratulated for bringing forward this change. I know it has been discussed widely both in the committee and in the House and in the community that such a change would be in order. The Attorney General indicated he was considering it and we are very glad that he has undertaken the change at this time.

The wording is not precisely what perhaps we might have expected but I think the fact that the Attorney General is named, that the control is subject politically—as we feel it should be—is acceptable certainly. I believe that it is a measure of the wisdom of the Attorney General that he has seen fit to introduce the amendment at this time. We not only accept it, but we accept it with congratulations to the hon. gentleman.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: We too accept it. I would like to know, though, in extension of it, whether the Attorney General therefore means to abandon his plans and his statements to the committee that a different function of government—a different, even possible Cabinet post—would at some subsequent date in his mind perform this function and others in connection with the police?

Hon. Mr. Wishart: Mr. Chairman, in attempting to reply to the hon. member for Lakeshore, I appreciate the complimentary remarks of the leader of the Opposition. I would like to just take a moment to say that in The Police Act I would like to draw the attention of all hon. members to section 62, which is the section dealing with regulations and the first subsection there, No. 1(a), reads:

> The Lieutenant-Governor-in-Council may make regulations for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces.

Now I have never felt this in itself went far enough to control equipment, the use of it and that sort of thing. The intention there, it runs all through the Act, that a Minister did not stand directly above a police force with responsibility to the Lieutenant-Governor-in-Council.

With this amendment, while it does not put the immediate duty on the Attorney General of framing the regulations, I think the chain of responsibility goes back to him because he must approve the work of the commission. If the commission did not function, the Attorney General could be called to book.

The answer to the question: what I expressed in the committee was an opinion that I felt the idea of ministerial responsibility for police forces was one that merited consideration. I had had some discussion with certain of my colleagues and I thought it would be studied and I was hopeful some policy might be developed along that line. As a Minister standing alone, I can say no more than the other day. It has not been discussed at Cabinet level.

Mr. Lawlor: You seemed slightly impressed on that occasion by what Edwards had to say as to the inherent or suppressed or some kind of conflict of interest. Therefore somewhere I detected a faint discontent with things as they actually are.

Hon. Mr. Wishart: I think I have said—I am not sure that I have said it in the House, although I think I have, but I have certainly said it publicly in addresses I have made and perhaps in interviews—that I have drawn attention to the comment of Professor Edwards that there was an incongruous situation, perhaps a conflict of the duties between the right hand and the left hand.

If one tries to be the law enforcer, the other tries to administer justice, one hand being politically that which stands up as a member of government to defend government policy, whatever it may be, and the other hand trying to be judicial, the other nature being judicial in the impartial adminstration of justice.

I have indicated, without any hesitation, that I felt that one could not but help in this office to feel the difficulty of walking the line between those two positions. I have said there is a great deal of merit in the segregation to the role of law enforcer and controller of the police force, the investigator, the prosecutor, and that of the administrator who is responsible for the administration of justice.

I had discussed it to some degree with some of my colleagues and I thought it was

meritorious and I thought it might be pursued and possibly some policy might be achieved before too much moment.

Mr. Lawlor: Just one final question, if I may. One final thing. I would hope that and I trust, and I will not say any more about it, that my good friend Robert Welch should devolve upon his head this particular responsibility. I will not labour it but The Department of Citizenship is a peculiarly appropriate organ and this particular Minister with his legal training is a particularly appropriate organist with which to perform that particular function.

Mr. Chairman: The hon. member for Sudbury.

Mr. Sopha: Mr. Chairman, those are noble thoughts indeed and the Attorney General may deserve the rumination of a summer serenity. I want to assert what I believe to be the legitimate interpretation of this member. I do that in order to ascertain whether there is any disagreement with the way I will put it. I put it as a lawyer. That is to say I have in mind my legal training in giving the interpretation as I see it.

Under the section as it now reads, the police commission becomes the agent of the Attorney General which he uses to frame the regulations. They carry out that as a service for him because we all recognized that he has not the time to do it himself.

When they have done that, the creation of regulations, then they come back to the Attorney General and they do not become part of the body of the law until the Attorney General approves of them. Here we reach the fundamental aspect of it. The responsibility for the regulations in governing the use of guns and equipment is ultimately the Attorney General's.

I am glad to see that there is that universal consent because then I say that I would be totally and completely satisfied.

One final point, may I briefly? Instead of doing what we have done in this field, I wish that soon in this country that somebody would begin to study—and I am not talking about a Royal commission, I am not talking about a board of inquiry—but I wish that we would harness the intellectual talents of some people qualified in the area to begin to study the results of American experience: the use of their police forces in relation to manifestations of discontent.

Then we might benefit from what has occurred to them and we might identify the sources of the discontent and accordingly the points of conflict between dissident groups and our police forces and we might ascertain whether the training of our police forces is adequate to meet that type of phenomena that the Americans have encountered.

Finally, we might avoid some of the tragic happenings that have occurred in our neighbouring nation to the south.

Now that is a great mission, that is a great mission, if we could but see the progress of our country to the last days of this session. Without the tragic confrontations that have occurred in the United States and especially beween youth, between those who inherit the country tomorrow and the government, and the law-enforcing arm of society.

That is a worthy project and I would like to hear along the grapevine that the Attorney General or somebody else has hired some people to work in his department to quietly make this study. I know that if you ever set up a Royal commission to look into this whole field, you will not achieve the object.

Mr. Chairman: Shall Mr. Wishart's motion carry?

Mr. J. Renwick: Mr. Chairman, on section 7, I would like to join with my colleague from Lakeshore on behalf of our group to express our delight that the Attorney General has made this provision for ministerial responsibility.

I would ask him to give consideration under the terms of this clause to moving immediately in the area of regulation by the police of wire tapping and electronic surveillance equipment.

I believe it is quite clear that it is within the jurisdiction of the government by way of regulation in accordance with the terms of this clause, to deal with that problem—at least in the interim until such time as there is a fundamental amendment to the Criminal Code to also deal with the problem.

I think it is quite within the scope of this clause that the Attorney General should do so. More and more we are getting the information through the Press and other media about the extent of the use of the wire tap by the Metropolitan Toronto police force and I think in this morning's paper there is a statement that there are some 54 incidents in this year of the use of the wire tap.

Now I would think that the Attorney General must, of necessity, move now to deal

with it as a matter of police control pending whatever final solution may be found for the problem at the federal level.

Mr. Chairman: Shall the motion carry?

Mr. Bullbrook: Mr. Chairman, I hesitate to voice it but I am going to voice it now. That is that as much as I will go along, of course, with our party in accepting this, primarily because of the reply that has been given to the Attorney General by my colleague from Sudbury, this is what concerns me.

The Attorney General was kind enough to advise me of the wording he anticipated, and these words of course are completely, completely equivocal. This is the problem and I must record, really, my reticence in passing statutes that have these ingredients.

Because as my colleague from Sudbury has pointed out, these words could effectively mean nothing. At least they could be interpreted not to carry out the ultimate political responsibility that we want.

Because if it is purely an agency principle relationship—right—and you sit back, the intention is not carried out.

But since we have your expression; firstly of your understanding, and it is now recorded in the journals of this House; and secondly, some positive response to the member for Lakeshore in connection with the ultimate intention of the government, and that is to get to the situation that I have put forward in the committee. That is, that some officer of the Crown, some Minister of the Crown, have this direct responsibility.

Mr. Chairman: Shall Mr. Wishart's motion carry?

Section 7, as amended, agreed to.

Sections 8 and 9 agreed to.

Bill 178, as amended, reported.

THE PROFESSIONAL ENGINEERS ACT, 1968-1969
(Continued)

House in committee on Bill 48, The Professional Engineers Act, 1968-1969.

Mr. J. Renwick: Mr. Chairman, I wonder if the Attorney General has told the members of SCOPE that he is calling this bill at this hour of the morning.

Mr. Pitman: A phone call perhaps might be in order.

Hon. Mr. Wishart: I had no idea what time we would reach it.

Mr. Lewis: As a matter of fact, Mr. Chairman, as an act of overwhelming charity, I will make the phone call now or your life will not be worth living.

Hon. Mr. Wishart: I think it will be worth living.

We were at a certain section, Mr. Chairman.

On section 25:

Mr. Bullbrook: If I might, Mr. Chairman—section 25. The member for Riverdale had been discussing 25(7). I want to move an amendment to 25(5), if it is appropriate?

Mr. Chairman: Yes, I have a motion by Mr. J. Renwick that subclause 7 of section 25 be amended by adding thereto the words "provided such person is advised of his rights to protect himself against self-incrimination, as authorized by The Evidence Act and The Evidence Act of Canada".

Now there seem to be some words added at the bottom. I am not sure whose they are.

Hon. Mr. Wishart: Mr. Chairman, I was not aware that the hon. member for Riverdale was moving an amendment. I had prepared one, further to our discussion the other day, and I perhaps was not quick enough on my feet. Could I read mine?

Mr. J. Renwick: Yes, but Mr. Chairman, if I may—just for a moment.

I had moved the amendment and then we had the discussion about it. There was a question about the adequacy of the drafting and I had indicated I had no pride of authorship.

Mr. Chairman: Then I can interpret the writing on the bottom, which appears to say, "subject to clarifying language, I have no objection". I presume that to be the hon. Attorney General's—

Hon. Mr. Wishart: I understood that the hon. member, if he found my language right, would accept my amendment and I was not up quick enough.

Mr. Chairman: Perhaps the hon. Attorney General would read his proposal to the committee.

Mr. Lewis: You have pride of authorship.

Hon. Mr. Wishart: I have an amendment, Mr. Chairman. Section 25—I move that subsection 7 of section 25 of the bill be amended by adding at the end thereof:

> But such person shall be advised of his right to object to answer any question under section 9 of The Evidence Act and section 5 of The Canada Evidence Act.

Mr. J. Renwick: Mr. Chairman, I withdraw, with the consent of the committee, the amendment as proposed so that this amendment can be placed.

Mr. Chairman: Do I have the concurrence of the committee to withdraw Mr. Renwick's motion? Carried!

Shall Mr. Wishart's motion carry? Carried!

Shall section 25, as amended, form part of the bill?

Mr. Bullbrook: Mr. Chairman, in connection with subsection 5. I would move, seconded by the member for York Centre (Mr. Deacon), that subsection 5 of section 25 be amended by changing the word "may" to "shall" in the second last line. So that it would read—sorry, sir.

Mr. Chairman: In other words, that the last two lines relating to "council shall conduct a hearing, public or otherwise"?

Mr. Bullbrook: That is right.

Mr. Chairman: The hon. member for Sarnia wishes to comment upon the motion?

Mr. Bullbrook: Yes, sir. I will be quite brief. If I might read it:

> Hearings shall be held in camera, but if the person whose conduct is being investigated requests otherwise by notice in writing, delivered to the registrar before the day fixed for the hearing, the council shall conduct a hearing in public or otherwise, as it thinks proper.

I have had the opportunity of discussing this with advisers to the Attorney General. I do not know whether they conveyed to the Attorney General my intention, but basically the in camera hearing is to protect the privacy of the individual complained against. My thought is that if he wishes to have the hearing in public, then it should be mandatory that the council hold the hearing in public.

There had been discussion with the Deputy Attorney General in this connection of a very informal nature. He brought up the question of what if some third person is affected. I felt that in my remarks to him and in the argument that I put to the committee, that the paramount consideration in connection with the hearing should be the rights of the individual complained against. So I do not think I need to explain it further, unless there is some resistance on the part of the Attorney General.

Hon. Mr. Wishart: Mr. Chairman, the hon. member was good enough to give us his amendment and thoughts regarding it. I just had some reservation. The subsection 5 "providing that the hearing shall be held in camera," left it to the discretion, as the section reads, of the council to conduct a hearing in public or otherwise, as it thinks proper. There is a discretion there and I could think of situations where the public interest might still be paramount to that of the accused. It is—

Mr. Bullbrook: Perhaps you could persuade me too.

Hon. Mr. Wishart: I am not going to argue this strongly. I think there might be situations where, even though an accused said: "I want this to be heard in public," that the council should say, in its discretion, "no, there are other things"—and I am not going to go into examples.

I will accept the amendment, Mr. Chairman. I had some reservations about it, but I think it makes it mandatory to be public if the accused says so, making the accused's interests paramount. I think there might be situations where perhaps the public interest could be greater—but maybe I am getting farfetching in trying to think of that. I would accept the amendment.

Mr. Chairman: Will Mr. Bullbrook's motion carry? Carried.

Section 25, as amended, agreed to.

Section 26 **agreed to.**

On section 27:

Mr. Lawlor: I just want to make mention of this and see what the Attorney General thinks, so that we can get something on the record perhaps to protect a group of our citizens.

There was a group of engineers—as I understand, about 200 in number—represented by a gentleman who through no fault of his own, but because of our procedures, was always a section behind, if you recall.

I thought it a little inadequate in face of the high tension work that this committee does. I felt they were given short shrift—do

you think that that group was protected under section?

Hon. Mr. Wishart: Is that the chartered engineers?

Mr. Lawlor: Chartered engineers, that is it.

Hon. Mr. Wishart: I did not think they came within the purview of this Act really. That is my impression.

Section 27 agreed to.

Sections 28 to 32, inclusive, agreed to.

Bill 48, as amended, reported.

Hon. Mr. Wishart: Mr. Chairman, I know it is very late. There is one other bill on the order paper which I think is very important. It is very brief, and I think it is not controversial in any way. That is number 10 on the order paper, Bill 131, An Act to amend The Law Enforcement Compensation Act, 1967.

THE LAW ENFORCEMENT COMPENSATION ACT, 1967

House in committee on Bill 131, An Act to amend The Law Enforcement Compensation Act, 1967.

Section 1 agreed to.

On section 2:

Mr. Bullbrook: Mr. Chairman, I must record—if I might, to the Attorney General, through you—this is a great night for congratulations. Four times I have spoken on this in this Legislature.

Hon. Mr. Robarts: If you had not, we would not have done it.

Mr. Bullbrook: Well, I doubt that very much but I want to congratulate you.

Section 2 agreed to.

Section 3 agreed to.

On section 4:

Mr. J. Renwick: Mr. Chairman, unless I am mistaken, and I do not have the up-to-date bill, was not the Minister going to amend this section to make it come into force at the same date as the original bill?

Mr. Chairman: That is section 5 and I have an amendment.

Mr. J. Renwick: I am sorry.

Section 4 agreed to.

On section 5:

Hon. Mr. Wishart: Mr. Chairman, I move that section 5 of the bill be deleted and the following substituted therefor:

5(1) This Act shall be deemed to have come into force on the first day of April, 1968.

(2) Notwithstanding section 6 of The Law Enforcement Compensation Act, 1967, an application in respect of the death or injury occurring after the first day of April, 1968, and before the first day of September, 1968, may be made to the Law Enforcement Compensation Board before the first day of September, 1969.

That gives a year of retroactivity.

Section 5, as amended, agreed to.

Section 6 agreed to.

Bill 131, as amended, reported.

Hon. Mr. Welch moves that the committee of the whole House rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the Chair.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report progress and asks for leave to sit again.

Report agreed to.

THIRD READINGS

The following bills were given third reading upon motion:

Bill 48, The Professional Engineers Act, 1968-1969.

Bill 131, An Act to amend The Law Enforcement Compensation Act, 1967.

Bill 155, An Act to amend The Workmen's Compensation Act.

Bill 168, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

Bill 174, An Act to establish the Regional Municipality of Niagara.

Bill 177, An Act to amend The Tile Drainage Act.

Bill 178, An Act to amend The Police Act.

Bill 184, An Act to amend The Corporations Act.

Bill 186, An Act to amend The Local Improvement Act.

Bill 187, An Act to amend The Public Parks Act.

Bill 188, An Act to amend The Municipal Corporations Quieting Orders Act.

Bill 190, An Act to amend The Planning Act.

Mr. J. Renwick (Riverdale): Mr. Speaker, on third reading of Bill 195, An Act respecting Health Services Insurance we raised at the time of consideration in committee of the whole House, on section 13 of the bill, what in our judgment is a very substantial concern about a defect in the procedures by which the premiums proposed to be raised by this bill are being levied.

I am a little bit at a loss as to the exact procedure which we should follow. We propose to vote against the bill on third reading. But I was going to ask you, Mr. Speaker, if in the light of these comments and when the transcript is available, early tomorrow that rather than call third reading now that you take the matter under advisement—to let us have your view as to whether or not, in your judgment, the objection which we raised is a substanital one or whether the position which we took on that clause was the correct position.

I would like to have your comment on my remarks. I am not quite certain of the procedure which we should follow because this is a most unusual situation.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, in view of the circumstances, I was here when these comments were made, I think that perhaps we would be agreeable if third reading of this were held until tomorrow morning.

Now it would be my intention to revert to motions and move that we not sit until 11 o'clock in the morning because of the lateness of the hour we have been here tonight. That might give the Speaker an opportunity to examine the transcript, because I think the points raised—whatever opinion I may hold I will not express now—but it is a point that I think should be considered. Perhaps we will hold third reading on this until tomorrow morning and then we can settle this question.

Mr. Speaker: Perhaps, before the matter is dropped, I may say that I was listening to the proceedings of the House and I am well aware of the point raised. I have done considerable research. I might be prepared to give an opinion tonight but I would prefer to accept the offer made by the hon. member for Riverdale and the Prime Minister in order that I might have the opportunity of consulting the Clerk and the precedents which he could find for me and the advice he could give me in the morning. As I am concerned, I would appreciate this particular procedure being followed tonight.

Bill 200, An Act to amend The Regional Municipality of Ottawa-Carleton Act.

Bill 201, An Act to amend The Municipality of Metropolitan Toronto Act.

Bill Pr13, An Act Respecting the City of Kitchener.

Hon. Mr. Robarts: Mr. Speaker, with the consent of the House may we revert to motions?

I would move that when this House adjourns its present sittings it stands adjourned until 11 o'clock of this morning.

Motion agreed to.

Hon. Mr. Robarts: Before moving the adjournment of the House, there is one bill left, if I may just mention it. It is Bill 124, which is An Act to amend The Legal Aid Act. There are certain elements in this bill so that perhaps we should include it and give it Royal assent, before we adjourn for the summer.

We will deal with that in committee of the whole House in the morning and it will receive third reading. Then we will ask His Honour to give Royal assent to the bills that are available and then we might be able to adjourn. Mr. Speaker, when we adjourn tomorrow, we will stand adjourned until September 30, 1969.

Mr. S. Lewis (Scarborough West): Mr. Speaker, just before the House adjourns: in view of the 11.00 o'clock reconvening in the morning, would it be possible to accept questions?

Mr. Speaker: I was going to announce that 9.00 o'clock would be the deadline for questions tomorrow morning.

I will say that the hon. member's caucus has been very diligent. I have many questions already, as is our custom on Thursday night, for the morning session.

Hon. Mr. Robarts moves the adjournment of the House.

Motion agreed to.

The House adjourned at 3.40 o'clock, a.m.

No. 165

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Friday, June 27, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Friday, June 27, 1969

Highway Traffic Act, bill to amend, Mr. Shulman, first reading 6375

Transferring of prisoner, questions to Mr. Grossman, Mr. Shulman 6375

Price of strawberries, question to Mr. Stewart, Mr. Meen 6375

Sales tax re children at summer camps, questions to Mr. White, Mr. Young 6376

Physical examination of child to be adopted, question to Mr. Yaremko, Mr. Burr 6376

Use of diazonal on Toronto Island, question to Mr. Brunelle, Mr. Burr 6377

Pollution from mercury compounds, question to Mr. Kerr, Mr. Burr 6377

Designated municipalities re EIO programme, questions to Mr. Randall, Mr. Pitman 6378

OMSIP refund, questions to Mr. Dymond, Mr. Shulman 6379

Appeals re Canada Assistance Plan, questions to Mr. Yaremko, Mrs. M. Renwick 6379

Presenting report, Ontario Department of Health, Mr. Dymond 6380

Legal Aid Act, 1966, bill to amend, reported 6380

Third readings 6390

Speaker's ruling re Bill 195 6390

Third readings, continued 6392

Royal assent to certain bills, the honourable the Lieutenant-Governor 6392

Motion to adjourn, Mr. Welch, agreed to 6392

Errata 6393

LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, JUNE 27, 1969

The House met at 11.00 o'clock, a.m.

Prayers.

Mr. Speaker: Petitions.

Presenting reports.

Motions.

Hon. Mr. Welch moves that when this House adjourns the present sitting thereof, it do stand adjourned until Tuesday, September 30, 1969, at 2.00 o'clock, p.m.

Motion agreed to.

Mr. Speaker: Introduction of bills.

THE HIGHWAY TRAFFIC ACT

Mr. M. Shulman (High Park) moves first reading of bill intituled, An Act to amend The Highway Traffic Act.

Motion agreed to; first reading of the bill.

Mr. Shulman: Mr. Speaker, the purpose of this bill is to ban the sale or use in this province of certain devices which are currently being sold which allow drivers to detect radar devices some distance before they approach them.

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, I have an answer to a question which was asked on June 12. May I deal with it now?

Question 1842, asked by the member for High Park on June 12. The hon. member asked a question which I was holding until we got the transcript so that I could give a correct answer.

Question 1 was: "Why was Mr. Donald R. transferred to a district jail from Burwash Industrial Farm after receiving a three-month sentence for getting drunk and striking a guard?"

The answer, Mr. Speaker, is this man had demonstrated through his unacceptable behaviour that he required a more secure setting. I am also informed that in this case the judge had recommended that this man not be returned to the same institution.

2. "Is Mr. R. correct that the alcohol was supplied to him by a guard?"

The answer is "no".

3. "Is the transfer to a district jail after the court had already levied the increased sentence not dual punishment for the same offence?"

The answer is "no".

4. "Will the department return Mr. R. to a reformatory?"

Mr. Speaker, all such cases are constantly under review. I have to rely on the judgment of the reviewing body to make decisions of this nature. The inmate is kept in a jail under observation in order to help in the assessment for a decision as to which institution he should be transferred.

I think this deals with that question in total, Mr. Speaker.

Mr. Shulman: May I ask a supplementary question? Has the Minister been able to determine the source of the alcohol?

Hon. Mr. Grossman: The inmate claimed it was home brew.

Mr. Speaker: The hon. member for York East.

Mr. A. K. Meen (York East): A question of the Minister of Agriculture and Food, Mr. Speaker.

Why are Loblaws marketing strawberries in Ottawa at 28 cents per quart box when at the same time they are marketing them here in Toronto at 59 cents per quart box, a disparity of 31 cents for each quart box?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, the information that has come to my hands—as a result of my forwarding the question by the hon. member to the chairman of the Ontario Food Council, and after his discussions with the president of Loblaws—is that Loblaws, in an attempt to have a lower-priced special on strawberries than a major competitor in the Ottawa area, arranged for a feature at an extremely low price of 28 cents per quart box.

This company reported that their cost price delivered to stores was 28 cents and that they took no markup. The Ottawa Loblaws wholesale produce supplier, Provincial Fruit Company, apparently are absorbing a substantial loss since one group of growers are selling large quantities of these berries at 42 cents delivered to the wholesaler in Ottawa. This information would lead us to believe that losses to Provincial Fruit in this deal would be considerably over $10,000.

I can understand my hon. friend's concern with the Toronto consumers not being able to obtain these berries—these consumers are paying, as of yesterday, 59 cents a quart box in Loblaws' Toronto stores—but the reasons are, first of all, they are featuring other items this week, and the same items are not always featured in all regions. Second, there are insufficient strawberries to permit such a special in other areas. Third, the cost in losses to suppliers would be prohibitive.

The important aspect for this House to consider, Mr. Speaker, is that such substantial losses on these strawberries will undoubtedly be compensated for by price appreciation on other products. This means that some consumers will purchase strawberries at a low price in Ottawa this week but will pay a much higher price on other commodities in these same stores.

Interjection by an hon. member.

Hon. Mr. Stewart: Exactly. It appears as though this has been used as a loss leader. And I would have to say this, Mr. Speaker, that such trade practices cause instability in pricing at all levels and place an immense pressure on our primary producers to accept lower prices. In fact, there is evidence to suggest that this one deal is then responsible for a premature and unnecessary reduction in prices to producers which, in total, could amount to a figure as high as $50,000.

Some marketing plans in this province have regulations prohibiting loss leader advertising. However, strawberries are presently not under such a marketing plan.

Mr. E. W. Sopha (Sudbury): Besides, the well-known Mr. Trudeau is fond of strawberries—

Mr. Speaker: The hon. member for Yorkview has a question from the other day of the Minister of Revenue.

Interjections by hon. members.

Mr. Speaker: Order, please!

Mr. F. Young (Yorkview): Mr. Speaker—a question of the Minister of Revenue.

Why does ruling 13, in respect of Bill 79, stipulate that children who attend summer camps charging more than $35 a week, must pay retail sales tax at two per cent if they stay for less than one month, but escape paying it if they stay for a longer period?

Hon. J. H. White (Minister of Revenue): Mr. Speaker, this ruling flows from section 16 of The Retail Sales Tax Act, as amended a few months ago. The hon. member will recall that the section states that the tax is applicable to transient accommodation only, and that transient accommodation is defined as being less than a month. In the case of camps, there are certain non-taxable components such as instruction of every kind, and that lowers the percentage from five per cent to two per cent. I might also mention that religious camps and non-profit camps, such as those sponsored by the YMCA, are exempt.

Mr. Young: Mr. Speaker, by way of a supplementary question. Does the Minister not consider that this is discrimination against the people who cannot afford to send their children for more than a month? There would be those who can send the kids away for a whole summer, and escape this tax.

Hon. Mr. White: Well I do not, Mr. Speaker, because the tax does not apply at all on camps of $35 or less; it does not, as I say, apply to non-profit organizations. The only camps that will be affected will be the more expensive private camps, and even there, the rate of tax is very low.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): A question of the Minister of Social and Family Services.

In the adoption procedure used by the children's aid society, is there any objection to having a chiropractor conduct the physical examination of the child to be adopted?

Hon. J. Yaremko (Minister of Social and Family Services): Mr. Speaker, I would refer the hon. member to section 14 (i) of the regulations to The Child Welfare Act where medical examinations are required of all children in care. Our interpretation of the regulations is that this refers to an examination by a duly qualified physician licensed by the Royal College of Physicians and Surgeons.

Mr. Burr: A question of the Minister of Lands and Forests.

What action does the Minister intend to take in view of the use on Toronto Island of diazonal, described in the Toronto *Telegram* on June 26 as, "an insecticide 1,000 times more powerful than that approved by The Department of Lands and Forests"?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in reply to the hon. member, at the present time my department does not have any of the details of the report of the use of the insecticide diazonal on Toronto Island, because such use of insecticides is not regulated by this department. However, we are responsible for the management of wild fowl and are very interested and have asked to have an investigation made for our own information.

Mr. Speaker: The hon. member has a point of order.

Mr. Burr: A question of the Minister of Agriculture and Food.

In view of the Rhine River fish poisoning by the equivalent of only one sackful of endosulvan, what steps is the Minister taking to prevent a similar catastrophe in Ontario?

Hon. Mr. Stewart: Mr. Speaker, I believe there must be some misunderstanding. I understand that question was reported to my office and they advised the Speaker's office that this question had been misdirected. Now, perhaps there has been a breakdown in communications some place, but I understand from my office staff that this is what happened. It does not fall within our department's purview whatever.

Mr. Speaker: The Speaker, of course, takes no responsibility for directing questions. They are directed by the member who places them, and conveyed, and if the Minister does not wish to accept them, then if he has no suggestion as to how they are to be re-directed, of course, as far as Mr. Speaker is concerned the answer to the question is that it is misdirected. So the hon. member will have to take that as the answer for today.

Mr. Burr: Mr. Speaker, because this is apparently a tree and vegetable spray I assumed this was the proper department.

A question of the Minister of Energy and Resources Management: In view of the abandoning of the use of mercury compounds in Japanese agriculture and the banning of mercury fungicides in Sweden and recent awareness of the many industrial uses of mercury that result in air and water pollution, will the Minister investigate the seriousness of this recently recognized pollutant as it affects Ontario?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, I am not aware that mercury compounds pose a pollution problem in Ontario, nevertheless I will be pleased to institute enquiries to find out if this is the case. The Departments of Health, and Agriculture and Food may also be involved in this particular question and I would request that the study be of an inter-departmental nature.

Mr. Speaker: The hon. member for Scarborough East had a point of order.

Mr. T. Reid (Scarborough East): Mr. Speaker, my point of order is that in a reply to a question I directed to the Attorney General yesterday about Police Chief Bray of North Grimsby, the Minister in his reply may have unknowingly and inadvertently, not misled the House, but may have made a statement that was not quite right. The Hamilton *Spectator* for this morning states, according to my information, that Lincoln county Crown attorney Lloyd Goodwin has said that he did not investigate the Bray case.

I believe that in reply to my question yesterday, the Minister used the word "investigation" and stated, if my memory is correct, that the Lincoln county Crown attorney had investigated the Bray case and I was wondering if he could comment on this statement in the Hamilton *Spectator*.

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I think yesterday when I answered the question there was some comment on the word "investigate", which I made myself. The Crown attorney examined the matter from the point of view of whether a charge should be laid and decided that the charge would not be justified. We had a fairly full answer, I think, on that. What I did not say to the House, and I will perhaps state it now, is that from the prosecution point of view of the charge, they saw no action to take. But I should assure the House, Mr. Speaker, that the matter is being investigated through the Ontario Police Commission.

This is an investigation that has to do with the discipline which may be required, or to determine whether the chief, in his carrying out of his duties, is competent, capable and should remain in that position. An

investigation is going on. The Crown attorney's role was simply to determine whether or not criminal prosecutions should take place.

Mr. Speaker: The hon. member for Peterborough.

Mr. W. G. Pitman (Peterborough): Mr. Speaker, on a point of order. Last night in the exchange that took place over the police legislation which was passed, the Attorney General gave the impression that all other provinces in Canada had similar legislation in relation to bargaining units for senior officers. It has come to my attention that this is not true, and I wonder if the Attorney General would clarify this. Maybe he meant that senior officers had separate associations within their association. But I think he said they had bargaining units, and it is my impression that Ontario will be the only province in which the senior officers will have the opportunity to set up a different bargaining unit.

Hon. Mr. Wishart: I do not think I was talking about bargaining units, and in any event what I stated was simply that it was represented to us, particularly by the senior officers, and particularly by Inspector Chaddock, in the legal bills committee, that Ontario was the only province that did not have a separate senior officers' association.

Mr. Pitman: Is that as a bargaining unit or as an association?

Hon. Mr. Wishart: I have no knowledge of what their bargaining procedures are. In fact, I think I indicated that I had not pursued that matter and could not speak on my own behalf. I do not have that knowledge.

Mr. Pitman: I have a question of the Minister of Trade and Development, Mr. Speaker. It is based on the report that he gave the House yesterday.

1. Would the Minister reveal the methods by which the municipalities are designated on the EIO programme? This is a quotation from the statement.

2. Would the Minister indicate the special interest rates on first mortgages which will be available on new buildings for companies receiving loans in northern Ontario?

3. Does the Ontario Development Corporation encourage the designation of entire counties rather than towns and cities in eastern Ontario?

4. What does the Minister mean by a small municipality?

Hon. S. J. Randall (Minister of Trade and Development): In reply: 1. Municipalities are assessed under the EIO programme on the basis of information received through an industrial survey submitted by the municipality which indicates the rate of industrial growth during the past five years and the assessment ratios.

Canada Manpower statistics of the numbers of male and female workers registered for employment, together with the per capita income in relation to the provincial average are also considered. The location of the municipality in relation to the recognized industrial areas of the province is also a factor.

2. The rates of interest to be charged on first mortgages on new buildings in northern Ontario will be comparable to the rates prevailing in the metropolitan centres, and in no case will be less than the current cost to the province of borrowing.

3. No.

4. The term "small municipality" refers to municipalities which are not major centres of population and industry.

Mr. Pitman: I wonder if the Minister could indicate what he means by a major population centre, and whether the department could make available all applications for opening up the process so that any municipality can see by comparison whether it has an opportunity to be designated in relation to other municipalities which are also making application.

Hon. Mr. Randall: In answer to the first question: Yes, the information is available, it is not secretive. We would be glad to have any municipalities come in and look at the applications if they think that we are discriminating against them at any time.

I think the member asked what was a small municipality. I would say Peterborough is a small municipality. It is not a Hamilton or Toronto. That is the reason we have put that $300,000 in there; so that if you can get ten industries, at $30,000 apiece, you could qualify. We have tried to be as flexible as possible.

Let me say this also, that when regional government is accepted throughout the province, then you can give consideration to taking a gross centre programme and working it. Right now if you took a gross centre programme you would, in fact, be saying to the small centres: "You are going to become a graveyard with lights; we are going to write you off and just put all our effort and

interest into one particular town or city." And I do not think we are ripe for that in this province at the present time and should include more of the smaller municipalities in our incentive programme until regional government has arrived.

Mr. Pitman: Mr. Speaker, that is a very helpful answer. I wonder if I could ask one more supplementary question?

What does the Minister mean by "south", and I ask this question because of his answer to me of my question on the order paper for May 29. He includes Cobourg, Havelock, Lakefield, Millbrook as centres in western Ontario, and I cannot understand what he means by southern Ontario. What are the lines of demarcation in this statement?

Hon. Mr. Randall: Northern Ontario is everything from North Bay north, eastern Ontario is Trenton east, and everything to the west of that is considered southern Ontario.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: I have a question of the Minister of Health, Mr. Speaker.

When can Mr. Paul Devnick, of 101 Gainsborough Road, Toronto, expect a refund of some $150-odd which was an overpayment into the Ontario Medical Services Insurance Plan?

Does it normally take over two years to make such refunds?

Is it possible for OMSIP or HIRB to issue handwritten cheques in case of computer breakdown, re-programming, or if it is otherwise occupied?

Hon. M. B. Dymond (Minister of Health): Mr. Speaker, the cheque was in the mail when I asked for the information.

On the second part the answer is "no"; the third part is "yes".

Mr. Shulman: Will the Minister accept a supplementary question?

Can the Minister explain the very long delay in this case, and why there was such a problem?

Hon. Mr. Dymond: I think it was one of these human errors, Mr. Speaker. It was a breakdown in the clerical responsibility.

Mr. Speaker: The member for Scarborough Centre has questions.

Mrs. M. Renwick (Scarborough Centre): I have a question of the Minister of Social and Family Services.

Does the Minister agree that under the Canada Assistance Plan, it was the intention of the federal government that the appeal provision was to apply to any assistance to which the federal government provides funds?

Hon. Mr. Yaremko: I think there is a question 1997 prior to that.

Mrs. M. Renwick: Well Mr. Speaker, actually the prior question is 1998. It is the groundwork for the other question.

Hon. Mr. Yaremko: I have two questions here—1997 and 1998. The member is reading 1998. I wonder if the hon. member could read 1997 and I would answer the two of them together?

Mrs. M. Renwick: I have it, but I wanted the other answer first. Mr. Speaker, my purpose in asking 1998 first was that I wrote it first and wanted the answer to it first. If it is not possible for the Minister to answer—

Mr. Speaker: Well, perhaps the hon. member will ask her other question.

Mrs. M. Renwick: Referring to section 6—

Mr. J. Renwick (Riverdale): On a point of order, Mr. Speaker, surely a member is entitled to put her questions one at a time and get an answer.

Mr. Speaker: The hon. member is quite entitled to put her questions one at a time, which she has done. As I have often pointed out, neither Mr. Speaker nor the members of the House have control over either the answer to be given by the Minister; whether the Minister will not answer it; or whether he will take it as notice. There is nothing which Mr. Speaker can do about that save to have the hon. member ask her other question which is before us.

Mr. J. Renwick: Mr. Speaker, I certainly do not agree with your comments whatsoever. I assume now that it is the privilege of the Minister to refuse to answer the question of the member for Scarborough Centre because it has not been put in the order in which he chooses to answer.

Hon. Mr. Yaremko: No, Mr. Speaker, not at all. I was just making a suggestion. If the hon. member refuses to take my suggestion, I will just proceed in the ordinary course.

I would refer the hon. member to answers I have given to similar questions in *Hansard*

on June 6, page 5387; June 9, page 5416; June 12, page 5618. I believe that these replies cover the substance of the question.

I would only add that as required under the Canada Assistance Plan, our legislation was added to the schedules provided with the federal-provincial agreement. We have had confirmation that the schedules were added to the agreement and must, therefore, assume that our legislation is consistent with the agreement.

Mrs. M. Renwick: Mr. Speaker, that does not answer the question; I wanted the Minister's views.

I would like to ask the Minister, referring to section 6 (2) of the Canada Assistance Plan, does the Minister agree:

1. That the agreement by the province with the federal government was to set up by law a procedure to appeal from decisions of provincially approved agencies with respect to applications for assistance, and the granting of assistance, at the administrator's discretion, as well as the providing of assistance by law, and that, therefore, the board of review appointed by the Minister should be hearing cases asking for the granting of special assistance above the provision of assistance mandatory by the local administrations of welfare throughout the province.

2. That form 6 of The Family Benefits Act, section 15, pertaining to the board of review, should not have been revised after the board's first hearing on revision that made the form applicable only for an allowance and not for other benefits.

Hon. Mr. Yaremko: Mr. Speaker, I believe that my answer to question 1998 also answers question 1997.

Mr. Speaker: The Minister of Health has a report to be tabled which he believes the members would like to have before the recess. May I have the unanimous consent of the House to revert to "presenting reports"?

Agreed.

Presenting reports.

Hon. Mr. Dymond: Mr. Speaker, I beg leave to table the 44th annual report of The Ontario Department of Health for the year 1968.

Orders of the day.

Clerk of the House: The third order, committee of the whole House on Bill 124, An Act to amend The Legal Aid Act, 1966.

THE LEGAL AID ACT, 1966
(Continued)

On section 4:

Mr. Chairman: We have passed the first three sections of this bill. We are on section 4—the hon. member for Riverdale.

Mr. J. Renwick (Riverdale): Mr. Chairman, this amendment which is proposed by the Minister to section 4 will in fact provide the government with the power to restrict by regulation the availability of the legal aid plan to citizens of the province who might otherwise be entitled.

The Act as it presently stands provides a very clear statement of the right of access to the legal aid plan for those persons entitled to participate in it in any proceeding or proposed proceeding in the Supreme Court, in a county or district court, in a surrogate court, and in the other items set out in section 12 of the present bill.

My basic concern is the extent to which the right of access to the use of the plan will be curtailed by providing the power to have regulations under it. For example, and very specifically, there is a clear indication that it is one of the purposes of having the power by regulation to restrict access to the plan for divorce proceedings. If this is so, I think that the Minister must make a specific statement about it.

The report which appeared recently indicated that only certain persons who wished a divorce were going to be entitled to use the legal aid plan, and I believe the criterion that was indicated was whether or not the person proposed to remarry. If this is so, then we oppose the inclusion of the words "or by regulations". It is an important matter in the province that persons have the legal aid plan available to them if they are eligible, and if they wish to proceed to a divorce, and there should not be any impediment or condition imposed upon their access for that purpose.

This is also the provision, if I may enlarge on it very briefly, under which access to the plan will be curtailed. Using that method in order to cut down the cost of the plan—I say to the Attorney General (Mr. Wishart)—the first place where you should start to cut down the cost of the plan is a consideration and investigation of whether or not the fee schedule of the legal profession, which constitutes the bulk of the public cost for the plan, is reasonable. In my view it may well be that the Attorney General and the law

society would find that it is unreasonable, that the scale of compensation is higher than it should be, and that if we are going to effect any savings under the plan and make it more efficient, it is to that point that the Attorney General should direct his attention, and not by way of regulation to curtail access to the plan for legitimate purposes. With that in mind, Mr. Chairman, in order to clarify the debate. I move that the words "or the regulations" be deleted from clause 4.

Mr. Chairman: I believe the hon. member means section 4 of the bill?

Mr. J. Renwick: Yes, section 4, which is the section we are on.

An hon. member: Have we carried sections 1, 2 and 3?

Mr. Chairman: Yes, those have been carried. The amended section 3 of the bill has been carried.

Hon. A. A. Wishart (Minister of Justice): You have the amendment, Mr. Chairman?

Mr. Chairman: I was just provided with a copy and I checked and it is identical with the words and it is initialed that it has been carried, sir.

Hon. Mr. Wishart: Thank you. I wanted to be sure of that, Mr. Chairman.

Mr. E. W. Sopha (Sudbury): Mr. Chairman, I would not think the amendment proposed by my friend from Riverdale would be offensive to us, on the basis alone that we would not want to support any revision of this Act by the Attorney General that would inhibit access to the plan. But I hasten to go on to say that my approach in the correction of this problem in respect of divorce services provided would be entirely different from that of the member for Riverdale, and I think clearly that when this Act was amended that is what the Attorney General had in mind—that is to say, a misuse of the plan in respect of applications for dissolution of marriage. I would think that with the experience of the new legislation at Ottawa, it would be likely that persons seeking divorce would form a very large group which would be making—

Hon. Mr. Wishart: I wonder if the hon. member would permit me—I am unable to follow the argument as well as I would like. I have not got a copy of the proposed amendment and I cannot find the words "or the regulation" referred to.

Mr. Chairman: It is in the sixth line, sir, of section 4, subsection 1 at the top of page 2.

Hon. Mr. Wishart: Perhaps I might ask the Chairman just to read it again and perhaps I can remember it.

Mr. Chairman: Mr. J. Renwick moves that the words "or the regulations" be deleted from section 4; and I might add that "or the regulations" appears in the end of the sixth line of subsection 1. Is that correct, may I ask the hon. member for Riverdale?

Mr. J. Renwick: Yes, Mr. Chairman, in the sixth line and in the restatement of section 12, which is included in section 4.

Mr. Chairman: Right.

Mr. Sopha: I would think that persons seeking dissolution of marriage would form a very substantial number of applicants for services. Really, Mr. Chairman, I do believe that there should be inhibitions whatsoever towards persons seeking this relief, but that the fees payable under The Legal Aid Act in respect to dissolution of marriage should be reduced.

Mr. J. Renwick: I agree.

Mr. Sopha: I think it is quite unrealistic—and of course, I hold myself up to the opprobrium of my brethren in the profession, I recognize when I say this—but, I do want to say that I see no reason whatsoever that the fairly simple paper work and organization of an application for dissolution of marriage under the new Divorce Act of Canada justifies a fee of $400.

Mr. J. Renwick: Hear, hear!

Mr. Sopha: I go on to say that I think the Attorney General should seriously consider the implementation of some sort of system whereby the litigants themselves could arrange their own Act as to the court. That might be looked upon as heresy, but—the former Minister of Public Works (Mr. Connell) is not here—perhaps I may be permitted to allude to a case that I had before Mr. Justice Fraser on Monday of this week. In this case the man for whom I acted had not seen nor heard from his wife, nor heard of her, for 12 years.

Why would the man, in those circumstances, need a lawyer at all? It would be perfectly feasible to have some sort of system where he could approach an officer of the court and fill out the necessary forms,

swear the necessary affidavits, provide credible evidence of that state of affairs, and the application would go forward into the court and be judged according to the rules.

We have heard of instances where litigants have already prepared the necessary papers. I hasten to say to my legal brethren that, of course, where any complexity arises at all, and where the rights of children are involved, then of course the litigant should have the assistance of a lawyer. But many of these cases are so utterly simple, I really have had grave reservations about the fee of $400 for this service.

I did not think this up this morning, but at the committee I suggested in the presence of the chairman of the legal aid committee of the Law Society of Upper Canada, and in the presence of the director of the legal aid plan that early steps should be taken to reduce the fee for divorces.

On the other hand, I think, in respect of some of the criminal work—just so this will be in balance—that the fees are inadequate, but I do not want to belabour that.

However, I do support this amendment. The leader of the party, of course, will speak for the party, but the leader authorizes me to say that I support it.

Before sitting down, it is necessary to make the point that the rules, the rigidities of economics, the amount of money budgeted for this very good plan, must never coerce us into the implementation of any legislative restriction that will in any way inhibit the total efficacy of the plan. We must not let a few bad apples in the profession, or other types of abuses, in any way restrict the public from having the easiest access to legal assistance.

That is the meaning of the plan and, for heaven's sake, at its early stages, when it has worked as successfully as it has, let us not begin to panic and be too ready to legislate any inhibition. It has only been in operation a very short time and, in view of the amount of money that we spend and the good that we do, we can safely allow a longer period to elapse in order that we make a mature judgment about its total operation.

However, I do heartily suggest that the Attorney General get in touch with these people in the legal aid administrative section and suggest to them that something be done in relation to the divorce applications immediately.

Mr. Chairman: The hon. member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, I would not say the costs of legal aid are spiralling, in that sense of the term, over against the British experience again, of 25 million pounds sterling a year. It is a more cohesive society, and therefore, the way our things are spread out in the province of Ontario, the geographical factor alone would account for a certain amount of cost.

But if we are to zero in, by way of saving —and that should always be a major consideration for us—then the area of divorce obviously is the first thing to be scrutinized. The area of divorce in Britain and here ranges up to and over 50 per cent of the total volume of civil cases, as I remember the statistics in this regard. And if we may lance into the issue, I think a great deal can be done.

But I do feel that while the area of regulations might have some validity elsewhere, if your intention is through this device to restructure the granting of legal aid and introduce various types of restrictions, then the more secretive device of the regulation, I suggest, is probably not the best way in which to do it. Is not the best way, Mr. Attorney General—even if there was some validity in regulations—is not the best way to restructure our course. Is not the best way to give an initial step and to throw it out for future debate? The debate will come on during your estimates, I assure you, in any case. But, for instance, why not give the county court judges jurisdiction in, say one aspect of divorce—the uncontested divorce action; in uncontested divorce action, initially perhaps, where rights of children are not involved.

The alternative range of procedures was mentioned by my friend from Sudbury—the business of a procedure analogous to that of adoption procedure, where papers are filed with the clerk of the court. Generally speaking, the lawyer appears before no judge.

In other words, they are set up as investigatory techniques through Social Services and what not, and a report is made to a judge who scrutinizes the papers and affidavit evidence very carefully, and is able to arrive at certain conclusions. Even that may be ventured upon. Perhaps that is premature just yet; it would have to be thought through. But that initial step was certainly in the cards, and I have no doubt that the Attorney General is giving goodly consideration to that proposal of county court judges.

Mr. J. Renwick: Mr. Chairman, I would like to raise one other point on the section. I agree entirely with what the member for

Sudbury has said about the point and the reason for the amendment and the reason for the concern.

I would like to refer, Mr. Chairman, if this is the proper time, to the second subsection of section 4 which provides, in substance, that the commencement of proceedings, where it may or may not be tried as an indictable offence or on summary conviction, is now going to be subject to the discretion, in the following section, of the area director I think it is.

But let me try to make the point. A person is charged with an offence which may be proceeded with, at the election of the Crown, by summary conviction or by indictment. It is at that point that he has to make the application to get his legal aid certificate.

In applying to get his legal aid certificate, he is not in a position to know whether the prosecution is going to elect to proceed by way of summary conviction or indictment. Therefore, for practical purposes you are saying that in those cases where the Crown may proceed by summary conviction or by indictment, in fact, the area director under section 13 of the bill will have a discretion which is not presently available. The present section 12 which is being amended states that if it is an indictable offence, then the person is entitled by right under that section to apply for legal aid, and if he is eligible, to receive a certificate.

So again, the proposed amendment to the second part of section 12 in fact operates in a sense as a curtailment, because it provides an area of discretion to the area director which would not otherwise be available.

Everyone knows that the time at which the Crown elects to proceed is the time when you actually appear in the court—that there is no procedure available for getting a prior determination by the Crown on that question. I would ask the Attorney General if he would comment about that, if he would comment on the divorce question and would he also comment on what other areas of legal aid it is intended to curtail, or to limit, by his proposed section, subject of course to the amendment which we have proposed.

Hon. Mr. Wishart: Mr. Chairman, the discussion has been helpful. I would say at once that section 4 and the reference to the regulations are certainly not designed for, nor have they reference to, the matter of divorce proceedings alone, or in fact generally.

There have been changes in the regulations to improve the administration of the Act, and I will use one particular one as an instance. The application for the certificate up to this point has been made simply on the presentation of statements by the applicant, or by someone appearing with them, or for them. In many cases it has been found that the information given is not factual, particularly the information as to the ability of the applicant to pay all or part of his own proceedings.

The regulations will now require that to be supported by a sworn statement, by an affidavit, and it is necessary that in issuing the certificate, for instance, that that apply —that the person be required to state under oath, that the facts are so. I think this is just one very good instance of where it is necessary to have a certificate based upon the use of a regulation. So, to throw out the words, as the amendment would, to take out the reference to the regulations, would be a serious flaw in the procedure as we propose it.

If we want to range into this area at the present time, I am quite prepared to say that I think there are definitely some improvements that could be made, particularly in the file of actions for divorce, and I know that the committee is looking at them, I know that the advisory committee has made some recommendations and I would look forward to some improvements.

As to the suggestion from the hon. member for Lakeshore about the role of the county court judges, this also has been seriously considered. I am not at the moment able to say what may be done there or what jurisdictions might be involved beyond our own, but I cannot accept the suggestion that we should throw out the reference to the regulations here. The purpose of this whole Act, in the light of our two years' experience, was to clarify some things that were unclear, to tighten up (if I may use that expression) the procedures, to remove abuses, or at least to do what we could to prevent the occurrence of abuses by persons applying for legal aid and by members of the legal profession who have taken their cases.

The point raised by the hon. member for Riverdale, his last point, was on section 12 of the Act. As it is presently constituted, subsection (d) provides, "where the applicant is charged with an indictable offence, or where an application is made for a sentence of preventive detention". I think we are concerned with the application by an

applicant charged with in indictable offence. The first part of the section says a certificate shall be issued to a person otherwise entitled thereto, "except where otherwise provided in the Act."

Now we are making the change that an offence which may be tried either by way of summary conviction or on indictment, shall be deemed to be an offence liable to summary conviction.

Mr. J. Renwick: Until the election?

Hon. Mr. Wishart: Yes, on the election. What bothers me slightly—considerably I might say—is that it would seem to remove any possibility of such a person getting a certificate, except in the discretion of the—

Interjection by an hon. member.

Hon. Mr. Wishart: I know the reason for this is that with persons charged with this type of offence, where they have the option to be tried on summary conviction or on indictment, there have been quite a number of cases apparently where they have come forward, made their option to be tried by indictment, apparently it was quite clear that the person charged with a criminal offence was guilty, and after two or three adjournments, or remands, they would come up on indictment and then plead guilty. It seemed very apparent to those who were administering the plan that it was simply the advice of a lawyer, moved by way of indictment, and with no intention of ever having a trial on indictment. But it did increase the fee, which the lawyer could take down for his attendance on such a case. Now this is not abuse—

Mr. J. Renwick: Mr. Chairman, if I may just comment, the election here is the election by the Crown, which seems to me to affect the argument that the Attorney General is making.

Mr. Chairman: The hon. member for Lakeshore.

Mr. Lawlor: Mr. Chairman, I would just like to say a word to the Attorney General in extension of the remarks about the county court judges. At 3.00 o'clock yesterday morning, when I was rampaging about here touching the appointment of county court judges to these various tribunals, particularly to arbitrations, partly in the back of my mind was precisely this—that we have brought about, largely through the impact of legal aid, a situation where the county court judges could be brought in in a much more elaborate way. Not just in terms of occupying their splendid capacities, but also in terms of cutting the costs of divorces in half with great ease—because of the fee schedules in that court, which are not of course half, but which are considerably smaller than the Supreme Court scales.

I would put a bug in your and their ear in this particular regard, that there is no reason why divorces should cost so much, it is a form of legal "boondoggling", of which we are not averse in the least. In this particular area I think it acts as a repressive measure, or has in the past, against people acquiring divorces. It was a device to throw up a financial barrier. But if the people of the whole of the province are going to have to pay through the nose in this particular regard, then I think that the whole thing should be resurveyed.

Hon. Mr. Wishart: I should just like to continue my reference to the last point raised by the hon. member for Riverdale. I think section 13 definitely comes into play here, and it has the discretion of the area director on summary conviction cases—and that is the way it should be—and where the Crown has the right to elect, say, that this shall be a summary conviction case. All this amendment said is that up to the point where the election is made, the matter shall be treated as a summary conviction matter, so that you bring into play the discretion of the area director.

I do not think there has been a hardship worked in the application of section 13. That has not been my impression as I get the reports on the working of our plan, and I think the amendment comes out of the experience of our administrators and I think it is a reasonable one. I would hope the hon. member is not suggesting we change it.

All I can say, really, is this that since we are trying something that arises out of the experience or the operation of the plan, I would like to submit that we accept this amendment, see how it works, and of course we are always open to change and amendment again.

This plan has been working two years; we have been able to get the statistics together. Actually we now have some computerized material which indicates where the flaws and weaknesses lie, and that the whole Act is intended to improve our job.

Mr. J. Renwick: Mr. Chairman, if I may make one brief comment. I am content for the moment on the second part of clause 4. What the Attorney General has in fact done

is add a new procedural wrinkle. If a person is charged with an offence which can be proceeded with either by summary conviction or on indictment, then the application for a legal aid certificate may be turned down because of the discretion of the area director. If it is then turned down and the person then appears in the court to be tried, and the Crown at that point makes the election, presumably if the person happens to be well-advised, at that point he could ask that the case be adjourned after the election in order that he could re-apply under the section 12 for "certificate".

I think it is an unnecessary procedural change, sir, and I certainly will be very interested in finding out the extent to which the area director is in any way limiting the access of people to the plan who are charged with offences which may or may not be proceeded with by indictment. But on the amendment, I cannot accept the Attorney General's argument that we should allow the words "or the regulations" to remain in the section.

The section reads that, "except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto . . ." Now, the only person who can get it is the person "entitled thereto" and the Attorney General puts forward as an argument against the amendment which has been proposed that they have been unable to regulate the procedures for application to verify the facts which are put forward to determine eligibility. I cannot accept that because certainly under section 24 of the bill there is ample regulatory power in the law society, subject to the approval of the government, to make regulations respecting applications for legal aid; and I would have thought it was quite ample power for regulations to be made for the purpose of verifying information which is contained in applications, and therefore I still have a very substantial skepticism that this "regulation" provision is the one where accessibility to the plan would be cut down.

It would seem to me that as experience with the plan develops, the way to do it is to preserve the provision of the statute rather than to curtail, by way of regulation which may not be readily available to people, the access to the plan. I simply say that the argument that the Attorney General puts forward against the proposed amendment, in my view, just does not apply because of the regulatory provision already contained in the Act.

Mr. Chairman: Those in favour of Mr. J. Renwick's motion will please say "aye."

Those opposed will please say "nay."

In my opinion the "nays" have it.

Call in the members.

Mr. Chairman: All those in favour of Mr. J. Renwick's motion will please rise.

All those opposed to Mr. J. Renwick's motion will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 32, the "nays" 49.

Mr. Chairman: I declare the motion lost.

Section 4 agreed to.

On section 5:

Mr. Lawlor: Just briefly, I never did get a clear picture from the Attorney General in any stage of this bill as to the change in sub-clause 3, subsection 2, of section 5. I think the best way to approach it is to refer to section 13 of The Legal Aid Act:

> Subject to the discretion of the area director a certificate may be issued to a person otherwise entitled thereto,
>
> (a) in a certain situation
>
> (b) in any proceeding
>
> (c) before a quasi-judicial or administrative board or commission,

And there is a change here; it goes on like that: ". . . otherwise than in an appeal thereto."

I think the Attorney General knows that my thought is, and had it been taken into due consideration, in arriving at this amendment, as to the nomenclature used touching appeals before numerous tribunals, the one instance which comes specifically to mind being workmen's compensation, in its several levels of appeal, call them appeal. You are providing—and this is to your credit—a wide ambit of representation in meritorious cases before these quasi-judicial tribunals, but then shoving in the words "otherwise than in appeal thereto," at the second or third level before the workmen's compensation board. This very well should be considered and deemed an appeal.

This is where the most crucial time comes for the workmen involved. As things have evolved with the workmen's compensation—and I will not go into this to any depth, we have heard it *ad nauseam* in this House in the past few months—the initial step has come to be considered more or less nugatory.

The last step in the process, when you get before the full board, is when things really click and count. They seem to exercise the discretion. This is what inherently happens with a cascading series of appeals. The middle appeals do not matter after a time, and you try to get to the top as quickly as possible.

Now, if that is considered appeal, I think that you are reversing what you really intended to do, if I am not badly mistaken.

Hon. Mr. Wishart: Mr. Chairman, on this subsection, this amendment which we are considering is simply an extension of another area for which legal aid may be granted is all I see before me in this section—the extension of the possibility of securing a certificate for legal aid in the matter of contempt of court. That is all section 5 (3) contains.

Mr. Lawlor: May I say to the Attorney General I am not talking about the addition of the contempt of court proceedings, I am talking specifically about what is already in the Act, but restrictive. An exclusion is made, that is the quasi-judicial tribunal, the administrative boards, or commissions. Then you placed your added wording.

My only point is that they very often call the hearings which we would consider run-of-the-mill as ordinary hearings before a tribunal. The tribunal itself, in its regulations, calls them appeals. If the area director says he cannot permit counsel to represent claimants before these boards under this wording.

Mr. Sopha: The point is that the wording is too restrictive. The workmen's compensation board is the most glaring example, because every stage of the procedure before that board might be called an appeal. It may be that in some form of action taken against a person licensed under The Used Car Dealers' Act—I do not know, but I use that as an example—the used car dealers' registrar might call an application for redress to him as an appeal. Now, as soon as that magic word "appeal" is used in the proceeding, the director might say that he is bound by the strict wording of the statute and he cannot issue a certificate.

May we suggest to the Attorney General that the words "otherwise than an appeal thereto" be taken out, and give a blanket privilege to people applying to have issued to them a certificate for any proceeding before a quasi judicial, or administrative board or committee.

Mr. Lawlor: As it now is.

Mr. Sopha: As it now is.

Hon. Mr. Wishart: Well, even as it is now—this, I think, has been our experience—there is some question about a simple application by way of a letter or something of that sort to one of the boards, The Used Car Dealers' Act, The Mortgage Brokers' Act—I put in a different category the workmen's compensation board—but there again the first application is not really a proceeding for which I think a person needs legal aid to get on with—to hire a lawyer and pay public funds to the first round in all these boards. I ask the hon. members to think what they are doing.

We want legal aid to be an assistance to persons who need it. But to leave the language wide open to that extent has allowed uncertainty, and area directors in districts across this province have not had any clear direction. There have been various interpretations and there have been what I consider to be—and our own administrative body, the law society, has considered—abuses.

I think it is quite clear that when a person reaches the stage where perhaps the application has been refused, and then it becomes a matter of appeal—and those rights of appeal are in all our quasi-judicial tribunals now—then I think it is quite proper that they should have advice of counsel. But to leave it open for the first application we have found is not sensible, it is not good administration.

I ask you to reject the thought that we should abandon the words that we have added by way of this amending Act.

Mr. Sopha: Mr. Chairman, by inadvertance, the language has been employed to arrive at a meaning the exact opposite of what they want. What the Attorney General is saying is that a person can get a certificate for any application to a quasi-judicial administrative or ordered commission, except when he appeals—the very time he needs it. The very time he needs it he cannot get it. This is sheer inadvertance, and being intelligent and reasonable men, let us hasten to correct it before the damage is recognized in all its stark reality.

Mr. Lawlor: Mr. Chairman, I wish to join in those remarks. This is exactly what happens. The Attorney General is reading the clause one way when it ought to, and has to be, read in its full context in the contrary way. You are excluding. We do not want them to have legal aid.

This is under the administration of the area director, and I would think it would be a fault, in the first instance, appearing at a hearing, to have counsel. I agree with that. That is perfectly legitimate. The cost would be astronomical.

On the other hand, when the appeals start within that tribunal, it is a question as to the use of the word "appeals" here.

What you are really trying to do is to bring the whole of the concept of appeals under a single head in a subsequent section, and, therefore, certain kinds of discretions have to be used and the committee has to be approached in each instance as to the validity and merit of an appeal, and we are not subsidizing ridiculous appeals. But in this particular case, the use of the word "appeal" being within the internal procedures of a board, again such as the workmen's compensation, that is not what you wish to exclude, I suggest to you, particularly at the highest level of appeal. Perhaps at that level the area director should give them the rights to representation after they have passed three preliminary steps.

Hon. Mr. Wishart: Mr. Chairman, I am sure that the hon. member has looked at the explanatory note, subsection 2, and the intention is clearly expressed there. I am going to read that.

Mr. Sopha: I do not care about the explanatory notes. Let us look at the statute. We are safer.

Hon. Mr. Wishart: Well, let me look at subsection 2. The purpose of this amendment is to exclude from this section appeals to quasi-judicial or administrative boards as they come within section 14 of the Act, and require the approval of the area committee as do all other appeals.

We are giving to the area director here a discretion in the matter, as we have provided in the matter of appeals in the section which follows right on. When we designed the Act we said that there would be a discretion in the matter of appeals. We did not have it in section 13. We now include it in these matters of quasi-judicial boards.

It is not a prohibition, but it becomes a discretionary matter for the area director, and we feel this is a good way to go.

Section 5 agreed to.

On section 6:

Mr. Sopha: Are there any other extraordinary remedies that have been left out? I leave it to the devotees of the ancients. Are there any others? You have tried to list them here. For all I know, maybe there are some more prerogative risks.

Hon. Mr. Wishart: Well, we are trying to bring in legislation that will do away with all extraordinary remedies and make one simple procedure for all remedies. But I think we have gone pretty far, I cannot think of any others at the moment.

Mr. Sopha: Well, why don't we say here, ". . . or in the case of any other extraordinary remedy"?

Hon. Mr. Wishart: Oh, I appreciate the hon. member's concern, but I surely do not think—

Mr. Sopha: I am just legal boondoggling.

Hon. Mr. Wishart: I will put it this way. Unless he can think of another one, I am going to leave it as it is.

Section 6 agreed to.

On section 7:

Mr. Lawlor: Mr. Chairman, 7 is a crucial section here. The whole bill is designed to shore up or to put adhesive tape over the leaking dike of legal aid, but in this particular regard, in subsection 3 of this section, the plastics, the adhesives are very thick indeed.

I do not think I take fundamental exception to it, but I think it should be placed on the record of this House what is in mind within the context of this section. The wording is illusory, you know; it floats about ten feet above the ground, and to penetrate that fog, and to show what we are up against in this regard would do little harm.

The assessment office to whom an application is referred shall consider the income, the disposable capital, indebtedness, requirements of persons dependent on the applicant. May I break off here? This is the first time in the Act in which specific reference is made to actual criteria to be used by the assessment officer under The Department of Social and Family Services as to what he must take into consideration—and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after investigation.

We do not have the copy of the application in front of us, but what is envisaged here has received some discussion in various segments of the profession. What is envisaged here is what is called a family concept.

Up until now the individual has been taken pretty much on his own hook as to his own financial condition, etc., and not within a wider context. The danger is obvious—and everybody is aware of it—that it is just a question of how far that context is to range, how that descretion is to be exercised.

I do not suppose in advance, in these complex things, that it is possible to lay down too many guidelines in this regard. And yet, the danger, at the heart here, must be exposed.

Suppose I try and pinpoint what I consider the danger. With John Arnup, four different members on a panel of the law commission all agree that the family context was an important consideration, particularly, say, with a man accused of the indictable offense of fraud. He has a rich wife and he hasn't a dime. Who pays? The rich wife? Under what circumstances?

Suppose they are alienated. Suppose that he has been feeding off her since the remote past, completely unwilling. To what extent does the investigation go, in interrogation of the wife to find out whether she is amenable to paying the ne'er-do-well's out-of-pocket expenses?—running around with the other girls in Las Vegas last weekend, you know.

This is the kind of thing that bothers me. John Arnup remarked that "the person investigating eligibility should ask himself, and in many cases should ask the applicant, "What would the applicant have done if there were no "legal aid plan?"

"If the answer to the question, either arrived at by the investigator or forthcoming from the applicant, is that he would have dug up the money from some other source, then I say no certificate".

Well, Lawlor says that that is a pretty onerous task.

Hon. Mr. Wishart: Well, if he was down in Las Vegas last weekend he should pay for his legal aid. He should pay for his own aid. He should not get legal aid.

This situation covers the son of wealthy parents—as in the example the hon. member has given, and many others. As you say, it is hard to lay down set rules, but directors have been troubled, there has been a wide variance in the approach. We tried to give them some guidelines, but every case has some difference. No two are ever alike, and I think the question that is posed there, "What should this applicant have done if there were no legal aid?" is a pretty good general test to start with.

If his dad would let him go to jail, the 18-year-old, although well able to pay, then maybe should not get legal aid. If the parent would have come to his rescue instead of throwing him on the public, then why should the public be more concerned about this young offender than his own family? Could he have gone to the bank and raised the money without any difficulties?

He may not have any chance. But if he had a home which has a small mortgage on it, he is well known. It could have raised a couple of hundred dollars to pay for his appearance in magistrates' or provincial judges' court.

These are the questions that area directors find a little troublesome. So we have tried to give some guidelines. I think they will work. I think they will be a great help. We will never achieve perfection but we can start towards it.

Mr. Lawlor: It still bothers me. It is not a question of perfection. It is a question of what is workable. And I find that test unpalatable. I think that test, if rigidly applied, will certainly save you several million dollars. But it will also destroy or erode the concept of legal aid as such—even on the needs basis.

I mean, if a man has a rich brother, and this brother has been supporting the ne'er-do-well, off and on, and he does not go to Las Vegas next year, he is simply down and out. He is that kind of a soul. But he has, nevertheless, been accused of some crime.

I mean, how does this thing propose to be operated. The wealthy brother, the man with prestige in the community, has finally turned down the begging fellow. He says: "No, I am not prepared to subsidize him another inch". Does the investigator go off and talk to the brother who has some dough?

In other words, we have the whole crapulous matter of investigation and prying into people's personal lives—people who have not exposed themselves to legal aid, become objects of investigation and of personal scrutiny.

People who have no part in the thing at all, and would much prefer to be left out of the picture, not because they are not open-handed and willing to relieve somebody—particularly their own family—in distress. But in the case of point this would be the situation.

I mean, how do you envisage the thing operating? It seems to me that far from taking that strong ground, and saying, well if there is any peradventure of a doubt that, had legal aid never come into being, that

you would have got some kind of defence without it. Then you are outside the scheme. That is applied rigidly. God help accused throughout this province. Because the legal aid which came as a benignant thing to rescue people from rotten situations where they were unable to defend themselves, or have the instrumentalities of defence at this point, would be abnigated effectively, I suggest to you.

There must be some middle ground in there where so rigid an arbitrary a rule would not apply—where the family context, in a suave way, in a quiet way, could be considered as one of the elements. And a few discreet telephone calls could be made, perhaps to the mother, or father, or brother, or sister, without any undue weight being placed upon it.

If the person appearing before the director is a person in reduced circumstances, obviously incapable himself of providing the means, that should be the overwhelming criterion, irrespective of surrounding circumstances. He is down and out, he has not got the wherewithal,and that is what the scheme is designed to forfend against—the discrimination in a community of two elements, and at least two classes: those able to pay for legal services and get the best, and those who are unable to pay at all. Which seems to be the vast amount of people in criminal matters. And so, because of the weight of the costs, to go ranging out in some kind of fishing expedition, to locate the hidden loot under the coverlets of the near associates of the accused, seems to me to embody in itself a most disreputable, questionable principle.

If applied as John Arnott seems to suggest, it should be applied rigidly. It would bring the whole scheme into disrepute, and deservedly.

While I say there is some merit in the section, I am most concerned with its *modus operandum*. How is this thing to be carried out? How do you envisage that it will be carried out? Cannot you give some guidelines, not within the legislation, but with the regulations, as to how this thing should operate so as not to bring about the investitory or even inquisatorial techniques that I am speaking against.

Mr. Sopha: I want to truncate my remarks, speak very rapidly, and make a couple of comments about this. The one that bothers me is subsection 7, and I do not think we should give the area director power to cancel a certificate without some form of notice—putting the recipient on notice that the certificate is about to be cancelled so that he can make representation.

I think it should be required that at least seven days' notice be given to him that the area director will hold a hearing in his office, where the holder of the certificate is required to appear if he wishes to continue its effectiveness, and show cause why it should not be cancelled.

There is one other thing I want to say, on this question of costs. I want to make a suggestion to the law society and to the government. Instead of the present system of investigating the means of the applicant, I think they would be well advised to try a procedure whereby the questionnaire of 20 or 30 questions is drawn up, designed to catch people that are trying to defraud the scheme.

Those who are seeking an entitlement they should not get. I am told that experts can now draw that type of questionnaire. Putting them through that type of procedure, there might be a random sample of investigation. And the statisticians tell me that if you take a true random sample, you are going to catch those that are misusing it.

Now, perhaps if we tried that and there were two or three prosecutions, it might have a very curative effect. But let it be said that, in this scheme, the largest proportion of the moneys we vote here does not go to the lawyers. May I repeat that? The largest proportion does not go to the lawyers. The lawyers take the blame, but we are accustomed to criticism. And we will bear it with all the fortitude we can muster as always. The largest proportion goes to the investigation, and in order to cut the costs we might try some other form of device, as I suggest.

They might begin to investigate such a programme, try it for a six-month period, see if it works more effectively, instead of pouring out the millions of dollars that we are now doing in investigating people's entitlement. It is far better that a few get the entitlement that should not get it than to carry on a very protracted investigation and deprive a lot of people of it.

All right. The other thing. One of the questions I would suggest that the questionnaire have, should say: Can your wife afford to pay? Because I see no point where a woman is well-raised financially—she has it tucked under the mattress or in the Minister of Social and Family Services' (Mr. Yaremko) sock—that her husband can get a certificate.

What I am adverting to, is the family complex. I have always been a great believer in legal services and anything else. That bloc is thicker than Coca-Cola. Lawyers employ the technique that, when the fellow comes in charged with crime, that they are not against the proposition that the old man might fork over the fee. That is good social policy. My clerical friend agrees with me. It is better that the family fork it over than the strangers, like the rest of the people in society bear the cost. Now those are just two suggestions that I would like to see them take up in this respect. And it might be that it would effect a tremendous improvement.

Hon. Mr. Wishart: All I can say is I think these suggestions debated are helpful. I am going to make certain that what is said here today comes to the attention of those who administer this plan and my answer will be part of the material they will receive.

Section 7 agreed to.

On section 8:

Mr. Lawlor: On sub-clause 4, a brief comment.

This is a clause which has been brought in, I think it should go on the record, to permit the assessment officer to take an oath —in other words, to swear the applicant to the facts that have been presented. Up until now this has been given *carte blanche* without tying him down to the possibilities of being tried for an offence. I think this move will do a great deal to cut down the costs of legal aid.

Section 8 agreed to.

Sections 9 to 13, inclusive, agreed to.

Bill 124 reported.

Hon. Mr. Welch moves that the committee of the whole House rise and report one bill without amendment and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the Chair.

Mr. Chairman: Mr. Speaker, the committee of the whole House begs to report one bill without amendments and asks for leave to sit again.

Report agreed to.

THIRD READINGS

The following bills were given third reading on motions:

Bill 124, An Act to amend The Legal Aid Act, 1966.

Mr. Speaker: I think perhaps this would be the appropriate place to deal with the matter which was raised last evening, or early this morning, and I shall do so formally.

Last evening, or rather, earlier this morning before the House rose, the hon. member for Riverdale (Mr. J. Renwick) asked for my ruling with respect to the procedures involved in introduction and discussion of Bill 195 and as to the legality of the bill.

First may I state that it is, and always has been, the responsibility of Mr. Speaker to rule upon procedures in the House and all matters arising under the rules and precedents of this assembly. Then may I state also that the constitutionality or legality of any bill before the House has never been by custom, precedent, rule, or law within the purview of Mr. Speaker's powers of responsibility.

I have given careful consideration to the arguments advanced by the hon. member, and have been able to search the authorities with respect to such matters. I have also noted that in Bill 136 of the Third Session of the 27th Parliament, being an Act respecting Medical Services Insurance, there were provisions similar to those in present Bill 195, and these were supported by a similar resolution recommended by the Lieutenant-Governor.

May I then state my conclusions with respect to this matter, thus:

1. I cannot support the argument that provisions in an Act authorizing the setting of insurance premiums can be interpreted as a tax. Premiums are in payment for insurance coverage provided. Nor is such a suggestion necessary to support the Chairman's ruling made earlier in the week. His ruling is, in my opinion, predicated on the proposition that a motion seeking to control or limit the revenue of the province is outside the power of a private member, and I suggest that there can be no doubt that funds raised by these premiums are public revenue, even though not raised by taxation, as they are paid into the consolidated revenue fund.

2. The specific point on which I have been asked to rule is as to the legality of the

Act in question, and I must inform the House that this question is beyond my jurisdiction. There have been numerous decisions by former Speakers, the most recent being that of Mr. Speaker Stewart on April 4, 1944, to the effect that it is not within the Speaker's responsibilities or powers to give an opinion on the legality or constitutionality of any legislation introduced in the House.

3. The proceedings and processes with respect to Bill 195 are, therefore, in order, and I shall proceed to place the motion for third reading before the House.

Mr. D. C. MacDonald (York South): Mr. Speaker, if I may make a brief comment on the statement which you have just made. There are elements of it with which we are not in agreement. I am not going to argue the case at the moment.

If I may just illustrate one example—in paragraph 3 where you note that with Bill 136 of the third session of the Parliament you had a similar kind of provision. I suggest, sir, that that is not the case. That was a voluntary service. This is a mandatory service for the majority of people in the province, and that was one of the main arguments which we predicated our whole case. Since it is mandatory, it in effect becomes a tax.

However, I have reason to believe that even on the government side of the House the issue that has been raised is being considered rather seriously and, quite frankly, if there is any doubt that we should consider the revision of our procedures, in our mind there is no doubt at all.

Certainly as far as we are concerned, we will take the summer off in reflecting on how we can get this government on to the traditional rails, instead of off the rails, as it is in this particular instance.

For the moment, however, we will not challenge your reservation on this, nor will we challenge third reading. We are as anxious to have some kind of Medicare, we have done our best—

Interjections by hon. members.

Mr. MacDonald Well, you know, Mr. Speaker, 50 years of consistent fighting is not going to be washed out by one little bit of hoot against the people who have been most interested during the 50 years.

Mr. R. F. Nixon (Leader of the Opposition): But it is washed out by the member's vote against this bill.

Mr. MacDonald: So, Mr. Speaker, we will just engage in a voice vote and leave it at that—for future perfection.

Mr. Speaker: May I say that I agree with the hon. member for York South. The matter is not without difficulty, and I must say that a considerable amount of time was spent both by myself and by the Clerk in searching the authorities. We came to the conclusions I have set out. I appreciate the views of the hon. member and the other members who spoke last evening because I was listening to it. It is a very interesting point, and I would think perhaps on another occasion some thought might be given to the form of such a bill to ensure that this difficulty did not raise its head again.

Mr. E. W. Sopha (Sudbury): If I may just speak to the point of order, in order to avoid a lot of verbiage in relation to a neat legal point such as this, the rules committee might well consider elimination of the procedure whereby an address from the Crown is required to raise public moneys—

Mr. J. Renwick (Riverdale): The member wants to destroy the whole history—

Mr. Sopha: Let me just add one sentence —and let the government take the responsibility—and the remedy, if they misuse it, is political.

Mr. Speaker: May I point out that the hon. member is a member of this committee and he is, I am sure, quite capable of bringing that to the attention of the committee, along with many other things which need consideration.

Mr. J. Renwick: Mr. Speaker, I did not intend to intervene until the member for Sudbury spoke. The principle is very simple, and that is that taxes in our system are imposed by an address which specifies the amount of the tax or, in the alternative, the method by which it is calculated. That resolution is then translated into the bill and that forms the basis on which the subjects and the citizens of the province know the taxes which are imposed upon them.

It is that simple. It is not a question to be left solely to the political field. It is the political field within the framework of a Parliamentary tradition and a constitutional system which we, in this party, intend to uphold.

Mr. Speaker: In any event, I presume that this is a matter which the committee members can discuss if they wish.

THIRD READING
(Continued)

Bill 195, An Act respecting Health Services Insurance.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, if you will excuse me, the Lieutenant-Governor is standing by to give Royal asesnt.

The Honourable, the Lieutenant-Governor of Ontario entered the Chamber of the legislative assembly and took his seat upon the Throne.

Hon. W. Ross Macdonald (Lieutenant-Governor): Pray be seated.

Mr. Speaker: May it please Your Honour, the legislative assembly of the province has, at its present sittings thereof, passed several bills to which, in the name of and on behalf of the said legislative assembly, I respectfuly request Your Honour's assent.

The Clerk Assistant: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 48, The Professional Engineers Act, 1968-1969.

Bill 124, An Act to amend The Legal Aid Act, 1966.

Bill 131, An Act to amend The Law Enforcement Compensation Act, 1967.

Bill 155, An Act to amend The Workmen's Compensation Act.

Bill 168, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

Bill 174, An Act to establish The Regional Municipality of Niagara.

Bill 177, An Act to amend The Tile Drainage Act.

Bill 178, An Act to amend the Police Act.

Bill 184, An Act to amend The Corporations Act.

Bill 186, An Act to amend The Local Improvements Act.

Bill 187, An Act to amend The Public Parks Act.

Bill 188, An Act to amend The Municipal Corporations Quieting Orders Act.

Bill 190, An Act to amend The Planning Act.

Bill 195, An Act respecting Health Services Insurance.

Bill 200, An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968.

Bill 201, An Act to amend The Municipality of Metropolitan Toronto Act.

Bill Pr13, An Act respecting the City of Kitchener.

Clerk of House: In Her Majesty's name, the Honourable, the Lieutenant-Governor doth assent to these bills.

The Honourable, the Lieutenant-Governor was pleased to retire from the Chamber.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, before moving the adjournment of the House, I just wanted to make this one brief comment. In the last two or three days there has been a great deal of pressure at times, and I wanted to say to all members of the House that I think it has been wonderful the way they have been prepared to put up this extra time.

I would hope that on adjournment and during the summer recess they will have ample opportunity to renew themselves and their strength, and we will be back here on Tuesday, September 30, ready to carry on with the business of the House.

Hon. Mr. Welch moves the adjournment of the House.

Mr. Speaker: May I also, before placing the motion, say to the members that despite the heated times which we have here, and despite the disagreements which there have been between members of the House and parties and Mr. Speaker, and others, I think it has been a period of accomplishment.

I have appreciated the courtesy which has been extended to me by most of the members of the House all the time, and by all the members some of the time. I also join with the House Leader in hoping that the summer will be one of rest and relaxation and a safe one for all of us, and that we may meet here again ready to do the province's business when the House resumes its sitting.

Motion agreed to.

The House adjourned at 1.15 o'clock, p.m., until 2.00 o'clock, p.m., Tuesday, September 30 next.

ERRATA

(Tuesday, March 11, 1969)

Page	*Column*	*Line*	*Correction*
2116	2	4	Change to read: seeing any of them there. I hope some of them
2116	2	50	Change to read: Canadian Corrections Association and most
2117	1	21	Change to read: people pass certain laws. "Now I do not
2117	2	5	Change to read: possible, because without the passing of the bill it may be difficult.
2117	2	17	Change to read: Services Act, for which you voted, which
2124	2	17	Change to read: operating the institutions. This is part of the
2142	1	2	Change to read: and they get a fair amount of financing
2143	2	1	Change to read: **Hon. Mr. Grossman:** Take it up with the
2146	2	43	Change to read: getting statutory remissions here you will find
2146	2	44	Change to read: there will be no more requests like this.
2160	1	34	Change to read: up—the rate of salary range here—the high-
2160	2	8	Change to read: going to get us assistants.
2162	2	45	Change to read: These courses were attended by 121 stu-
2164	1	1	Change to read: criminals after they have been convicted. Has
2164	1	20	Change to read: Corrections Association has given an ideal

(Thursday, March 13, 1969)

Page	*Column*	*Line*	*Correction*
2229	1	51	Change to read: he talked about some members of the staff
2234	1	22	Change to read: sions. So how can you possibly say that we
2248	2	36	Change to read: in a matter of weeks. It is an ongoing thing
2249	1	44	Change to read: statements for the fiscal year ending March
2252	2	12	Change to read: non-indictable offences is in the second column
2256	1	32	Change to read: So where is he saying that there is no
2266	1	24	Change to read: in the hell is happening in these institutions?
2274	1	23	Change to read: writes notes on these things, and he comes in

(Tuesday, March 18, 1969)

Page	*Column*	*Line*	*Correction*
2362	1	39	Change to read: It was signed D. B. Griggs, superintendent.
2383	1	25	Change to read: will be held there.
2384	2	50	Change to read: rise in inverse ratio to the number of in-
2385	2	22	Change to read: was going to be built, has been completed. Public works
2390	1	22	Change to read: cent violated.
2410	1	43	Change to read: degrading for a man's wife to come into a
2410	1	46	Change to read: of this Legislature for which the hon. mem-
2417	2	44	Change to read: staff to discuss with him if they feel like it,
2424	1	44	Change to read: board would, I think, be not only impracti-
2432	1	48	Change to read: take every releasee and say bond him. So the
2432	1	50	Change to read: fact, going to make recommendations for
2433	2	42	Change to read: ing upon whether you feel this money had better
2433	2	43	Change to read: not be handed over for fear it might be used for
2435	1	13	Change to read: member for Wellington South (Mr. Worton)
2435	2	32	Change to read: We contacted the reporter—I think it was
2437	1	20	Change to read: explained to her and the reasons why the

(Thursday, March 20, 1969)

Page	*Column*	*Line*	*Correction*
Contents		25	Change to read: Essex property expropriation, questions to Mr. McKeough, Mr. Burr.

(Thursday, March 27, 1969)

Page	*Column*	*Line*	*Correction*
2801	2	16	Change to read: think, by a Toronto printer named Cape.
2801	2	20	Change to read: Cape could well have printed some material
2810	1	32	Change to read: down in this one; a 5 and an M—meaning 5,000. That is the
2810	1	33	Change to read: way it is usually done—in government publications.

(Wednesday, April 2, 1969)

Page	*Column*	*Line*	*Correction*
2999	2	33	Change to read: **Hon. Mr. Yaremko:** I do know what is

(Thursday, April 3, 1969)

Page	*Column*	*Line*	*Correction*
3031	2	3	Change to read: dent, deans, and so on, one resigned to resume
3031	2	4	Change to read: purely academic
3037	1	5	Change to read: ter's attention, indicates
3037	1	6	Change to read: the degree of interest that exists in various
3037	2	33	Change to read: That His Honour Judge W. W. Leach,
3037	2	35	Change to read: quested to investigate the administration of the
3038	2	48	Change to read: the large details. Anyway, the coun-
3038	2	49	Change to read: cillor refused our request and said that
3039	2	19	Change to read: Dorion of the children's aid society. He told
3039	2	21	Change to read: Upon my arrival I was informed
3039	2	22	Change to read: that Mr. Nightingale was
3039	2	25	Change to read: utes or so, Mr. Dorion telephoned me at
3039	2	28	Change to read: his immediate superior, Mr. Sams. He
3039	2	34, 35, 36	Change to read: with Mr. Nightingale. Mr. Sams made an appointment. Both Mr. Sams and Mr. Dorion went with me to the welfare depart-
3039	2	38	Change to read: three-quarters of an hour. Mr. Sams nego-
3040	1	10	Change to read: Marlatt in his office, "Well Pat are you not
3040	2	29	Change to read: help. Next day I contacted Mrs. Gertbrandt of
3040	2	31	Change to read: Sams, also of the children's aid society,
3040	2	34	Change to read: Mrs. Gertbrandt then asked me to go and see Mr.
3040	2	58	Change to read: tacted Mrs. Gertbrandt of the children's aid
3042	1	48	Change to read: tion by the member for Scarborough East

(Thursday, April 3, 1969)

Page	*Column*	*Line*	*Correction*
3042	1	49	Change to read: (Mr. T. Reid).
3048	2	54	Change to read: which the office of Family
3049	1	9	Change to read: Iler Avenue, Essex, Ontario.

(Tuesday, May 8, 1969)

Page	*Column*	*Line*	*Correction*
4119	2	2	Change to read: Dundas; Seth Watt, Peterborough, from

(Thursday, May 29, 1969)

Page	*Column*	*Line*	*Correction*
4984	2	10	Change to read: The answer to question three is that it is not

(Thursday, June 12, 1969)

Page	*Column*	*Line*	*Correction*
5656	2	4	Change to read: the same technique, and the Argus Corporation become insulated from the normal requirements of disclosure. But that has not been
5656	2	31	Change to read: to the troubles of E. T. Lynch and Company
5656	2	34	Change to read: gation found E. T. Lynch and Company

(Friday, June 13, 1969)

Page	*Column*	*Line*	*Correction*
5705	2	13	Change to read: and I feel that it is now that one must say
5715	1	50	Change to read: board should be included particularly

No. 166



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, September 30, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969



Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, September 30, 1969

Welcoming Kenneth C. Bolton to the Legislature, Mr. Robarts, Mr. Nixon, Mr. MacDonald 6399
Sympathy re passing of William J. Stewart, Mr. Robarts, Mr. Trotter, Mr. MacDonald 6399
Presenting report, Mr. Yaremko 6401
Prudential Finance Corporation Ltd., statement by Mr. Rowntree 6401
Sitting henceforth as free member, Mr. Knight 6406
Re motions to adjourn House to discuss a matter of urgent public importance, Mr. Nixon, Mr. MacDonald 6409
Tabling answers to questions on the order paper, Mr. Robarts (See appendix) 6416
Strike, united steelworkers and mine, mill and smelter workers, questions to Mr. Robarts, Mr. Nixon 6416
Government's discussions with Indian representatives, questions to Mr. Robarts, Mr. Nixon 6417
Estimates, Department of Health, questions to Mr. Robarts, Mr. MacDonald 6418
Allocation of $82 million in federal grants re OHSIP, question to Mr. Robarts, Mr. MacDonald 6418
Shortage of OHSIP application forms, questions to Mr. Wells, Mr. Nixon 6418
Applications for OHSIP coverage, questions to Mr. Wells, Mr. Pitman 6421
Grants to county school boards, questions to Mr. Davis, Mr. Nixon and Mr. Pitman 6421
Landlord and tenant legislation, question to Mr. Wishart, Mr. Nixon 6422
Current reserves of PSI and Windsor Medical, questions to Mr. Wells, Mr. MacDonald 6422
Acceptance by doctors of 90 per cent of OMA schedule, question to Mr. Wells, Mr. MacDonald 6422
Government's discussions with Indian representatives, questions to Mr. Yaremko, Mr. MacDonald 6423
Water pollution by industries, questions to Mr. Kerr, Mr. Deans 6423
Hamilton and the Civic Square project, questions to Mr. McKeough, Mr. Deans 6423
Strike at INCO and Falconbridge, questions to Mr. Bales, Mr. Sopha 6424
Location of regional assessment office, questions to Mr. McKeough, Mr. Good 6424
Bargaining between INCO and United Steelworkers, questions to Mr. Bales, Mr. Martel 6425
Pollution control of Great Lakes and Detroit River, questions to Mr. Kerr, Mr. Paterson 6425
Water levels in Great Lakes, questions to Mr. Kerr, Mr. Paterson 6426
Higher insurance coverage re OHSIP, question to Mr. Wells, Mr. Ben 6426
Penalties for not joining OHSIP, questions to Mr. Wells, Mr. Ben 6427
Transfer of 250 civil servants, questions to Mr. Wells, Mr. Ben 6427
Availability of OMA schedule of fees, questions to Mr. Wells, Mr. Pitman 6428
Number of civil service positions under certain titles, questions to Mr. Wells, Mr. Lewis 6428
Members of Health Services Insurance Council, questions to Mr. Wells, Mr. Lewis 6428
Issuance of government of Ontario cheques by private insurance companies, questions to Mr. Wells, Mr. Lewis 6429
Ryerson Polytechnical Institute, questions to Mr. Davis, Mr. T. Reid 6429
Pensions of superannuated teachers, questions to Mr. Davis, Mr. T. Reid 6430
Contract between OISE, Ontario educational television branch, and Portcomm Communications Ltd., questions to Mr. Davis, Mr. T. Reid 6430
Enrolment at Brock University, questions to Mr. Davis, Mr. Pitman 6430
Sales to tenants of Windsor Housing Authority, questions to Mr. Randall, Mr. Peacock 6431
T-Cube Meat Corporation of Canada Ltd., questions to Mr. Randall, Mr. Ferrier 6432
Green-Maki incident, questions to Mr. Wishart, Mr. Bullbrook 6432
Landlord and Tenant Act, questions to Mr. Wishart, Mr. Deans 6433
Jurisdiction of division courts, question to Mr. Wishart, Mr. Breithaupt 6433
Wheat crop insurance, questions to Mr. Stewart, Mr. Burr 6434
Saftey standards for new motor cars, question to Mr. Haskett, Mr. Burr 6434
Recess, 6 o'clock 6435
Appendix 6436

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, SEPTEMBER 30, 1969

Prayers.

The House met at 2 o'clock, p.m.

Mr. Speaker informed the House that the Clerk had received from the chief election officer, and laid upon the table, the certificate of a byelection held since the last session of the House.

Electoral district of Middlesex South: Mr. Kenneth C. Bolton.

PROVINCE OF ONTARIO

THIS IS TO CERTIFY that in view of a writ of election dated the 7th day of August, 1969, issued by the Honourable, the Lieutenant-Governor of the Province of Ontario and addressed to Kenneth W. Martin, Esquire, returning officer for the electoral district of Middlesex South, for the election of a member to represent the said electoral district of Middlesex South in the legislative assembly of this province, in the room of Neil L. Olde, Esquire, who since his election as representative of the said electoral district of Middlesex South, hath departed this life, Kenneth C. Bolton Esquire, has been returned as duly elected as appears by the return of the said writ of election, dated the 26th day of September, 1969, which is now lodged on record in my office.

(Signed)
RODERICK LEWIS,
Chief Election Officer.

Toronto, September 30, 1969.

Kenneth C. Bolton, Esquire, member-elect for the electoral district of Middlesex South, having taken the oaths and subscribed the roll, took his seat.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, I would like to express on behalf of myself and my colleagues and everyone in this House a warm welcome to our new member.

The fortunes of war ebb and flow in this business and the battle rages mightily on the hustings, but once in this House we are all entrusted with good government in the future and the operation of this government for the benefit of all the people. It is in that context and with that philosophy that I extend to our new colleague a very warm welcome.

I hope that he will find his years here as rewarding as mine have been. I might not say that I would wish that they would be as long, but only time will tell.

For those of us who labour here it is a very rewarding place and I hope that our new colleague, sir, will join us and find it just as rewarding as the rest of us do.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, I had the honour of meeting the hon. member on the campaign trail in Middlesex South on more than one occasion. I congratulate him on his victory on my own behalf and on behalf of my colleagues.

One of the first changes that he has brought about in this House is that in order that the extra seat be placed on this particular side, those in the Liberal ranks were moved, imperceptibly, to the right. I assure you, sir, that this has no philosophical overtones and we will continue to administer the business, or at least to take part in the discussion of the business, of this province.

We shall particularly look forward to the views expressed by the new hon. member for Middlesex South (Mr. Bolton) and we give him our congratulations, best wishes and greetings.

Mr. D. C. MacDonald (York South): I am sure, Mr. Speaker, it will surprise you if I extend a welcome to my colleague to the House.

I am delighted that the Prime Minister so warmly welcomes a neighbour to the House. This is just showing the coziness of politics in the province of Ontario. I have spent a good deal of time on the hustings with the new member for Middlesex South. I know he is a very conscientious member and I know he will serve his people well.

But in comment on that final remark of the leader of the Opposition, it is magnificent what is achieved in the fullness of time. After the last general election it was impossible, even though the proportion of figures merited it, to find room for an extra front seat for the NDP; but when it meant the government losing an extra front seat they found one for us in a hurry. So we have achieved it, Mr. Speaker, and I want to congratulate the Prime Minister on that point too.

An hon. member: You drove him to it!

Hon. Mr. Robarts: I might say that I have never accepted the allocation of seating in this House, if hon. members look at the correspondence on this mathematical formula. Somebody else brought this forward some years ago, and if I did not make this slight comment it might be assumed that I agreed with the remarks of the hon. member, and I have to say that I do not. It might be that some day we will have to arrange this old Chamber in a circle, who knows? It used to be that way at one time.

Mr. Speaker: We have with us today—

Hon. Mr. Robarts: Mr. Speaker, just before you introduce the guests, could I draw the attention of the House to the death and the funeral today of one of our former Speakers, the Hon. William J. Stewart. Some of us served here with him. He was a very colourful man in many ways.

He was an alderman of the city of Toronto in 1927; he was mayor of the city from 1931-34. He came here, I believe in 1938, and he was Speaker from 1944 to 1947.

When I say he was a colourful man, he resigned as Speaker over a dispute with a Minister as to seating in the Speaker's Gallery and as to who had the right to allocate the seats in that gallery under the large clock. Another interesting point about him is that in his first election in 1938 Mr. Hepburn, the then leader of the Liberal Party, for some reason favoured his entry into this House and did not run a candidate in that byelection in Parkdale.

Undoubtedly there is a story there some place of which I do not know the details, but it is part and parcel of Bill Stewart's political history that this would have happened to him.

Mr. Nixon: George McCullagh engineered that.

Hon. Mr. Robarts: Well perhaps the hon. member knows more about that incident than I do; but in any event that is what happened. He was defeated finally in the general election of 1959.

I served with him here in the House from 1951 to 1959 and enjoyed his company. He had a good military record and served his people well in a great variety of ways. I would extend to his widow and his family our very sincere sympathy upon his death.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, I wonder if I could speak to this matter as the sitting member from Parkdale. I would like to extend my regrets to W. J. Stewart's family; his son particularly, whom I know.

Although Mr. Stewart and I disagreed on many occasions over the years, and particularly back in 1959, there was no doubt in my mind that he was one of the most outstanding and colourful individuals that the city of Toronto has produced. In fact, I believe he was the first mayor of the city of Toronto ever to go directly from the office of alderman to the office of the mayor since the days of the board of control. I know that any time I met him or had to debate with him, it was always on a policy or a party basis, never on a personal basis.

I am well aware that there are many people who will feel his loss greatly, and certainly on their behalf in my riding I would like to bring to the attention of this House, as well as what the Premier of this province has said, what an outstanding man he was. I can remember, Mr. Speaker, that my relatives used to support Mr. Stewart, and I, being of different views, would try to talk my family into voting another way. I could never succeed; but such was the influence of Mr. Stewart.

I do say to you, sir, that he was an outstanding citizen of Toronto and an outstanding citizen of the province of Ontario.

Mr. MacDonald: Mr. Speaker, I would like to join with the Prime Minister and the hon. member for Parkdale in expressing my tribute to William Stewart.

From the time I came into this House in 1955, Bill Stewart was here. He was a good friend of everybody, irrespective of party associations, and his breadth of interests, particularly in fields like reform institutions, was the kind of thing that made it possible to establish common ground with him in attempting to become familiar with the work of the House.

As has been pointed out, there were many very interesting and colourful facets to his political career. As an indication of the breadth of them in terms of party, I would like to indicate that my colleague the hon. member for High Park (Mr. Shulman) is not here this afternoon because he is a pallbearer at the funeral.

Mr. Speaker: We have with us today some very important visitors.

In Mr. Speaker's Gallery there is a delegation of the Canadian Parliamentary Association, from the African region. I am sure we would all want to extend a welcome to these

Parliamentarians from that region of the world.

We also are favoured with guests in the east gallery. We have students from the Nelson Boylen Secondary School of Downsview, and also from the Eitz-Chaim Private School of Toronto. We would want to welcome these guests as well.

Petitions.

Presenting reports.

Hon. J. Yaremko (Minister of Social and Family Services): Mr. Speaker, I beg leave to present the third annual report of The Department of Social and Family Services, 1968-1969.

Mr. J. A. Renwick (Riverdale): Congratulations!

Mr. S. Lewis (Scarborough West): Is the Minister recalling his estimates?

Hon. Mr. Yaremko: Mr. Speaker, this is the third annual report presented within six months!

Interjections by hon. members.

Hon. S. J. Randall (Minister of Trade and Development): Good pictures; so you can read it.

Mr. Lewis: The Minister is fighting hard to hold on!

Mr. Speaker: Motions.

Introduction of bills.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Speaker, on my return to the city late on Tuesday after attending the government caucus meeting in Muskoka, the statements which apparently were first made at the Prudential creditors' meeting held on Sunday, September 21, and which received widespread repetition and comment in all of the news media, were brought to my attention. Rather than make immediate comment, I felt that I should make my response in this House and accordingly I have delayed doing so until today. In this report I make reference to the actual facts of the matter and make reference to those contained in the files.

Now with reference to the filing of the prospectus in 1963: a review of the files indicates that in June, 1963 the then chairman of the Ontario Securities Commission, Mr. J. R. Kimber, QC, acting pursuant to The Securities Act, (RSO 1960, c. 363), concluded that he should permit Prudential Finance Corporation Limited to continue its public financing through a prospectus. This decision was made after consulting with the prospectus staff and after providing that adequate disclosure was made on the face page of the prospectus of the inherent risks involved in lending money to the company in return for an unsecured short term note. While the risks involved appeared to be adequately disclosed in the prospectus, he was mindful of the consequences of refusal. It was clear that the company, having embarked on an acquisition programme, was not generating profits. However, to refuse the prospectus would doom the company to failure and the approximately 8,000 individuals involved to a virtually certain loss because of the lack of liquidity. There were two main considerations open to the chairman and, in coming to his conclusion, Mr. Kimber was exercising the discretion vested in him as chairman by The Securities Act of that date. This obviously was a judgment decision which all people in responsible positions are obliged to make from time to time.

It is apparent that the chairman and his staff were not aware of the deceit subsequently uncovered through extensive investigation. As stated in the Clarkson, Gordon and Company report of March, 1967:

> Had the true position been shown, it is reasonable to assume that Prudential would have been barred from selling its securities to the public.

Now with respect to the investigation: On November 23, 1966, the securities commission, with the consent of the Attorney General as required by the then statute, directed that an investigation be instituted pursuant to the powers under the then Securities Act. This was prior to the formation of the present department. You will recall, that on January 12, 1967, I reported to this House that, because of the desire of the government that all the facts in relation to the affairs of this company be known as quickly as possible and appropriate action be taken, the decision was made to bring in additional assistance and Clarkson, Gordon and Company was appointed to assist the Ontario Securities Commission pursuant to section 21, subsection 5 of The Securities Act.

I do not propose discussing the nature and extent of the deceit practiced at the time the prospectus was submitted for filing and subsequently, since this is dealt with in detail

in the Clarkson, Gordon and Company report previously referred to. It is also examined and commented upon by Mr. B. C. Howard, the commission's chief legal investigation officer and the lawyer who led the investigation in his final report to the commission.

Now, with respect to the investigation reports. The "Report on the investigation into the affairs of Prudential Financial Corporation Limited" prepared by Clarkson, Gordon and Company, chartered accountants, dated March 8, 1967, was tabled in this House on March 22, 1967.

In accordance with section 25 of The Securties Act the final report on the investigation was forwarded to me by H. E. Langford, QC, chairman of the commission, under cover of his letter of October 23, 1967. Excerpts from this report were tabled in the Legislature on January 12, 1968. The complete report was not made public at that time since portions of the report contained evidence that was intended to be placed before the courts in the recommended Securities Act proceedings against officials of the company. I now table in the House the following:

(a) the final report of B. C. Howard as submitted to me by the chairman of the commission, (b) a separate volume containing copies of documents identified as exhibits to that report, and (c) a complete set of the transcripts of the evidence referred to in the report.

Now, with respect to the criminal charges. From the outset of the formal investigation in November, 1966, the hon. Attorney General expedited the laying of criminal charges. Mr. R. A. Cormack, QC, the assistant to the director of public prosecutions, was made available to the investigation team for consultation on a continuing basis. As a result, they had the benefit of his advice as well as other members of the Attorney General's staff.

It hardly seems necessary to remind this House that the penalties provided for in The Criminal Code are much more substantial than those found in The Securities Act. The driving force behind Prudential was at all material times Joseph Benoit Brien. Upon the instructions of the Attorney General's staff the commission investigators laid the first criminal charges against Brien on December 1, 1966. On April 17, 1967, additional criminal charges were laid. These charges were tried by a judge and jury and on October 8, 1968, Brien was convicted under The Criminal Code of Canada on two counts of fraud and one of theft. On October 17, 1968, Mr. Justice Morand sentenced Brien to four years concurrent in the penitentiary on each of these three convictions.

It is appropriate to note under this heading that the recommendations of Mr. Howard in his final report of the evidence disclosed in relation to the falsities contained in the prospectus and financial statements accepted by the commission in June, 1963 were placed before the Attorney General's staff with a view to their consideration as to whether additional charges ought to be laid.

Now, with respect to the Securities Act charges. On January 30, 1967, Roman Lipowski, Robert James Bishop, Selwyn B. Jones, Adrian H. K. Rutherford, Ontario Metal Specialties Company Limited and Prudential were jointly charged with unlawful trading under The Securities Act. These proceedings were instituted under the direction of the Attorney General since the enforcement provisions of The Securities Act, 1966, did not come into force until May 1, 1967. Convictions were registered against Lipowski, Bishop, Prudential and Ontario Metal on May 10, 1967. Lipowski was fined $500 or 60 days, Bishop $1,000 or 60 days, while Prudential and Ontario Metal, being by then insolvent, received suspended sentences. Rutherford and Jones were convicted on January 5, 1968, and were each fined $100.

On November 2, 1967, the 27 recommendations for prosecution contained in Mr. Howard's report were implemented, as a matter of legal draftsmanship, through the laying of four joint charges under The Securities Act. Four charges each were laid against Joseph Benoit Brien, John Edward Despard, Joseph Adolph Jonak and Morris Abraham Stein, CA. I signed the direction to prosecute upon which these proceedings were based after having the benefit of Mr. Howard's considered legal opinion given to chairman Langford. I now table a copy of Mr. Howard's memorandum of October 25, 1967, together with chairman Langford's covering memorandum to me of October 27, 1967, enclosing the draft direction to prosecute.

However, before tabling those two documents, I wish to read them directly into the record. The first letter is dated October 27, addressed to me, as Minister of The Department of Financial and Commercial Affairs, Edward Street, Toronto, Ontario and is signed by H. E. Langford, QC, chairman.

Dear Sir:

Re: Prudential Finance Corporation Limited, Joseph Benoit Brien, John Edward Despard, Joseph Adolph Jonak, and Morris Abraham Stein, CA.

You will recall the recommendation contained in the Prudential report which I sent to you on October 23, 1967, regarding prosecutions for violations under The Securities Act against the above noted. Enclosed will be found three (3) copies of the consent to be signed by you consenting to the launching of these prosecutions. If you consent to this action, would you please returned two signed copies.

In addition I am enclosing a memorandum prepared by the chief legal investigation officer to myself which contains the opinion to the effect that, although the matters under consideration in the instant case arose prior to the passage of the present Securities Act, you are the Minister who should give the consent to the launching of the prosecutions and not the Attorney General.

As is noted on page 110 of the Prudential report the limitation date for these charges is November 10, 1967. If you are going to consent, therefore, this must be in our hands well before that date so that the necessary charges can be laid within the limitation period.

Yours very truly,

H. E. Langford, QC,
Chairman.

The second letter is a memorandum from Mr. B. C. Howard, the chief legal investigation officer, addressed to H. E. Langford, Esq., QC., chairman.

Re: Prudential Finance Corporation Limited, Joseph Benoit Brien, John Edward Despard, Joseph Adolph Jonak, and Morris Abraham Stein, CA.

In the final report herein dated October 12, 1967, certain charges against J. B. Brien, J. E. Despard, J. A. Jonak, directors of Prudential Finance and against Morris A. Stein, C.A., the auditor, of the company, for offences under The Securities Act, RSO 1960, c. 363, and amendments thereto, were recommended. On your instructions, a direction to prosecute pursuant to section 65(1) of the said Act has been drafted and is enclosed herewith for the signature of the Minister. Proceedings must be commenced on or before November 10, 1967.

In the preparation of the direction to prosecute, the question arose as to whether this direction should be signed by the Minister or by the Attorney General. I have concluded that it is required to be signed by the Minister.

The consent or direction of the Minister is a matter of substantive law and it is not procedural. It is a condition precedent to the institution of proceedings under The Securities Act; to the conferring of jurisdiction on the magistrate; and to the punishment of the offence by summary conviction: Rex. v. Breckenbridge (1905) 10 OLR 459. Unlike a procedural defect, it is not capable of amendment and if defective then the proceeding is a nullity.

Accordingly, the question whether in the instant case, the direction is required to be signed by the Minister or by the Attorney General is of some importance.

The alleged offences were committed during 1963 under The Securities Act, RSO 1960, c. 363 as amended by The Securiites Amendment Act, 1962-63, c. 131 and are punishable on summary conviction under section 64. Subsection 1 of section 65 of this Act provided:

"No proceedings under section 64 shall be instituted except with the consent or under the direction of the Attorney General."

The Securities Act, 1966, was proclaimed in force on May 1, 1967 and by subsection 1 of section 147 thereof, the above Acts were repealed.

In the same year, The Department of Financial and Commercial Affairs Act, 1966 was enacted and section 4 thereof provides:

"The Minister is responsible for the administration of this Act, . . . and the following Acts:

12. The Securities Act, 1966."

Section 5 of this Act provides:

"The Minister may exercise the powers and shall perform the duties of the Attorney General in any Act mentioned in section 4, . . . so long as he administers such Act."

The Securities Act, 1966 confers no powers and imposes no duties on the Attorney General.

The Securities Act, 1966 in essence has been substituted for the Acts repealed thereby. Not all proceedings under the said Act punishable on summary conviction require the consent of the Minister as a condition precedent to the institution of the proceedings. However, subsection 1 of section 137 provides:

"No proceedings under section 99 or 136 shall be instituted except with the consent or under the direction of the Minister."

Section 136 has been substituted for section 64 in the repealed Act and section 137(1) has been substituted for section 65(1) in the repealed Act.

Subsection 1 of section 14 of The Interpretation Act, RSO 1960, c 191 provides:

"Where an Act is repealed . . . the repeal . . . does not, except as in this Act otherwise provided,

(b) affect the previous operation of any Act, . . . so repealed . . .;

(d) affect any offence committed against any Act . . . so repealed, . . . , or any penalty . . . or punishment incurred in respect thereof;

(e) affect any investigation, legal proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Act, . . . had not been so repealed . . ."

Clearly charges may be laid and prosecuted for offences committed under the repealed Securities Act, subject, of course, to commencement within the prescribed limitation period.

Subsection 2 of section 14 of The Interpretation Act provides:

"If other provisions are substituted for those repealed . . . ,

(b) all proceedings taken under the Act, . . . so repealed . . . , shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistently may be;"

As section 137(1) of The Securities Act, 1966 has been substituted for section 65(1) of the repealed Securities Act and as the proceedings in the instant case are to be taken under the repealed Act, then applying clause (b) of subsection 2 of section 14 of The Interpretation Act, the direction is required to be signed by the Minister in conformity with the provision (section 137(1)) so substituted.

"Proceedings" are not defined in either The Interpretation Act or The Securities Act, 1966. It is submitted that the "proceedings" contemplated by clause (b) of subsection 2 of section 14 of The Interpretation Act and by subsection 1 of section 137 of The Securities Act, 1966 and by subsection 1 of section 65 of the repealed Securities Act are as defined in clause (d) of subsection 1 of section 692 of The Criminal Code (Canada) as follows:

"proceedings in respect of offences that are declared by an Act of the Parliament of Canada . . . to be punishable on summary conviction,"

By section 3 of The Summary Convictions Act, RSO 1960, C. 387, part XXIV of The Criminal Code (Canada) including section 692 applies to offences over which the Ontario Legislature has legislative authority and which are made punishable on summary conviction by an Act of the Legislature.

It is respectfully requested that this direction to prosecute be submitted to the Minister for signature. On the return of the signed direction, an information will be laid and summonses issued. It is contemplated that these charges may be withdrawn if convictions are registered on the charge of conspiracy to defraud under The Code.

Respectfully submitted,

B. C. Howard,
Chief Legal Investigation Officer.

Mr. E. W. Sopha (Sudbury): What was the date of that memo?

Hon. Mr. Rowntree: October 25, 1967. I continue now with the remainder of my statement:

The statutory limitation for the laying of these charges was November 10, 1967. The legal problem considered by Mr. Howard in his opinion was raised before Provincial Judge Graham who, on October 23, 1968, held he had no jurisdiction to hear the charges. Since the limitation period had expired, an application was made to the Supreme Court to reverse this ruling. On January 23, 1969, Mr. Justice Osler refused the application. On the advice of the Attorney General's staff no further appeal was taken.

Morris Abraham Stein, who was then a member of the Institute of Chartered Accountants, was at all material times Prudential's auditor. Mr. Howard has commented as to the importance he gives to Mr. Stein's activities. The facts disclosed through the release of the Clarkson, Gordon Report were brought to the attention of the Institute of Chartered Accountants. I am informed that after due process Mr. Stein was expelled from membership in that body.

In view of the statements allegedly made at the Prudential creditors' meeting on Sunday, September 21 last, that the disposition

of the last Securities Act charges was a well kept secret, nothing could be further from the truth. These matters were, at all times, dealt with in open court. On February 12, 1969, Mr. Howard replied to Mr. Westlake's letter of February 4, 1969, advising him as to the disposition of these last proceedings. Mr. Westlake wrote again on March 6 to which Mr. Howard replied on March 13. Without further comment I table copies of these four letters between Mr. Westlake and Mr. Howard:

1. Letter of February 4, 1969, from Mr. H. Westlake, president of Prudential Finance Creditors' Association, to Mr. B. C. Howard;

2. Mr. Howard's letter to Mr. Westlake of February 12;

3. A further letter from Mr. Westlake to Mr. Howard dated March 6;

4. Mr. Howard's reply to Mr. Westlake of March 13, 1969.

On January 12, 1968, in the statement I made at the time I tabled and briefly commented upon excerpts from the Prudential final report, I concluded by stating that, in my view, it would be quite improper to provide reimbursement to Prudential creditors out of public funds. On February 28, 1968, as reported in *Hansard* on page 310, the financial critic of the official Opposition appears to have endorsed the government's sentiment. More recently, editorial comment has given further approval to the position taken by the government.

The government had indicated that it would do everything in its power to assist creditors of Prudential in pursuing other available remedies. Pursuant to this undertaking I authorized the commission to retain the services of independent counsel to consider the evidence and prepare an opinion. On August 21, 1967, Chairman Langford wrote to Messrs. Osler, Hoskin and Harcourt, barristers and solicitors. The following are his comments in part:

> Further to our meeting this morning, this will confirm instructions to you to provide this commission with an opinion on behalf of the note and debenture holders of Prudential Finance Corporation Limited on the following questions:
>
> 1. Whether the creditors of the company both secured and unsecured or any of them have any cause or causes of action, and if so, what against:
>
> (a) The Metropolitan Trust Company, the trustee for the debenture holders and secured note holders, or
>
> (b) the officers, directors or auditors of Prudential Finance, or
>
> (c) any other individuals or companies, or,
>
> 2. Whether the trustee in bankruptcy is the only person who can claim on behalf of the creditors against the foregoing.

Messrs. Osler, Hoskin and Harcourt forwarded their opinion to the commission under date of September 22, 1967. On October 2, 1967, a copy of this opinion was forwarded to Mr. Harold Westlake, the present president of the creditors' association. I now table copies of this correspondence and the opinion.

There has been a series of prosecutions, all of which were conducted in open court, the results of which have been available to the news media. The steps taken by the trustee in bankruptcy in fulfilling his role under The Bankruptcy Act have resulted in a series of public actions.

The philosophy underlying the securities legislation aimed at freeing the Ontario Securities Commission from political interference or from intervention of political persons is well known. It must be a free and independent body with respect to its day-to-day operations. The commission and its staff collectively represent many years' experience in every branch of the securities field. I submit that the Minister is entitled to rely on the legal opinions presented to him with the endorsement of the chairman of the commission involved, not only the recommendations as to the charges which ought to be laid, but also as to the procedures to be followed as conditions precedent to the laying of those charges.

I refer you to the actual facts. I refer you to the results of the prosecutions and their conclusions. I personally regret that all the charges were not successful, but the fact remains they were, in the main, successful.

It seems strange to me that those who most strenuously urge that the commission should operate without political interference, as the facts I have presented so clearly demonstrate it did in the present case, should now attack the Minister involved.

Mr. D. M. Deacon (York Centre): On a point of clarification, Mr. Speaker, in connection with the legal opinions which the Minister sought from Osler, Hoskin and Harcourt, did those solicitors have the benefit of an examination of the records of third parties to ascertain whether the costs recorded in the company's records contained any amounts

paid or assets delivered to insiders? If this extra examination was not available—

Hon. Mr. Rowntree: Mr. Speaker, my statement is not debatable at this time. I note the points the member has raised. I will enquire of the commission with respect to them and will be glad to supply the information at a later date.

Mr. Deacon: Is the Minister pretending to have full information for an opinion which he has relied upon?

Mr. Sopha: He does not know anything until somebody tells him something.

Mr. J. A. Renwick: Mr. Speaker, partly by way of clarification of what the Minister had to say, but also because I know that the members of the House would be interested in having clarified for them the substance of the matters related to Prudential Finance as they transpired at the meeting held a week or so ago, I would simply like to make these points.

Mr. Speaker: Order! It has been the practice in this House when a Minister makes a statement on such matter as this that points of clarification to a limited degree may be permitted. I am not aware that they are not in order. It has been the custom that questions, to whatever extent the Minister wishes to reply by way of clarification, are quite in order, but for another member at this point to rise and make further statements, or in any way to engage in a debate is out of order.

Mr. Sopha: He would take advantage of the Minister anyway.

Mr. D. M. De Monte (Dovercourt): Just one point of clarification. I would like to ask the hon. Minister from what period did the limitation period run and from what happening? I understand that there are different periods of limitations and I would like to ask the Minister how his legal advisors advised him. From what period of time and from what happening did the limitation period run? I think that is important.

Hon. Mr. Rowntree: The limitation period would run from the date on which the offence involved took place.

Mr. J. E. Bullbrook (Sarnia): Is that when the securities were sold?

Hon. Mr. Rowntree: No. There were various offences involved, including theft and so on. I have already recorded the date of the expiration of the limitation period with respect to the charges which were involved with respect to the prosecutions, the consent for which I signed myself. It will be in the record and I would be glad to send a copy of my statement over to the member. His leader already has a copy of that.

Mr. J. A. Renwick: Mr. Speaker, I rise on a point of order.

Mr. Speaker: The leader of the Opposition was on his feet first.

Mr. J. A. Renwick: I am rising on a point of order.

Mr. Nixon: Mr. Speaker, so am I.

Mr. R. H. Knight (Port Arthur): Mr. Speaker, on a point of personal privilege—

Mr. Speaker: The hon. leader of the Opposition was on his feet first on a point of order.

Mr. Nixon: Mr. Speaker, I do not want to interfere in any way with any comment that my hon. friend may wish to make. It would certainly be for you to rule, sir, because I want now to depart from the matter being discussed presently and go to another point of order with your permission, sir.

Mr. Speaker: Well, there is no guideline by which Mr. Speaker can determine which comes first—a point of order or a point of privilege. I was extending the courtesy to the hon. leader of the Opposition because in fact I did see him on his feet first.

Mr. Nixon: Well, I appreciate that. With the permission of my hon. friend I would like to bring to your attention, sir—

Mr. Knight: Mr. Speaker, I am sorry—

Interjections by hon. members.

Mr. Speaker: Order please!

Mr. Nixon: Naturally, I defer to the wishes of my hon. friend who has something which he wishes to impart to the House.

Mr. Speaker: In view of that I will hear the point of privilege of the hon. member for Port Arthur.

Mr. Knight: I would like to thank you, Mr. Speaker, and the hon. leader of the Liberal Party.

Mr. Speaker, I rise on a point of personal privilege. I feel it is important that I make

this statement at this time, sir, before we enter into any kind of lengthy debate, and I anticipate that this may be coming.

I wish to notify the House, Mr. Speaker, that from this day forward I will sit as a free member, speaking under the protection of no party, Liberal, Conservative or New Democrat. I request your permission, sir, to explain this very important decision and I will try to be brief.

The immediate reaction, Mr. Speaker, no doubt, is that the member for Port Arthur has had a sudden bitter falling out with the Liberal Party. This is not so, Mr. Speaker. As a matter of fact, I would have liked to have informed my leader and the caucus of this decision beforehand but, sir, I could find no easy way to do what I feel I must do.

Sir, the truth of the matter is that I have had a falling out with all of the parties and more particularly the party system, or should I say the petty system as I have seen it on display here as a new member in the last two years. I will no longer accept the parties' hang-ups, the parties' crutches, the parties' compromises, the parties' pressures and the inter-party chess game that goes on in this House. And that goes for all parties, sir. That is, unfortunately, the party system. As I said, I intend to sit, sir, and speak as a free member.

Now do not confuse "free" with independent. A political independent has been traditionally radical and answerable only to himself. But the free member for Port Arthur, Mr. Speaker, will be just that—free. That is, if it is possible. I would like to find out if it is possible in this democratic system to be free, sir, to speak out in this Chamber almost as often as he feels he must on behalf of his people within the acceptance of the rules of procedure, free to express opinions—

Mr. E. Sargent (Grey-Bruce): Mr. Speaker, on a point of order—

Mr. Speaker: Order! The hon. member for Grey-Bruce has a point of order.

Interjections by hon. members.

Mr. Speaker: Order! I have recognized the hon. member for Grey-Bruce if he has a point of order.

Mr. Sargent: Mr. Speaker, I do not know the technicality or the reason you are allowing this to go on, Mr. Speaker, because the fact is that he can have four of five hours to continue and we have very important business to do in this House. He is noted for making four- and five-hour speeches. Let him make them when he is a free member.

Mr. Speaker: What is the member's point of order?

Mr. Sargent: Let us get on with the House business.

Mr. Speaker: Well, I think the hon. member for Port Arthur is quite within his rights. He does not, in fact, have a point of order or a point of privilege. He is making a personal statement of some great importance to him and this House, and I believe he is quite in order to proceed.

Mr. Knight: Thank you very much, Mr. Speaker.

As I said before, I do not intend to take up a great deal of the time of the House and in truth this is extremely important to me.

I was trying to explain the connotation that I lend to the words "free member", Mr. Speaker, as opposed to the so-called "independent". I said free, Mr. Speaker, to express opinions according to the dictates of the free member's conscience, intelligence, wisdom, the principles he believes in, sir, and the wishes of the people he represents without having to put all of this second to party solidarity and party victory at the next election.

Free, Mr. Speaker, to carry out his work without the pressures brought to bear on him from a party leader, party members, party organization, party policy and party lobbyists. Free, Mr. Speaker, to be answerable to the people only, regardless of what party he is in. Free to unmask the segregating, discriminating, unworthy sham that the party is all, and all outside of the party are unworthy or outcasts.

Interjections by hon. members.

Mr. Speaker: Order please!

I can see no reason why the hon. member should not be permitted to place his position before the House in respect to his service in this House. However, I see no reason at the same time why he should engage in a long elaboration of his philosophy as to the party system or any other system. If he wants to make his point as to what he proposes to do, what action he proposes to take in connection with his service in this House, I think he is in order. But he should not elaborate to the length which he appears to be doing.

Mr. Knight: Mr. Speaker, would the House prefer that I do all this through the newspaper and through the news media and that I go to them first—or that it be done in this House?

Hon. Mr. Robarts: Mr. Speaker, if I may say so, the government benches would be quite prepared to hear what he has to say. Obviously it is a matter of great concern to him personally and we certainly would have no objection.

Mr. Knight: I thank the hon. Premier, Mr. Speaker. I point out again that the speech is not lengthy. I would have ended the speech by this time had I been permitted the gentlemanly courtesy that classroom children receive during a speech course. This courtesy is something that a member here, a so-called adult, is not able to get in this Legislature. This is one of the reasons why I believe in a free political system, in any event.

Mr. Speaker, I want to be free and I shall be free to support a good idea, a right idea, in this House and to vote for it no matter what party it comes from. Similarly, I will be free to knock down a bad idea and vote against it, no matter what party it comes from, instead of voting against one's conscience and speaking or sneaking to the nearest exit at precisely the right moment before being locked in by the division bell.

That is calling a spade a spade. Mr. Speaker, that is what many members do; let us not be hypocritical. Free, Mr. Speaker, to fight the wrongs of this party system, which as far as I am concerned, it is perpetrating on the people and on the elected members themselves. I said wrongs; I do not suggest subversion.

Free, Mr. Speaker, to weigh every piece of legislation brought forth without having a party to lean on and shirk one's responsibilities off onto. Free to make errors and be accountable to one's self for those errors. Free, Mr. Speaker, to face my multi-racial and dual-religious family at home, knowing that I am treating all people in politics the same way I conduct my personal life.

This is the personal aspect that I must interject at this point. Without prejudice, without discrimination and without favouritism, and, sir, free to be what I appear to be and what I was before I entered political life.

I am sure, Mr. Speaker, that many here will believe I am committing political suicide today. Well, sir, and through you to these hon. gentlemen, getting re-elected is not my top priority. I happen to believe that the people of the north do not want "yes men" representing them down here. Just as I am free to make my decision now, each one of them is free to make his decision for or against what I have done, at the proper time. I am close to conclusion, Mr. Speaker.

In an era of men walking on the moon, the exciting recommendations in the Hall-Dennis report, the great strides in racial and religious equality, it is time, I believe, to bring our political system in step with these progressive times. It is time to give the Premier of Ontario freedom to select his Cabinet from all the 115 members in this House. It is time to make the Speaker of this House a free member, affiliated with no party—

Interjections by hon. members.

Mr. Knight: I am happy, Mr. Speaker, to note the suggestion has already promoted reaction and some debate. I think it could stand some.

Interjection by an hon. member.

Mr. Knight: Well, listen to this one: It is time to remove the shackles from all members —more especially the back benchers—so that they can give all that they have to give to the affairs of Ontario. It is time to give him freedom of speech and a free vote on all matters in this Legislature.

Idealism, Mr. Speaker? Yes, idealism, because I am an idealist. Great things are done by idealists, not by status seekers or status quo lovers. It is time we in political life strove as hard together for excellence in the character of our dealings here, for the benefit of all the people of Ontario, as we do for personal prestige and wealth. It is time we became a true example to our disillusioned youth, of very young, beautiful, wholesome ideals. We have room for some of that flower power, peace, truth and justice in this House.

Mr. Speaker, as a free member—and I feel I am a free member at this point—I am now proud to be in this Legislature, and I am happy to be here. I am happier to be here now than I have ever been before. As a member of this Legislature I feel at peace with myself now. I do not plan, as a free member, to abuse the privileges of this House, nor its time, but I am free now to give everything that I have to give to the debates of this Legislature and to the affairs of Ontario. I am a friend of all parties, but a member

of none. And Mr. Speaker, the free member for Port Arthur.

Mr. E. W. Martel (Sudbury East): The Liberal-Labour member?

Mr. Knight: Does the hon. member have the courage to do it? Then be still!

Hon. A. Grossman (Minister of Correctional Services): Accept that challenge; accept or resign!

Interjections by hon. members.

Mr. Speaker: Order!

Mr. Knight: Mr. Speaker, I was about to thank the members of the House for the wonderful hearing I have been permited. I will, nevertheless. Mr. Speaker, I request that I be referred to as the free member for Port Arthur from now on. Thank you, sir, for this hearing and through you, every member.

Mr. Speaker: I am not at all certain whether or not the hon. member's statement will require any action on anyone's part to accomplish anything. I would suggest that he consult with the Clerk of the Legislature, which I shall do as well, to determine whether or not any further action is necessary in any way.

Mr. Lewis: It may require moving the back row imperceptibly to the left.

Mr. Speaker: The hon. leader of the Opposition.

Mr. Nixon: Mr. Speaker, I regret the decision taken by the hon. member for Port Arthur. I believe that any allegations he has made of any restrictions on his comments or his votes are ill-founded. Nevertheless, this is a free country and as he says, he is a free member.

I want to move to another matter, and it concerns, sir, a motion that I put before you earlier today, asking for an adjournment of this House to discuss a matter of urgent public importance. I intend to raise this matter at this time, sir, with your concurrence, because I feel that the time when a matter such as this can be dealt with in chambers, should surely be relegated to the past history of this House. I want with your permission, to briefly read my motion, and indicate to you, sir, why I feel that it should be acted upon in this—

Mr. J. A. Renwick: On a point of order.

Mr. Nixon: I am on a point of order, at the present time, Mr. Speaker. When I am finished the hon. member could surely proceed. Surely I cannot be interrupted on a point of order by anyone but you, sir.

Mr. Speaker: I will listen to the point of order raised by the hon. leader of the Opposition, and then, if in fact there are further points of order—

Interjection by an hon. member.

An hon. member: But he is. He disturbs the order of this House.

Mr. Speaker: The hon. leader of the Opposition had risen on what he called a point of order. I am prepared to hear him out, at which time I will rule on whether or not he has a point of order.

Mr. Nixon: I appreciate that, Mr. Speaker, and as I read the motion it is not to put it before the House. You have indicated privately, in your chambers, that it would not be in order for it to be before the House for discussion.

However, the motion that I have asked you to put before the House was: That the House do now adjourn to consider a matter of urgent public importance, namely, the confused administration of the introduction of medical insurance to take effect tomorrow, October 1, and the inequitable premium rate to be charged in support of the programme.

My point of order, sir, is threefold. First, I believe the matter should be discussed in the House, and your ruling be given at that time. Second, the particular motion that I put for your consideration was short, but carefully drawn, so that it included only those matters which have transpired since the debate and vote on Medicare last June. I refer specifically to the administration of the introduction of the programme. And third, the premiums, which were not even announced at the time of the particular vote that was taken. There is no doubt about this, sir, we were guaranteed that the—

Mr. J. A. Renwick: Oh, come, come, the member is covering up.

Mr. Nixon: We were told that the OHSIP premiums would not be any larger than the OMSIP premiums, but they were not set at the time of the adjournment of the House, so, I would say to you, sir, that I feel the matter is of urgent public importance.

There are many citizens who will be unable to avail themselves of this programme,

either because of its cost or because of the inaccessibility of the forms needed in order to enter, and I must find myself, therefore, in a position to appeal your ruling in this connection.

Mr. MacDonald: Mr. Speaker, on the point of order, if I may just add a word, since apparently this has become the procedure for dealing with an important issue when the archaic rules of the House completely frustrate our dealing with it otherwise.

Mr. Speaker: Is the hon. member speaking to a point of order?

Mr. MacDonald: Yes, I am speaking to the point of order which you have just entertained for the last five minutes.

Mr. Speaker: I think the hon. member is quite in order to proceed.

Mr. MacDonald: Right. As the leader of the Opposition has indicated, there have been many things happen since last June, to argue that a matter of urgent public importance cannot be dealt with in this House because some of its substance was dealt with earlier in this session, I repeat, is to frustrate the whole procedure of this House in dealing with matters as they arise.

Some three months have gone by since last this House was dealing with Medicare. Therefore, Mr. Speaker, if the rules would have permitted, I would have, as the leader of the Opposition has indicated, moved a motion as follows: Moved by myself and seconded—

Some hon. members: No, no; out of order.

Mr. Speaker: Order!

I have permitted the hon. leader of the Opposition to read his motion, and as the progress of the House continued it seemed to me that it was in order. There was no way that I could rule him out of order at that point. Having permitted the hon. leader of the Opposition to do that, it is only fair, surely, to permit the hon. leader of the New Democratic Party to do the same.

Mr. MacDonald: I sympathize with your problems in dealing with the incipient speakers on the other side of the House, Mr. Speaker.

Hon. Mr. Grossman: Well, now that is out of order.

Mr. MacDonald: I would have moved, Mr. Speaker, seconded by the hon. member for Middlesex South (Mr. Bolton) who is perhaps most qualified to speak on this issue: That this House do now adjourn to discuss a definite matter of urgent public importance, namely, the coming into effect tomorrow, October 1, 1969, of the Ontario Health Services Plan, OHSIP, in an atmosphere of public confusion and mistrust, caused in part by the delay in circulating information brochures, in part by the lack of application forms throughout the province, and critically compounded at this point, by the likelihood of an extra charge of ten per cent or more on medical bills for many Ontario residents, who, until tomorrow, are insured for all of their medical expenses. And, that further, in order to dispel this confusion, this House requires the government to introduce legislation by no later than October 8, 1969, to be effective retroactively to October 1, 1969, and to incorporate the following:

1. The immediate extension of the no-waiting period enrolment time to December 1, 1969, in order that individuals not insured previously and members of groups where the details of transfers to OHSIP have yet to be completed, will not suffer interrupted medical insurance coverage or be left without medical insurance coverage.

2. That payment of 90 per cent of the Ontario Medical Association's present fee schedule be considered as full payment under the OHSIP scheme and that any medical practitioner who wishes to collect any additional amount will be required to practice outside the OHSIP scheme.

3. That a portion of the federal moneys accruing to the Ontario government as a result of the introduction of OHSIP be immediately used to significantly reduce the premium level for the scheme and that, within one year, the government introduce legislation that would raise the greatest proportion of the moneys needed to maintain OHSIP through forms of progressive taxation.

4. That a single government agency assume all of the functions of the private insurance companies who are presently acting as OHSIP designated sub-agents and this be effected by January 1, 1970 and that in the meantime a non-negotiable six per cent ceiling on the costs that are permitted to be charged by these companies for the administration of OHSIP be immediately imposed by the government.

That is the motion for the adjournment of the House to debate this matter of urgent public importance that I would have moved, if the rules had permitted, sir.

Mr. Sopha: Mr. Speaker, may I speak to the point of order?

Mr. Speaker: I think the points of order raised by both the leader of the Opposition and the leader of the New Democratic Party, were points or order having to do with a decision that I had made in my office earlier today, outside of this Chamber. I have permitted the leaders of both parties to raise this matter. Unless the hon. member is raising a point of order in connection with anything that either of the two former speakers said, I would think he would be out of order.

Mr. Sopha: Mr. Speaker, I wish to draw your attention to the rule under which you purported to act, and wish to say to you, most respectfully—

Mr. Speaker: I think the hon. member is now out of order.

The manner in which I handled the proposed motion this morning has been raised and brought to the attention of the House. It has been said by both the leaders of the Opposition and New Democratic Party that they did not agree with the basis of my ruling —my rejecting the proposals. I think before there can be any further discussion of any kind, I should convey to the House exactly what happened, the basis on which I made my decision.

Both of these motions were presented to me in my office this morning at about 9:30. I considered them very carefully in two or three aspects. It seemed to me, first of all, that the matter of OHSIP or OMSIP, Medicare, what have you was, indeed, a matter of importance. Further, that it could not possibly be construed in any other way than as a matter of public importance. The fact that it is before the people of this province at the present time led me to concur that it is indeed, a matter of urgent public importance.

The motion firstly does not require any notice; therefore, it would not be out of order on that basis. However, my rejection of the proposals for a motion was based on the fact that Bill 195, An Act respecting Medical Health Services in this province has been fully debated in this House. The bill has been passed. It will be law tomorrow.

Mr. Sargent: Bad law!

Mr. Speaker: Therefore, I relied upon—

Mr. Sargent: Change the law!

Mr. Speaker: Order. I relied upon rule 49 of Lewis on Parliamentary Procedure. This rule specifically and clearly indicates to me that any motion that has been resolved by this House previously cannot be introduced by motion or amendment. The matter has been decided by virtue of the Act having been passed. Therefore, I have no authority in any way to permit such a question to adjourn the House to debate a matter of urgent public importance. Rule 49 is the basis of my rejection of the proposal.

Mr. Nixon: Mr. Speaker, I appreciate the reasons that you have given to us, but for reasons that I have already stated I must appeal your ruling.

Mr. MacDonald: Mr. Speaker, I just want to state briefly that we shall support the appeal of your ruling. I have great sympathy for you in trying to operate within the rules. We are faced in the near future with the prospect of some alterations in these rules which we hope will introduce greater flexibility, and capacity, to deal with urgent problems but, for the moment, you are stuck with this rule and you have made your ruling. But it is a bad rule, and a bad ruling, and I shall have to challenge it.

Mr. Speaker: The question then to put before the House is regarding my ruling of rejecting the two motions proposed to me this morning. So I now put that question.

Those in support of Mr. Speaker's ruling will please say "aye"; those opposed will please say "nay".

In my opinion the "ayes" have it.

Call in the members.

The House divided on the Speaker's ruling, which was upheld on the following vote:

Ayes	Nays
Allan	Ben
Apps	Bolton
Auld	Braithwaite
Bales	Breithaupt
Boyer	Brown
Brunelle	Bukator
Carruthers	Bullbrook
Connell	Burr
Davis	Davison
Demers	Deacon
Evans	Deans
Gilbertson	De Monte
Grossman	Farquhar
Hamilton	Ferrier
Haskett	Gisborn
Henderson	Good
Hodgson (Victoria-Haliburton)	Haggerty
	Innes
Jessiman	Jackson
Johnston (St. Catharines)	Lawlor
	Lewis
	MacDonald

Ayes	Nays
Johnston (Carleton)	MacKenzie
Kennedy	Makarchuk
Kerr	Martel
Lawrence (Carleton East)	Nixon
Meen	Paterson
Morningstar	Peacock
McKeough	Pilkey
McNeil	Pitman
Newman (Ontario South)	Reid (Rainy River)
Price	Reid (Scarborough East)
Pritchard (Mrs.)	Renwick (Riverdale)
Randall	Renwick (Mrs.) (Scarborough Centre)
Reilly	Sargent
Robarts	Singer
Rollins	Smith (Nipissing)
Root	Sopha
Rowe	Spence
Rowntree	Stokes
Simonett	Trotter
Smith (Simcoe East)	Worton—42.
Snow	
Stewart	
Villeneuve	
Welch	
Wells	
White	
Whitney	
Winkler	
Wishart	
Yaremko—49.	

Clerk of the House: Mr. Speaker, the "Ayes" are 49, the "Nays" 42.

Mr. Sopha: On a point of order—

Mr. Speaker: The hon. member for Sudbury on a point of order.

Mr. Sopha: I want to contend to you, sir, that rising on a point of order in this House is a privilege accorded by the very membership within it. I want to suggest to you most courteously that when a member of the House rises on a point of order—provided that it does not violate the rules of procedure that some other business must be finished first—he ought to be permitted to express his point of order without interruption. The Chair ought not to anticipate what he is going to say and in anticipatory fashion rule him out of order before he has had a chance to say it.

Second, sir, I want to say to you that I hope that this is the last occasion in which this practice is followed—this practice, I think, commenced by your senior, the Speaker of the House, of determining the validity of a motion to adjourn the House to discuss a matter of urgent public importance *ex cathedra* in his chambers. I hope, as I say, this is the last occasion in which that practice is followed.

It may well be that the House will have the opportunity of considering, at an early time, another procedure of dealing with that very vital matter, that very vital privilege, that is accorded to Her Majesty's Loyal Opposition in bringing before the House those matters which are urgent in the minds of the electorate of the province which we seek to serve.

Furthermore I want to say to you, sir, that I think that your ruling in your chambers is in violation of rule 38. It could never have been in the thoughts of the framers that such a ruling would be made by you in your chambers before the House met. I think the plain meaning of the rule contemplates that the submission of the matter of urgent public importance will be made to you in this Chamber, and you will rule upon it in this Chamber. Otherwise the framer of the rule would have been taken to have meant that the public would be kept in the dark about the merits and the substance of the matters sought to be raised. But if you will look at the very first words of the rule, which say "a motion to adjourn the House or the debate shall always be in order", I submit to you those are the governing words. Then there are two provisos. The first deals with when a motion may be brought and the second then excepts from that limitation the motion to adjourn to discuss a matter or urgent public importance. And the words, "previously submitted to the Speaker", can only be qualitative of the bringing of the motion by the member and plainly mean that it is brought in the Chamber. No Parliament, especially the British one—based as it is on common sense—could ever have contemplated that the discussions between the leader of the Opposition and you, on Medicare, would be held at ten o'clock in the morning in your chambers downstairs, that you would come in here pre-apprised by him and be able to make a ruling about the validity of his motion without his having had the opportunity to present in this, the supreme public forum of Ontario, his arguments on why the House should immediately involve itself in the discussion of such a crucial and critical matter to the public of Ontario. With respect, I think you have been wrong.

Mr. Speaker: I appreciate the comments of the hon. member for Sudbury. I must say that rule 49 itself is very specific. I might say that rule—

Mr. Sopha: Rule 38, sir.

Mr. Speaker: I refer to rule 49 first, then reverting back to rule 38, and 38, of course, is the correct rule. I apologize. The words are, of course, "which matter has previously been submitted to and approved by the Speaker". Now the hon. member may place a different interpretation upon that. Other hon. members might. However, it has been the practice and procedure in this Chamber to follow that rule and I am guided by that rule myself until such time as the rules are changed. This is the rule that must be followed.

I see no way in which the rule can properly be disregarded.

Mr. MacDonald: Mr. Speaker, I would like to present a motion to the House. The House has just been frustrated in dealing with a matter which is, beyond any shadow of doubt, of major concern all across this province. I have expressed my sympathy with you in coping with the rules of the House and their forbidding of our dealing with this. But I do not think there is any doubt that everybody —including the government members—wants to have an immediate debate on this to clarify the confusion and the misinformation and the doubts that exist across the province.

As of tomorrow morning there are going to be thousands of people denied medical coverage because of this uncertainty.

Interjections by hon. members.

Mr. Lewis: You could allow a debate on it!

Mr. Speaker: Order!

Mr. MacDonald: For that reason I would think that all members of the House, including the government members—particularly the government members—would be anxious to have an opportunity to clarify this. Therefore, I move, Mr. Speaker, seconded by the hon. member for Riverdale, that this House—

An hon. member: One for the government.

Mr. MacDonald: Yes, one for the government, right.

Interjection by an hon. member.

Mr. MacDonald: Well, it was very much a forethought in the minds of the voters in Middlesex South as to what the precedent was.

Mr. Sargent: Are we going to hear about that all year?

Mr. MacDonald: Yes, the hon. member for Grey-Bruce is.

I move, seconded by the hon. member for Riverdale, that this House adjourn immediately to reconvene later this day on the ringing of the bells, in order to permit the government to call the estimates later this day of the Minister of Health.

In short, Mr. Speaker, I am not challenging the right of the government to order the business of the House, but since the rules that we have dealt with do not permit dealing with this issue, I think the House should give the government an opportunity to rearrange the estimates and to bring the Health estimates immediately before the House so that we can consider Medicare.

Mr. Lewis: On a point of order, Mr. Speaker, before you give a judgment or an opinion. I would like to point out to you, sir, and to the House that the motion has a direct precedent in this House in the debates of this House on Friday morning, May 16, 1969 last. At that time a motion of similar wording to adjourn the House—such motion always being in order and debatable at the point of orders of the day—was put put and accepted by the Speaker, incidentally and curiously enough in a similar situation where a motion of urgent public importance was deemed to be unacceptable.

The second point that I might make—

Interjection by an hon. member.

Mr. Nixon: Is there any question in any way that the motion is out of order?

Mr. Lewis: I would like to finish my point of order before the ruling is made.

Mr. Nixon: Is there any indication that Mr. Speaker is going to rule it out of order?

Mr. MacDonald: Does the leader of the Opposition want a debate?

Mr. Lewis: Mr. Speaker, my purpose is that before you give your ruling, sir, I would like to offer one or two supporting points. On page 108 of Parliamentary Procedure, the business of the House is outlined. On Tuesdays you will note, sir, that we are to begin with third readings, then government notices of motion, and then government orders and then public bills and orders. In other words,

sir, the rules as are contained in this document governing the procedures of the House are largely regarded as non-applicable, irrelevant to the conduct of business. Other forms of procedure have been applied by custom, one of them being the right of the government to bring in the estimates as it sees fit. We do not challenge that right, sir, in this motion. We simply commend to them a specific order which they are allowed either to accept or to reject, obviously, within the rules in this House, and that is the basis for the motion before you.

Hon. Mr. Robarts: Mr. Speaker, I would make this comment. I do not accept at all the last arguments proposed. This is obviously a move on the part of the Opposition to reserve the right of the government to order the business of this House, and I think any party that hopes to hold power in this House would realize just what it is doing when it attempts to establish a precedent such as this. The government must, perforce, have the right to order the business of the House, and this motion itself has got to be completely out of order because—

Mr. Lewis: Vote against the motion!

Hon. Mr. Robarts: —because it offends the rule, I believe it is rule 31.

Mr. MacDonald: It was in order last May by the Speaker's decision.

Hon. Mr. Robarts: It is rule 31, or 38.

Mr. Lewis: It has already been ruled in order.

Hon. Mr. Robarts: No, it has not and I am suggesting to the Speaker—

An hon. member: Forget it!

Hon. Mr. Robarts: Just permit me one slip of the tongue.

Mr. Lewis: Well, I am worried about the Speaker's autonomy.

Hon. Mr. Robarts: I am suggesting to the Speaker that despite the member's arguments under rule 38, which I do not accept either, no one yet has explained away the words "approved by the Speaker". How can the Speaker approve it until he sees it first? But I will refer you, sir, to—

An hon. member: That has nothing to do with this.

Hon. Mr. Robarts: —I refer you, sir, to rule 31, which states the right being reserved to the administration of taking of government orders on such rotation as they see fit. If that right is reserved to the administration, any motion that would infringe that right has got to be out of order. So I would suggest to you, sir, that this motion itself is out of order because it infringes another right under the rules given to the administration. I do not think anybody could, with any—

Mr. Lewis: Read the first part of the rule.

Hon. Mr. Robarts: —with any integrity or conviction, argue that the government should not have this right.

Mr. Lewis: Read the first part of rule 31.

Mr. Nixon: Mr. Speaker, I was not aware that you had called upon the House to give you as much advice as unfortunately you are getting on this. But there is a terribly familiar ring to what has gone on already, and as the hon. member for Scarborough West has already brought to our attention, rather unnecessarily I thought, this was accepted by Mr. Speaker earlier this spring.

As I interpret the rules, a motion for adjournment is always in order as long as some business has intervened in the House since the previous motion was put. This is the only motion for adjournment that has been brought forward. I would certainly concur when the Premier says the majority has the right to rule, but they rule through exerting their majority, and they have every right and I would predict that they would exert it by voting against the motion.

It appears to me that it is just a piece of parliamentary pyrotechnics in order to give the leader of the New Democratic Party an opportunity to put forward another alternative, and it is one that is effectively delaying the work of the House. Nevertheless, it is in order, and if we could persuade those members opposite to vote in favour of the adjournment so that later in the day we could put the new Minister of Health before the House answering questions concerning this important matter, then certainly it would be an accomplishment indeed.

We on this side will vote in favour of the motion to adjourn with the expectation that the members on all sides should support it, and we would have an opportunity to delve into the matters pertaining to Medicare later in the day.

Mr. Speaker: I must point out firstly to the hon. member that I have not opened my mouth as to whether I thought the motion

was in order or not. However, I do appreciate all the advice and suggestions that have been given to me.

Mr. Sargent: The Prime Minister has ruled anyway.

Mr. Speaker: The motion first of all, of course, that this House do now adjourn immediately is in order; a motion to adjourn is in order at any time. However, this motion goes on to recite and purport a reason for adjournment, "to reconvene later this day on the ringing of the bells, in order to permit the government to call the estimates later this day of the Minister of Health."

The government, in my view, does not need any permission to call estimates; they have that permission, it is their prerogative to call the estimates as they see fit. I think rule 31 is applicable; not only that, but for many, many years it has been the prerogative of the government of the day to regulate the order of business of the day, to call the order of business. This is the prerogative of any government in power.

Reference was also made to the debates on May 16, and to a motion that was made at that time on which Mr. Speaker Cass had permitted certain debates. But, I suggest to the hon. members that the motion of May 16 did not in any way seek to regulate government business. I have the journals and *Hansard* pertaining to this particular situation; the motion was to adjourn to discuss a point of privilege raised by, I believe, the hon. member for Riverdale, to discuss a point of privilege raised previously by another member.

Now, Mr. Speaker Cass, as I read *Hansard*, indicated he would permit the motion to be put before the House in order to have some discussion to show that the motion itself was out of order, that it should not be permitted. Now, in no way can I find any authority to Mr. Speaker, to in any way permit the Opposition parties to assist or dictate or govern or control the manner of calling the estimates. This is the prerogative of government.

On that basis, I must rule this motion out of order.

Mr. MacDonald: Mr. Speaker, our frustrations grow.

Hon. Mr. Rowntree: Not debatable.

Mr. MacDonald: There is a major issue before the people and we want to debate it. If we are going to be blocked at every turn, we just have to challenge every blocking to express our view.

Interjections by hon. members.

Mr. Speaker: Has my ruling been challenged?

Mr. MacDonald: Yes, Mr. Speaker, I said I have no alternative but to challenge your ruling.

Mr. Speaker: I apologize to the hon. member for York South, I did not hear him say that.

Those in support of Mr. Speaker's ruling that the motion is out of order will please say "aye".

Those opposed will please say "nay".

In my opinion, the "ayes" have it.

Call in the members.

Would the hon. members accept the same vote as on the previous question? Is this agreeable? Is there opposition to that proposition?

Mr. Lewis: Yes.

Mr. Speaker: There is opposition; call in the members.

The House divided on the Speaker's ruling which was upheld on the following vote:

Ayes	Nays
Allan	Ben
Apps	Bolton
Auld	Breithaupt
Bales	Brown
Boyer	Bukator
Brunelle	Bullbrook
Carruthers	Burr
Connell	Davison
Davis	Deacon
Demers	Deans
Downer	De Monte
Evans	Edighoffer
Gilbertson	Ferrier
Grossman	Gisborn
Hamilton	Good
Haskett	Haggerty
Henderson	Innes
Hodgson (Victoria-Haliburton)	Jackson
Jessiman	Lawlor
Johnston (St. Catharines)	Lewis
Johnston (Carleton)	MacDonald
Kennedy	MacKenzie
Kerr	Makarchuk
	Martel
	Nixon
	Paterson
	Peacock

Ayes	Nays
Lawrence (Carleton East)	Pilkey
Lawrence (St. George)	Pitman
Meen	Reid (Rainy River)
Morningstar	Reid (Scarborough East)
Morrow	Renwick
McKeough	(Riverdale)
McNeil	Renwick (Mrs.)
Newman (Ontario South)	(Scarborough Centre)
Potter	Sargent
Price	Singer
Pritchard (Mrs.)	Smith (Simcoe East)
Randall	Sopha
Reilly	Spence
Robarts	Stokes
Rollins	Trotter
Root	Worton—41.
Rowe	
Rowntree	
Simonett	
Smith (Simcoe East)	
Snow	
Stewart	
Villeneuve	
Welch	
Wells	
White	
Whitney	
Winkler	
Wishart	
Yaremko—53.	

Clerk of the House: Mr. Speaker, the "ayes" are 53, the "nays" 41.

Hon. Mr. Robarts: Before the orders of the day I would like to table answers to questions that are on the order paper: numbers 53, 63, 64, 66, 68, 78, 79, 80, 82, 83, 84, 85, 86, 92 and 93, to clear the decks for the next batch. (See appendix page 6436).

Mr. Speaker: In dealing with the questions, the hon. leader of the Opposition has a question of the hon. Prime Minister.

Mr. Nixon: Thank you, Mr. Speaker.

Is the Premier prepared to use his good offices to intervene in the current negotiations for strike settlement with the United Steelworkers of America 40,000 of whom have been on strike since July 10, and with the mine, mill and smelter workers, who have been on strike since August 21?

Hon. Mr. Robarts: Mr. Speaker, I would say that I am, when the opportunity makes itself available and one thinks that it is the proper time. Negotiations are continuing. I know, of course, what is going on with The Department of Labour and in the negotiations for the strike. When the moment is propitious and it seems that intervention might be welcome—although I do not want to interfere with the free bargaining between the parties—if there is anything that we can do personally I will be glad to do it.

The Department of Labour and all its skilled people stand by and have been offering their services, but in the process of free bargaining you have got to consider the position of both parties and one does not force oneself in where one perhaps is not necessarily wanted. It is a question of judgment when one might, and I am always ready to do what I can under those circumstances.

Mr. Nixon: Aside from the general acceptance of the proposition, might we ask the Premier if in fact he is waiting for a proposition, might we ask the Premier if in fact he is waiting for a propitious time in which he could insert himself into the negotiations and bring them to a satisfactory conclusion?

Hon. Mr. Robarts: Mr. Speaker, I do not want to leave the impression that I am just standing there waiting for a call, but—

Mr. Nixon: That is what we are getting.

Hon. Mr. Robarts: No such call has come to me; let me put it that way. I am in touch with The Department of Labour continuously over these matters. If it will help, I stand prepared to do it, but at the moment it has not been indicated to me that my presence is necessarily wanted.

Mr. Nixon: Mr. Speaker, another supplementary question. Surely the Prime Minister would feel that in representing the public interest, something other than waiting for a call is expected.

Hon. Mr. Robarts: Mr. Speaker, here is the problem with supplementary questions. The member is just trying to drive me into a position where he can sort of get some idea that we are not interested in the strike itself. Of course, I am prepared to intervene but I am going to reserve to myself the right to decide when and if I will.

Mr. Nixon: My colleague, the member for Sudbury, has a more detailed question on this, but since you have asked me to put the questions to the Premier I have another one on another subject, Mr. Speaker.

Mr. Speaker: Question number 2053?

Mr. Nixon: Yes. What are the results of the government's discussions with Indian representatives held on August 28, September 3, 5, 8, 9, 10, 16, 17, 18 and 19?

What purpose is served by holding these discussions behind closed doors in Queen's Park rather than in the Indian communities themselves, and if there are to be further meetings, is it the intention to invite the local members of the Legislature to the meetings?

Hon. Mr. Robarts: Mr. Speaker, perhaps I should go back to the beginning. We decided to hold these meetings in order that we might have an expression of opinion from the Indians on a whole variety of matters, particularly in those matters that they might wish to bring up themselves. With this idea in mind we invited various groups of Indians to Queen's Park. The results are that we have had some very frank discussions with them; we have some appreciation of their points of view on a whole variety of subjects.

These discussions will form the basis of whatever courses of action the government may decide to pursue in the future, but we wanted the personal contact with the Indians themselves. It was never considered, really, that these discussions would be held any place other than in Queen's Park, and it was never considered that they would be held other than in private so that Indians might express themselves in any way they wished. These were not public meetings; they were not designed so to be; and by and large I think they have been quite successful. The purpose, as I say, is simply to be able to permit the Indians to speak frankly, fully and completely as they feel to the government.

No further meetings are presently anticipated, and I suppose if we were to hold meetings within the areas where the bands are located, the local members would be there, but in these meetings I do not think that was really considered either.

Mr. Nixon: I wonder if the Premier could tell the House if as a result of these discussions his stated approval for the federal proposal has changed to any great degree. I think he might have found the Indians have been very reluctant to approve the proposals put forward by Mr. Chrétien. I think the Premier was on record as saying that he felt it was a good idea, and I wonder if there is any change in his view, having now talked face to face with a good many of these people?

Hon. Mr. Robarts: In talking to these people, they approach the propositions advanced by the federal government with some suspicion; I think anyone who has anything to do with the Indians realizes this. I think this is born of past experience, and they just look at any proposal that the white man may make with a certain amount of suspicion. We became very aware that this existed. I might point out to you that as far as this government is concerned the proposals put forward by Mr. Chrétien bear upon what might almost be termed contractual or treaty relationships between the federal government and the Indians themselves.

Whatever our opinion might be, I suppose in the final analysis these relationships between the federal government and the Indians might be straightened out between the parties to the agreements. As far as this government is concerned, we are anxious to see how we can make the services that we have for all the rest of the people in the province available to the Indians, but the Indians stand in a different position because they have a different relationship with the federal government constitutionally than other people have.

As I say, I can only say in a general way we did find—and I think it has been evidenced in the press and by the statements of the Indians themselves—that they have some misgivings about the proposals made by the federal government and they made us aware of their feelings in this regard.

Mr. Nixon: Mr. Speaker, if you will permit one further supplementary question on this topic. I wonder if these discussions, and the studies presently taking place under the chairmanship of the Premier and the Minister responsible, are in fact shaping up to a policy statement, or is he just going to react to the situation as it changes between the Indians and the federal government?

Hon. Mr. Robarts: Is the hon. leader of the Opposition talking about a policy statement of this government, Mr. Speaker?

Mr. Nixon: Yes.

Hon. Mr. Robarts: Our basic policy, and we have been working towards it in various areas, is to make available to the Indian population of this province the services that other citizens of the province have. No doubt various means of implementing that policy and how we are to do it will flow out of

these discussions, but we are using the information we gathered at these meetings in order to promote the basic policy that we have.

Mr. Nixon: Right.

Mr. Speaker: Does the hon. leader of the Opposition have another question? I do not seem to have it before me.

Mr. Nixon: Not for the Prime Minister. I have some other questions.

Mr. Speaker: Not for the Prime Minister. There are two or three other questions for the Prime Minister; I wonder if we could finish these. The hon. member for York South.

Mr. MacDonald: I have two questions for the Prime Minister.

Will the Prime Minister assure the House that the estimates of The Department of Health will be called by the end of the week in order to give all members an early opportunity to debate the questions that arise from the coming into effect of the Ontario Health Services Insurance Plan?

Hon. Mr. Robarts: Mr. Speaker, the programme for this week was communicated to both Opposition parties earlier this week. We attempt to lay out the programme as far ahead as we can. The estimates of The Department of Health will take their place in the normal course of events. I do not believe they are in the list of estimates submitted to the Opposition parties. I believe The Department of Financial and Commercial Affairs is going to be completed. The Department of Trade and Development is going to follow and the Attorney General will come after that.

Mr. MacDonald: Mr. Speaker, by way of a supplementary question, in the absence of the early calling—almost the immediate calling—of the estimates of this department, will the Prime Minister intervene to create an opportunity for debate on this issue?

Hon. Mr. Robarts: We are aware of what is going on in this area, Mr. Speaker, and we will deal with it as we see our responsibilities.

Mr. Lewis: We have heard that those estimates may never be called.

Hon. Mr. Robarts: That is not so.

Mr. Speaker: The hon. member for York South has another question.

Mr. MacDonald: Will the Prime Minister undertake to give the House a breakdown of the planned allocation to various health programmes of the $82 million expected to be received this fiscal year in federal grants that are remitted to the health services insurance plan?

Hon. Mr. Robarts: Mr. Speaker, I am quite certain that the Minister of Health will lay all these figures before the House when he submits his estimates.

Mr. Lewis: After October 1?

Mr. Speaker: The hon. leader of the Opposition has a question.

Mr. Nixon: Mr. Speaker, I have a few questions for the Minister of Health and—

Mr. Speaker: I wonder if the hon. leader of the Opposition would mind; there are other questions for the Prime Minister.

Mr. Sopha: Why? Is he going somewhere?

Mr. Speaker: This has been the practice that has been followed in the past. I have no desire one way or the other.

Hon. Mr. Robarts: I do not ask for any privilege in this regard, Mr. Speaker; I will answer the questions as they come. If I have to leave the House I just will not be here when the question is asked.

Mr. Nixon: Perhaps with that undertaking I can continue with my questions.

Mr. Speaker, I have a number of questions for the Minister of Health and I would like to publicly congratulate him upon his appointment. I have done so privately and I think he will have a very interesting time in the early months of his tenure.

Will the Minister explain the shortage of application forms for OHSIP in light of the October 1 deadline?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, I thank the hon. leader of the Opposition for his kind words. Obviously, the kindness will vanish very shortly here in this House as we engage in a little repartee on this subject.

I would like first, in answer to his question, to assure him that while there may have been some instances of banks being out of forms, it certainly was not the general occurrence across the province. On September 10, 3,140 literature dispensers were sent to 2,290 banks in this province, 2,290, with enough application forms and booklets, we thought, to

handle the situation. Apparently, when these were put out, many people took the forms, even though they did not need them. The banks were all informed again on September 18 that there were more forms available and they could order them. Many re-ordered and these were sent out the week of September 23—about 200,000 pieces of literature, including the booklets and the application forms went out.

Today we find that there are a good many banks that have the application forms available, and I would like to assure the hon. member in this regard that certainly anyone who makes application in any way, or makes his intention known to OHSIP that he wishes to be covered, will not be deprived of coverage through an administrative fault that may be ours—the fact that some banks may not have had a form.

Mr. MacDonald: Well, how come?

Hon. Mr. Wells: They have to do it by deadline tonight. I would like to assure the members and tell them that as of yesterday 7,261,525 people are enrolled in OHSIP in this province – 97.2 per cent. This, Mr. Speaker, is a phenomenal administrative job that has been accomplished. There are about 200,000 people who are not in the programme now. It took us five or six years to get to this point with the hospital scheme, and as I say, we will make every effort, if there are indications of hardship, in administrative procedures to get anyone in, if they will just make their wishes known to us.

Mr. Nixon: I wonder if the Minister of Health is aware that, although he has told the House just now that they have made a spot check across Ontario and find that most banks have the forms, that I have done the same. I find that of 58 banks in Metro, 32 do not have them. Of five banks in Ottawa, four do not have them. Of five banks in London, five do not have them. Of five banks in Hamilton, three do not have them. And of the survey we made of 78 banks, 43 do not have application forms.

An hon. member: Shame, shame!

Mr. Nixon: Now, Mr. Speaker, I felt that I should ask the Minister if he is aware of that. As regards the second thing that he brought to our attention, I noticed this in the press too. Is he aware that although he believes that if a citizen of this province makes application in any way to his department they will be covered? That at least one person, R. W. Linton, of 497 Oriole Parkway, phoned the department and he was told that he could not be registered in that way? He was told he would have to obtain an application and get it in by the deadline.

So, while the Minister may have the best intentions, somewhere down the line the administration of this plan is falling apart. Now, I am glad to hear, as the Minister has told us, that there are so many people going to the government programme—at least the public programme that is administered by the private insurance companies under this administration. But surely he cannot say to the House that it is working as smoothly as he would have us believe. Now, Mr. Speaker, I have a—

Hon. Mr. Wells: In answer to that supplementary question, certainly Mr. Linton is now considered to be covered; and anyone who has informed the department will be covered, and as I said, 97.2 per cent of this province are covered. We presume that perhaps the others are those who may not want to be covered. And if they do, if they will let us know before midnight tonight, they will all be in.

Interjection by an hon. member.

Hon. Mr. Wells: Oh listen! Learn a little.

Mr. Nixon: Mr. Speaker, if the Minister will permit a supplementary question. Surely that deadline tonight, while it may not affect the large numbers in the millions, will certainly affect many thousands of the people in this province who have been unable to get applications and who have no way of communicating with the department. And I would suggest that he might as well announce now that there will be a postponement in this closing date.

I have a further question along these lines.

Mr. Speaker: Order please. I wonder if the hon. members would just take it a little slower. In view of the large volume of questions, I want to make sure I have each one properly disposed of. I ask the hon. leader of the Opposition if the question he has just asked was 2043. Has he completed that question? Now the hon. leader of the Opposition may proceed with 2045.

Mr. Nixon: I am afraid mine are not numbered consecutively. I hope they fit in with your filing system. Are the private insurance companies presently legal carriers for OHSIP able to complete their membership transfers to meet the October 1 deadline? And if you will permit me, I would ask if this is not possible, is there some accommodation?

Hon. Mr. Wells: Mr. Speaker, I would point out that first of all the private insurance carriers are not legal carriers. They are designated agents acting on behalf of our plan. The answer to the hon. member's question is yes, section 8 of the Act provides that anyone who is in the plan at the present time—OMSIP or any plan licensed under The Insurance Act or The Prepaid and Hospital Medical Services Act—is covered, if his premium is paid. They have already submitted their figures to us and they are included in this 97.2 per cent. They have done their job.

Mr. Nixon: And registration from those companies with OHSIP is not required?

Hon. A. F. Lawrence (Minister of Mines): Is this a supplementary?

Hon. Mr. Wells: It is not required.

Mr. Nixon: Obviously it is a supplementary. Do I have to say that before every question?

Mr. Sopha: Pay no attention to him.

Mr. Nixon: Mr. Speaker, a further question—

Mr. V. M. Singer (Downsview): Which rule is that?

Mr. Nixon: Can the Minister table specific guidelines for administrative costs regulating private carriers administering OHSIP, or are these administrative costs without any control or limit?

Hon. Mr. Wells: Mr. Speaker, I will take that question as notice. I have 20 questions today, and I did not get them until 1.00 o'clock.

Mr. Nixon: It is an important matter, and there is a further question that you might wish to take as notice as well. Will the Minister indicate the cost of OHSIP advertising to date? How much does the Minister expect to spend in this field during the next six months?

Hon. Mr. Wells: There are several on that subject, Mr. Speaker, and I will take those as notice.

Mr. Nixon: Right, if I may continue, Mr. Speaker. I only have two more questions.

Mr. Speaker: The hon. member for Sarnia; on a point of order.

Mr. Bullbrook: If I might, with deference to my leader. I have a question in connection with advertising costs.

Mr. Speaker: I am sorry, the question at this time would be out of order.

Mr. Bullbrook: I want to put this question because—

Mr. Speaker: The hon. member does not have the right to put a question at this time.

Mr. Bullbrook: With the greatest respect, Mr. Speaker, might I put my point to you?

Mr. Speaker: No.

Hon. W. D. McKeough (Minister of Municipal Affairs): Wait for your turn.

Mr. Speaker: Order!

During the question period the hon. member knows full well that questions are to be submitted in writing to Mr. Speaker's office before noon hour in order that they may be transferred to the Minister concerned. Those questions only are the questions with which we may deal during the question period.

Mr. Bullbrook: With respect, I have transmitted a question this morning on this very point to your office. Now the Minister has just advised this House that he will take all these questions as notice. The point I want to raise is that I want to ask my question when the time comes.

Mr. Speaker: Well, I would say that as far as the chair is concerned the Minister has indicated to the House that he will take two or three questions as notice. I will deal with every one of these questions and the Minister will indicate to the House which ones he will take as notice.

Mr. W. G. Pitman (Peterborough): Mr. Speaker, on a point of order, it has been the usual practice in this House over the past number of months to deal with each subject area. I have a question which deals with applications which is very closely approximated to that asked by the leader of the Opposition. I am wondering if you wish to deal with it in this form, to end discussion of applications with regard to OHSIP, or whether you wish to deal with it some other way.

Mr. Speaker: Well, strangely enough, I had the hon. member for Peterborough's questions next on the list. I do not have that particular one. But if it is to the Minister of Health, and deals with that particular point, I think he should put it now. Can you give me the number?

Mr. Pitman: It is number 2028. I think that the Minister—

Mr. Sopha: Will these not go into a computer?

Mr. Pitman: I think, in reality, Mr. Speaker, the Minister answered most of that question in his answer to the leader of the Opposition. But there was one aspect which I would like to discuss. How many applications for OHSIP coverage were mailed, and on what date were these applications mailed out? Can the Minister indicate why individuals were unable to obtain applications at OMSIP offices and banks and other advertised distribution centres only three days ago? I find it surprising that OMSIP was unable to convert itself to OHSIP and provide these applications.

Hon. Mr. Wells: Well, it may be, Mr. Speaker, that they were out for a few hours or a day but they had them as quickly as they could be replaced again and most OHSIP offices had them all the time.

Mr. Pitman: I might ask a supplementary question. Can we be assured in this House that any individual who does not make the October 1 deadline, and states in any way whatsoever that he was unable to get an application, will be covered? Can the Minister simply say we can take the deadline over for three or four days?

Hon. Mr. Wells: Mr. Speaker, we will take any case like that. If they can state that it was because of a certain administrative problem, it will certainly be taken care of and covered.

Mr. Nixon: Mr. Speaker, I do not know where you are in your filing system, but may I continue? I am almost finished.

Mr. Speaker: I do not know where I am either, but I am trying to find out quickly.

Mr. Nixon: Well, if you will permit me to ask a question of the Minister of Education.

Mr. Speaker: Very well.

Mr. Sopha: Before he goes.

Mr. Nixon: What grants, over and above the standard grants included in the original provincial budget, have been made to county school boards? I wish that question could be a lot more comprehensive.

Hon. W. G. Davis (Minister of Education): Mr. Speaker, there is a question, 2029, from the member for Peterborough which perhaps could be included in the same answer.

To be very specific, relating to the question by the hon. leader of the Opposition, there have not been any grants in excess of those outlined in the estimates paid over to the boards because we do not pay the total sums to the boards; we pay it over a period of time. I think what the hon. leader of the Opposition is trying to ascertain, perhaps, is what sums may be required to make up the moneys required for the subsidies over and above the estimates—

Mr. Nixon: Yes, that is it. Thank you.

Hon. Mr. Davis: I just wanted to make sure that we were talking about the same thing, because this is really, I think, what the member for Peterborough is asking.

Mr. MacDonald: That is right, we have been trying for four months.

Hon. Mr. Davis: Oh, I thought it was about four months plus about five days. As a matter of fact, Mr. Speaker, all I am saying is—

Mr. MacDonald: I always underestimate when criticizing the government.

Hon. Mr. Davis: Mr. Speaker, I know that the hon. members opposite are anxious to have this information. I have some good news for them. I think we will have a reasonably accurate estimate within about ten days, and I shall inform the member for Peterborough forthwith.

Mr. Nixon: Might I ask the Minister this then: Have the complex calculations associated with the mini-budget that the Minister of Education brought down, after the Treasurer brought down his, been completed and the payments made? Is that so?

Hon. Mr. Davis: Mr. Speaker, this is not so. I thought the hon. leader of the Opposition understood. We make payments to the boards on the basis of the financial returns from the previous year. Previously it was four times a year—this year we are expediting this somewhat on, shall we say, estimated figures. The actual request for subsidy must relate to mill rates that have been determined. These are the 1967, 1968 and 1969 rates and these we have to calculate on the basis of the request from the board. There have been no moneys paid over on these figures yet. They will probably come in the grant payments, I do not know, in November or December, but I will have, I think, a very good figure for you within about ten days.

Mr. Nixon: Well, I do not know whether he uses the words "very good" with any expectation that it is going to be less than $50 million or $60 million or not, but we can expect by October 10 to hear from the Minister in this connection.

Mr. Speaker: Does this answer the question of the hon. member for Peterborough as well? Question 2029?

Mr. Pitman: The point is, has the Minister estimated as yet the total cost of the revised grants paid to school boards last spring? I assume that we will get the estimate, even more than an estimate, within ten days. Is that the answer of the Minister?

Hon. Mr. Davis: If not, this is really what I have said. I should point out to the member for Peterborough that the revised grants made to the school boards were not, in fact, made. These are part of the total general legislative grant procdure.

Mr. Nixon: To the Attorney General. Is it the intention of the government to introduce landlord and tenant legislation this week? Could he give us any indication of his plans?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I would hope that the business of the House would proceed in such a way that I could get legislation in very soon. I cannot say categorically that I could present it this week, but I can assure the hon. member that I have the legislation ready and I think we can present it very early in this session.

Mr. MacDonald: I have a number of questions for the Minister of Health.

The first one, 2040: Will the Minister of Health inform the House of the amount of current reserves of Physicians and Surgeons Incorporated (PSI) and Windsor Medical?

Will the Minister introduce legislation to ensure that contingency or general reserves of carriers who will not become designated agents or sub-agents under OHSIP are returned to the subscribers who contributed the reserves?

Hon. Mr. Wells: Mr. Speaker, in answer to question 2040, my legal people inform me that this matter now comes under the purview of the Minister of Financial and Commercial Affairs. I would suggest that the question be directed to him.

Mr. MacDonald: I will redirect that question. I assume from what the Minister said that there is an obligation for repayment of this money that has been paid by the subscribers.

Hon. Mr. Wells: The whole matter will be dealt with in the light of the legislation that applies in The Companies Act and for non-profit corporations and so forth.

Mr. MacDonald: Very interesting, we will pursue it. That is a warm trail.

An hon. member: It will be cold by tomorrow.

Hon. Mr. Robarts: A poor trail; the member needs a heat detector.

Mr. MacDonald: It takes a long time to get a warm trail with his government sometimes.

Question 2041: Would the Minister explain why the government chose to abandon the six per cent ceiling on administrative costs for OHSIP after it was included in the March, 1969 draft agreement between the government and the private carriers? In other words, in the first draft agreement, it was there!

Is the government now prepared to enforce a six per cent ceiling on administrative costs? If the government is not prepared to enforce the six per cent ceiling, what is the level of administrative costs expected by the government? To what level is the government prepared to allow the administrative costs of OHSIP to rise?

Hon. Mr. Wells: Mr. Speaker, in answer to question 2041, I would like to take this as notice and reply tomorrow or the next day.

Mr. MacDonald: A further question to the Minister of Health:

Will the Minister introduce legislation requiring doctors to accept 90 per cent of the current OMA schedule as full payment for services, if they practice inside the OHSIP scheme and bill the government directly?

Hon. Mr. Wells: Mr. Speaker, in answer to this question 2042: First of all, under our plan there is no such thing as being inside or outside the scheme, there is no contractual arrangement with doctors. There are two methods of billing. A doctor can either bill the plan directly and receive back the payment which is 90 per cent of the OMA fee schedule or he can bill the patient who is in turn reimbursed by the plan and then settles his bill with the doctor.

We have established under the legislation that the doctor has to advise the patient if he

wants to charge greater than 90 per cent of the OMA fee schedule. Anything further than this would have to be considered in the light of any thing that we might do in the time ahead of us in looking at this legislation.

Mr. MacDonald: I am trying to absorb that collection of words and discern what meaning, if any, there is in it.

An hon. member: Take it as notice.

Mr. MacDonald: Yes, I take the answer as notice and I will consider it.

I have a further question for the Minister of Health on another matter. In view of the evidence given before a U.S. subcommittee last Monday that a major U.S. food chain—Safeway—cancelled a contract for grapes with a major California grape grower after conducting tests on the level of insecticides in some shipments, can the Minister tell the House what steps are being taken by his department to ensure that imported table grapes do not present a health hazard to the Ontario consumer?

Hon. Mr. Wells: Well, Mr. Speaker, in answer to this question, 2057, I would like to be able to give an immediate answer because, as you know, this government is the most concerned government in Canada in regard to pesticides. However, we will take this as notice and I will get the answer for the hon. member as quickly as possible.

Mr. MacDonald: I have a question which is to some extent a duplicate of the one put by the leader of the Opposition to the Prime Minister, but it is addressed to the Minister of Social and Family Services on Indian matters.

First, how many meetings has the government had with Indians, and where? Second, how many more meetings are scheduled? Third, is this government in a position to indicate (a) Ontario's reaction to the Trudeau-Chrétien proposals re Indian policy; (b) what the new lines of provincial policy will be?

Hon. Mr. Yaremko: Mr. Speaker, there were 11 meetings, ten in Toronto and one in Moosonee which, incidentally, was held on Friday last.

They were attended by representatives of 88 of the 92 organized bands in Ontario. We considered this round of meetings completed. I anticipate there will be more meetings of some form in the future.

As has been indicated, the government is in the process of considering the views put forward and its position will be made known in due course.

Mr. Speaker: The hon. member for Wentworth had been up on two or three questions previously. I understand the Ministers are about to leave so I direct him to ask his questions at this time.

Mr. I. Deans (Wentworth): Mr. Speaker, a question of the Minister of Energy and Resources Management.

Will the Minister reveal to the House, the names and locations of the 65 firms which it has been reported, have been ordered to clean up pollution within the next few months?

Hon. G. A. Kerr (Minister of Energy and Resources Management): If the hon. member insists on my revealing the names of these firms I will table them later in the week, in the House. I hope however, that the hon. member will realize that by asking for the publication of these names, he will not necessarily be contributing to the solution of this serious problem.

I wish to make it clear that most of these companies are already in a controlled programme, and are co-operating with OWRC to meet our requirements.

The purpose in referring to approximately 65 companies was to emphasize the magnitude of the problem rather than to label these particular firms as delinquents.

Mr. Deans: Well, may I ask a supplementary question? The purpose for the question is to determine whether or not these are large or small companies and how bad the pollution is. If the Minister would be prepared to make it knowledge in a letter or communication, I would accept it in that way.

A question for the Minister of Municipal Affairs.

Is the Minister aware of the precarious position in which Hamilton finds itself in regard to the Civic Square project?

Does the Minister contemplate early meetings with the city officials in an effort to resolve the difficulties?

Hon. Mr. McKeough: Mr. Speaker, I discussed this matter with a senior elected official of the city as recently as last week and arrangements have been made for future meetings with city of Hamilton officials.

I would expect that representatives from other provincial departments interested in the project will be in attendance as well.

Mr. Deans: I wonder if I might ask the Minister, by way of supplementary question, whether he would extend this courtesy to members of the Opposition in an effort to assist?

Mr. Speaker: I am not sure whether the hon. member for Sudbury or Essex South was up first.

Mr. Sopha: I have been up three or four times.

Mr. Speaker: The hon. member for Sudbury.

Mr. Sopha: Question 2048, if it will assist you. Maybe one of these times when somebody sings out a number he will win a prize.

It is directed to the Minister of Labour and it is in five parts.

One, in view of the prolonged work stoppage at the operations at International Nickel Company of Canada Limited now in its 83rd day, and at the operations of Falconbridge Nickel Mines now in its 40th day, would the Minister of Labour, in the light of the far-reaching effects of these work stoppages on the economy of the province and the welfare of the citizens of the Sudbury Basin, inform the House of his personal involvement in mediation and conciliation?

Two, on how many occasions has he personally called the parties together to meet with him?

Three, what are the issues that separate the International Nickel Company of Canada Limited, Falconbridge Nickel Mines Limited and their employees?

Four, what are the prospects of early settlement of these disputes?

Five, specifically what does the Minister intend to do personally to mediate and conciliate between the parties?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, I want to assure the hon. member personally, and publicly, that I share his great and thoroughly warranted concern over the continuation of these two conflicts in the Sudbury area. I am quite pleased to refer generally to the course of mediation and conciliation that has taken place.

Late yesterday I met personally with Mr. William Mahoney, the Canadian director of the steelworkers union, Mr. Larry Sefton, the district director for the union, and Mr. Lynn Williams of the union itself.

Today, I met with Mr. Henry Wingate, chairman of the board of International Nickel Company of Canada, and I have had a number of contacts with the officials of the INCO organization and unions over these past few months.

Both sides in the Falconbridge dispute are engaged in negotiations in The Labour Department offices at the present time, or at least they were when I left there earlier today, and this process has been going on for several weeks and I have been keeping in close touch with it day by day through my officials.

In reference to the question as to issues, the short answer is money. However, at this critical stage in the negotiations it would not serve the interest of either the companies or the unions to go into it further.

I cannot make an accurate forecast as to the settlement, but I can assure the member that we will continue to do all we can within the department to bring it about as soon as possible.

My personal involvement will continue to take the form of whatever contacts, talks and pressures that seem best calculated to hasten and bring about a settlement in all of these various disputes as soon as possible in conjunction with the mediation proceedings.

The hon. member has had a good deal of experience in these matters and I am sure he appreciates that the day-to-day carriage of the mediation must remain with my senior officials in The Labour Department.

But, I will continue to work with them and to give their settlement efforts every assistance I can to bring about an immediate and quick solution. I might add that I have not had any indication from the parties themselves, being those that are most directly involved—that is, the companies and the unions—that these arrangements will not be acceptable and in fact, what is more important, will not be effective.

Mr. E. R. Good (Waterloo North): Mr. Speaker, I have a question for the Minister of Municipal Affairs who is about to leave. Could I submit my question? He is behind the—

An hon. member: Hiding again!

Mr. Good: Question for the Minister of Municipal Affairs. Has the location of the regional assessment office for region 21, area five, namely Waterloo county, been confirmed for Kitchener, as shown in the organizational structure sheets of the assessment division of the department?

Hon. Mr. McKeough: Well, Mr. Speaker, I would just say that from the point of view of the department, an assessment office in

Waterloo county could be located in any one of the number of municipalities in Galt, in Kitchener, or in Waterloo. The work load is such that the location would not matter, from our point of view.

This matter has been turned over to The Department of Public Works. Offers have been received from several places to rent space. I assume Public Works will make the decision on the basis of sufficient amount of space at the right price which the hon. member, of course, would be just as interested in —because it is public money—as I am.

Mr. Good: Mr. Speaker, by way of supplementary. Is the Minister aware that the data centre used by the department, the majority of the people of the county, and the geographical centre of the county are located in the Kitchener-Waterloo area? My understanding is that the city of Galt which is at one end of the county is being considered as the regional office.

Does he realize that these factors would make it almost imperative that the selection would have to be in the twin city?

Hon. Mr. McKeough: Well, I have explained to the hon. member that those factors do not make it imperative from the point of view of the department. We feel that any number of two or three locations would be in order. The hon. member for Waterloo South has been in touch with me about a building in Galt. I had a letter from the mayor of Kitchener today about several buildings and I have been referring these matters to the Minister of Public Works. I am sure that, on behalf of the people of Ontario, he will negotiate a satisfactory rental arrangement with some person.

Mr. Speaker: The hon. member for Sudbury East also had a question of the Minister of Labour.

Mr. Martel: To the Minister of Labour. In the opinion of the Minister, has the International Nickel Company been bargaining in good faith with the United Steelworkers in view of the fact that they have changed their impact figure from 12.5 to 21.5 per cent and in view of the fact that United Steel reduced its demands considerably a week ago and there has been no reciprocal move by the company?

Hon. Mr. Bales: Mr. Speaker, the hon. member has asked this question since he is naturally concerned with the welfare of his constituents in the Sudbury area. It is a concern that I share with him. I have to say, however, that I know of no way in which this question is going to assist the parties to reach a resolution of the dispute at this time.

I can assure the hon. member that both parties are extremely tough in their bargaining, but it is my impression that both are bargaining in good faith. To go beyond this general statement and to get into the details of the negotiation at this critical stage, would be most unwise, and would be a great disservice to both the union and the company.

Mr. Speaker: Has the hon. member for Sudbury East finished with this particular question?

Mr. Martel: I would like to ask a supplementary based on the Minister's answer. I too, do not want to discuss specifics, but is it not quite obvious that when you start to play hanky-panky like this, there can be no confidence placed in the discussions—when you use such a tactic as the company has employed?

Hon. R. S. Welch (Provincial Secretary): That is not a supplementary.

Mr. Martel: Certainly it is a supplementary question.

Mr. Speaker: The hon. member for Essex South has been trying desperately to get the floor for some time with his question.

Mr. D. A. Paterson (Essex South): Yes, the hon. Minister has to leave, and I appreciate that. To the Minister of Energy and Resources Management, a three point question.

Does the Minister intend to initiate the creation of a special international Detroit River commission to oversee all matters relating to air and water pollution, disposal of dredging waste and conservation practices? If not, what organization has final and supreme authority over pollution control in the Great Lakes and Detroit River, the OWRC, the International Joint Commission, the U.S. Corps of Engineers or the federal Department of Public Works?

To the Minister's knowledge, are there any existing agreements between the U.S. government and Canada on the Great Lakes system that will supersede efforts in the control of pollution?

Hon. Mr. Kerr: Mr. Speaker, in answer to the first part, there are no definite plans at present to create such a commission. We are

working with the state of Michigan and also with the U.S. federal government through such agencies as the Great Lakes Commission and the International Joint Commission, to have legislation which is uniform and effective, not only at Detroit but throughout all of the Great Lakes. However, in view of the situation in Detroit, that area will receive priority.

Part two, the answer is, under the OWRC Act, section 26, the authority over such pollution resides with the Ontario Water Resources Commission in those areas within the province. In answer to part three; no, not to my knowledge.

Mr. Paterson: As a supplementary, would the Minister possibly consider the cost of a feasibility study of the whole of this Detroit River area with the University of Windsor who could conduct such a study and that funds be supplied by the Minister's department and an arm of the federal government?

Hon. Mr. Kerr: Mr. Speaker, I think a lot will depend on The Canada Water Act and just what progress that legislation makes this fall in the House of Commons.

However, as I indicated in my answer, we are working with the state of Michigan and we are working particularly in respect of the Detroit River because of the situation there —particularly the situation on the U.S. side. We have a situation, as the hon. member well knows, where a housing project in Windsor is not able to go ahead or get mortgage funds, because of air pollution from the U.S. side. So, we are working on that particular location not only from the point of view of water pollution but also air pollution. However, I will certainly take the suggestion into consideration.

Mr. Paterson: I have a further question of the hon. Minister. Is the Minister concerned about the high level of water in the Great Lakes and the damage being done to shorelines, especialy along Lake Erie?

If so, will there be any attempt to lower the levels of Lakes Erie and Huron this Winter to lessen the damage next spring?

Have water flow controls at Sault Ste. Marie and Niagara, diverted or retained extra levels of water in these two Great Lakes this year?

Hon. Mr. Kerr: In answer to part one, Mr. Speaker, there is a natural fluctuation in lake levels which occasionally result in extreme range and levels of some of the Great Lakes.

An extremely low stage occurred in 1964 which was of such concern to the Prime Minister, that he called a meeting in Toronto of the governors of the Great Lakes states to discuss these problems. As a result of these meetings the federal governments of Canada and the U.S. were urged to ask the International Joint Commission to study the problem of lake level regulations.

This study has been underway, and is under way, and is scheduled for completion in late 1970. The government of Ontario has been very much concerned with the control of water levels in the Great Lakes and hopes that the IJC study will produce satisfactory methods for regulating the levels, especially since no regulatory works exist at the present time on either Lake Huron or Lake Erie.

In answer to part two. Because there are no controls on these lakes, there is no practical way of lowering the natural levels of the lakes this winter.

In answer to part three. I will have to take this part of the question as notice, Mr. Speaker. This information will have to be obtained from the Great Lakes levels board of the IJC and I shall present this information to the hon. member as soon as it is available.

Mr. Paterson: One point of clarification. At this point does the IJC or the U.S. Corps of Engineers have control over the lakes in determining the lake levels in Superior.

Hon. Mr. Kerr: I believe it is the International Joint Commission, although certainly I am sure that the Ontario government has control of lake levels within the area and boundary of this province.

Mr. Speaker: The hon. member for Humber.

Mr. G. Ben (Humber): Mr. Speaker, I have three questions of the Minister of Health. I too, want to congratulate him, first of all, on his appointment to this office and I do look forward to there being a certain amicable communication between us.

Mr. Speaker, my first question is 2015. Is the Minister planning amendments to the Medicare legislation—I imagine we should start referring to it henceforth as OHSIP—that would permit higher insurance coverage than is now provided in the legislation?

Hon. Mr. Wells: Mr. Speaker, in answer to this question, 2015, I would say that certainly all legislation is always under review. In the fullness of time, if there were to be any changes in this legislation, we would announce them in this House.

Mr. Trotter: There is a political answer.

Mr. Bullbrook: "In the fullness of time."

Mr. Ben: An admission, Mr. Speaker, that they do not know what they are doing at the present time.

My second question is 2044. What penalties do residents of Ontario face if they do not join Medicare and are employed in groups of more than 15, in view of the statement in Medicare commercials that groups over 15 must join?

Hon. Mr. Wells: Excuse me, Mr. Speaker, what is the number of that question?

Mr. Speaker: Question 2044.

Hon. Mr. Wells: Mr. Speaker, in answer to the hon. member's question 2044, as I read earlier, the legislation is very explicit that people in groups are covered and it is mandatory for them to be in the group. It is mandatory for them to have insurance if they are in a firm or a group with 15 or more.

There is no criminal offence or penalty applying to an employee in a mandatory group. The employee under our legislation is automatically an insured person by the operation of our statute. The employer of a mandatory group is subject to a penalty if he does not remit the premiums payable, which the Act says he must, in respect to his employees who must be insured. And there is a penalty for an employer who does not remit the premiums—anywhere from zero up to $2,000.

Hon. A. F. Lawrence: And those conditions are imposed on us.

Mr. Ben: Then, an employee has no choice. He automatically belongs and he cannot say "I do not want to" if he belongs to a group of 15 or more. Right?

Hon. Mr. Wells: Yes, in a group of 15 or more. These rules, of course, Mr. Speaker, are imposed on us by the federal Medicare legislation.

Mr. Ben: The last question, Mr. Speaker, is 2052.

When will the 250 civil servants be transferred from the Minister's department due to the introduction of Medicare, and what will the saving be to the department?

Hon. Mr. Wells: Mr. Speaker, in answer to question number 2052, this is a reclassification problem which is currently still under review. It really has no connection with the introduction of OHSIP.

Mr. Ben: May I ask a supplementary question?

Hon. Mr. Wells: It is a reclassification problem, it is under review. If the member would like more information about it I will be happy to get him the information. It has been going on for—

Mr. Ben: We would like information, period.

Hon. Mr. Wells: It has been going on for about 18 months but it has no connection with the OHSIP programme as such.

Mr. Ben: Then, perhaps as a supplementary question, we might ask the Minister to table the result of this review of 18 months duration and the conclusions that he has reached by some time tomorrow afternoon?

Hon. Mr. Wells: We will get it for you.

Mr. Speaker: The hon. member for Wentworth has been trying to get the floor. I do not know if the same Minister is involved or not.

Mr. Deans: Yes he is, Mr. Speaker.

I have four questions for the Minister of Health, one that he indicated he was going to answer later: How much has been spent on advertising the Ontario Health Services Insurance Plan. I wonder if I might ask by way of a supplementary question to this whether this advertising will continue after today in any form, and if it will, could some of the money be spent in staffing the Hamilton office in order that the residents of that area might get some decent service?

The second question to the Minister of Health is: Will the Minister introduce legislation requiring mutual consent or arbitration between employer and employees as to choice of agent for OHSIP in those cases where collective agreements provide for employer contributions to premiums and the present carrier is not a designated agent?

Thirdly, if the Minister is reluctant to introduce legislation, what steps, if any, is he prepared to take in order to ensure that employees—such as those working on the Welland Canal—are not forced to accept private

insurance company OHSIP sub-agents against their will.

Hon. Mr. Wells: Mr. Speaker, I will have to take that question as notice.

Mr. Deans: My final question to the Minister of Health—

Mr. Speaker: I wonder if the hon. member would mind an interruption? Did the hon. Minister say he would take that one as notice?

Hon. Mr. Wells: Yes.

Mr. Speaker: What number was that?

Mr. Deans: Number 2020.

Mr. Speaker: Thank you.

Mr. Deans: This is question 2039. Could the Minister explain his department's interpretation of section 10 of the Ontario Health Service Insurance Plan which will deprive many organized workers in Ontario of the benefit of any saving in premiums?

Hon. Mr. Wells: Mr. Speaker, the purpose of section 10 in our Act was to do just the opposite, it was to protect employees and to protect their contributions. As I said in the time I had available, I did not have a chance to get a more definitive answer on this but I will have one on this tomorrow.

Mr. Deans: May I make a suggestion where you could get the answer? If I may through the chair, Mr. Speaker, the answer lies in the office of Miss Wysocki—

Hon. Mr. Wells: I thank the hon. member through you, Mr. Speaker.

Mr. Deans: —who has made the interpretation.

Hon. Mr. Wells: She, of course, is here and we have the interpretation but we feel that perhaps the member is concerned with some specific area that is not perhaps covered in the generalities. If he would like to give us the name of that specific company we can maybe check it out a little further.

Mr. Speaker: Is the hon. Minister taking this as notice?

Hon. Mr. Wells: Yes.

Mr. Lewis: Still on health questions.

Mr. Speaker: I am having difficulty in not playing favourites here in the House and the hon. members are all trying to get the floor at the same time. I wonder if it would not be desirable to finish the questions to the hon. Minister of Health first? Let us clean up this aspect of it.

Mr. Pitman: Mr. Speaker, if I could direct a question to the Minister of Health?

Question number 2032: Would the Minister see that the OMA schedule of fees is published openly and made available to all those who have applied for coverage under OHSIP?

Hon. Mr. Wells: Mr. Speaker, in answer to question 2032, I thank the hon. member for this suggestion. It is something that perhaps we should take a look at. I understand that it is a copyrighted document of the OMA which we do not have the right to publish, but it is available I am told from the Ontario Medical Association for anyone that requests it, for a fee. This is what I am told, but this is a suggestion that I will be happy to look into.

Mr. Pitman: If I might ask a supplementary question: I wonder if the Minister is aware—he is quite correct that it is available—that it is available for over $5 to companies, and apparently it will not be given out to individuals. I appreciate the Minister's remarks in that regard.

Mr. Lewis: We should put it in all chartered banks in a rack where people can have easy access.

Hon. A. F. Lawrence: On the back of the application forms.

Mr. Lewis: Questions 2035, 2036 and 2037 for the Minister of Health: Innocent and rapid.

Hon. A. F. Lawrence: Let us make it rapid anyway.

Mr. Lewis: Both will be fulfilled.

Would the Minister indicate how many new civil service positions have been established under the titles: (a) Regional coordinators and chief claims officers, and (b) Assistant plan auditors?

Hon. Mr. Wells: Well, Mr. Speaker, I can answer part (a). The answer is nine. I will have to answer (b) for hon. member tomorrow.

Mr. Lewis: Thank you. Next, Mr. Speaker, have the members of the Health Services Insurance Council been appointed? If so, what is the date of the order-in-council and the names of the appointees?

Hon. Mr. Wells: Mr. Speaker, the Health Services Insurance Council will be appointed by order-in-council this week. It will be increased. The old Medical Services Insurance Council which had seven members will be increased to nine members.

The present members of the Medical Services Insurance Council are all going to be reappointed. The chairman is Rabbi D. Monson. The council is also made up of Mr. W. J. McCance, from Toronto; Mrs. C. M. Johnson, from Port Arthur; Mr. D. Cowan, from Welland; Mr. D'Arcy Higgins, from Uxbridge; Dr. R. S. Duggan, from St. David's; and Dr. T. M. Lockwood, from Cooksville. The two members yet to be named, for which we have not got the names completely finalized, will be from the designated agents and they will all be appointed on Thursday.

Mr. Lewis: Mr. Speaker, is the Minister aware that despite the fact that the council has not yet been reappointed, the Medical Services Insurance Commission is referring all problems to that council and has been doing that for a considerable period of time? Are they going to be able to cope with the flow?

Hon. Mr. Wells: Yes, Mr. Speaker, the present Medical Services Insurance Council is still in operation, of course. I suppose our legal people disagree as to whether they automatically go out but they are in effect until today. They are dealing with it and they will be reconstituted on Thursday so that they will continue on and the problems will all be handled.

Mr. Lewis: Finally, Mr. Speaker, at what point in time and for what reason did the government decide to permit public funds to be dispensed through the issuance of government of Ontario cheques by private insurance companies acting as designated sub-agents of OHSIP? Secondly, what arrangements have been made to ensure the security of these public funds in blank cheque form, and to ensure that they are spent only for legitimate purposes?

Hon. Mr. Wells: I would like to take that question as notice, Mr. Speaker.

Mr. Lewis: And I would like to take the supplementaries as notice as well, Mr. Speaker.

Mr. Speaker: The hon. member for Sarnia has been trying to get the floor with a question to the same Minister. I want to apologize to the hon. member for my misinterpretation of his objective when he raised a point of order previously.

Mr. Bullbrook: Thank you very much, Mr. Speaker, I am glad we had that point clarified.

If I might, sir, this question is similar to that put forward by my leader but less specific. I thought that regarding any general knowledge of the department the Minister would be able to answer it.

Would the Minister advise to the nearest $10,000, the amount of money expended by the government of Ontario to date in advertising or purportedly explaining the OHSIP programme to the people of Ontario?

Hon. Mr. Wells: Mr. Speaker, in answer to that question I want to take it as notice with the others because I would not want to be accused of misleading the House and I want to have an exact figure. As I said, this completes about the 20th question, which I think must be some kind of a record for a person who is appearing for the first time in the House with this portfolio.

Interjections by hon. members.

Mr. MacDonald: The Minister has outdone the bureaucratic monstrosity involved in municipal tax rebate.

Mr. Speaker: Order. Did the hon. member for Wentworth ask question 2023 of the Minister of Health?

Mr. Deans: I suspect I must have; just let me check and see. Yes, sir, I did.

Mr. Speaker: Thank you.

Mr. T. Reid (Scarborough East): To the Minister of Education. Is the Minister intending to investigate the charges by the two student members of the board of governors of Ryerson Polytechnical Institute of "irresponsible and inept" management of public funds? If so, what form will this investigation take and when will it begin?

Hon. Mr. Davis: Mr. Speaker, I was with the CEA and the Minister's council last week when this incident arose. I am in the process of obtaining information relevant to this matter at the present time and shall more fully inform the House when I have obtained this information.

Mr. T. Reid: Do I understand correctly, Mr. Speaker, that the Minister is conducting this investigation now?

Hon. Mr. Davis: Finding out.

Mr. Speaker: Is the hon. Minister taking the question as notice?

Hon. Mr. Davis: No, no, I gave an answer.

Mr. T. Reid: He gave me a funny answer.

The next question is, when will the Minister table the Estimates of the Actuary concerning the increase in funds necessary to cover the Ontario Teachers' Federation request for increases in the pensions of the superannuated teachers of Ontario for 1969-1970?

Hon. Mr. Davis: Mr. Speaker, the question, of course, assumes, that the Minister will, in fact, table this report. The report was prepared at my request, along with the members of the OTF. The report is presently being studied by members of the commission. I have agreed with members of the OTF to establish an informal study group because the figures are complicated. They are rather large, I might point as well, and this group will be constituted or composed of representatives probably from the commission, the department, perhaps the Treasury, and from the federation. This was agreed to with them, to be set up after they have had this informal study, or have attempted to digest the significance of the report. I will then consider whether or not it will be tabled or whether I will make a copy available to the hon. members.

Mr. T. Reid: Do I understand, Mr. Speaker, that the Estimate of the Actuary has been completed?

Hon. Mr. Davis: Mr. Speaker, I think the hon. member understands the complexities of this. The actuary has prepared a number of figures and suggestions. Whether they are, in fact, acceptable even to the OTF I think will have to be determined in the process of this informal discussion.

Mr. T. Reid: Do I understand correctly, Mr. Speaker, that the committee of which he spoke has been appointed? Have the members been appointed to that committee?

Hon. Mr. Davis: Mr. Speaker, that is not correct; I said we were in the process of doing so.

Mr. T. Reid: Well, when will this committee be appointed?

Hon. Mr. Davis: I would expect within the next three or four days.

Mr. T. Reid: Three or four days?

Hon. Mr. Davis: I would expect that.

Mr. T. Reid: The third question: Will the Minister table the agreement or contract together with any related correspondence between the Ontario Institute for Studies in Education, his own department's branch of educational television, and Portcomm Communications Ltd., in respect of world rights to educational reports, materials or programmes produced with public money?

Hon. Mr. Davis: Mr. Speaker, I recognize the difficulties your office has today with the numbers of questions. All of these questions came to my office some time after one o'clock so that I hope the hon. member will understand I am speaking now from memory, as on most of these.

If there is a contract, and I doubt whether there is one, I should be delighted to table it or present it to the hon. member. My recollection is that there is no such contract between The Department of Education and this organization. I believe there is an understanding between the Ontario Institute and this organization on the preparation of some 50 kits relevant to the assessment that has been made, I think, at Conestoga, but I do not believe there is any contract between the department and this organization for anything beyond that.

If there is, I would be delighted to table it. I am not sure I can say it would be tomorrow, Mr. Speaker. I will try to do it as soon as I can; just as soon as possible if it is available.

Mr. T. Reid: It is U.S. television.

Hon. Mr. Davis: Oh, I know it is U.S. television.

Mr. T. Reid: It is a very intriguing experiment.

Mr. Speaker: The hon. member for Peterborough.

Mr. Pitman: Question 2030, to the Minister of Education and University Affairs.

Has any agreement been worked out between The Department of University Affairs and Brock University in regard to that university's policy of enrolling grade 12 graduates in the first-year courses, a procedure which at present deprives the university of the normal grant per student?

Hon. Mr. Davis: Mr. Speaker, I would in no way attempt to correct the question at all, but I would observe that there is not a normal government grant for students from grade 12. We cannot classify this really as a normal government grant. The policy of the department as recommended by the committee

on university affairs is not to pay grants for students from grade 12 entering, whether it is Brock, U of T, Trent, or what have you. I think the hon. member would be fully aware of the significance in my saying that if Brock does this then the other universities would obviously be free to do so. This would mean that if you took the number of students at Brock as any sort of indication—and if you multiplied this by the number of undergraduates who might move into the U of T, Trent and all the other 14 provincially assisted universities, the dollar significance, apart from any other complications, is something that I think cannot be ignored.

I would also say, Mr. Speaker, that if Brock wishes to pursue this further, the proper channel to do so would be through the committee on university affairs for consideration this year. But I think it should be pointed out that while we in no way have said to Brock that it cannot do this, and it has the right to do so, and we do recognize the implications of making public funds available to them for this purpose, for we would have to do it for every other provincially assisted university.

Mr. Pitman: If I might ask a supplementary question. I am wondering what the Minister's policy will be in view of the discussions that are going on now in Scarborough to abolish grade 13 in that jurisdiction. Is this an ongoing process of decision?

Hon. Mr. Davis: Mr. Speaker, I have just read press reports as to what Scarborough board is thinking. I do not think they have reached any conclusion; there have been no consultations with the department. I think that if it reaches a point that they want to come to any definitive situation on it, they will have to discuss it with the department. Personally, we might have some observations to make at that time.

Mr. Bullbrook: Where is "what have you" situated?

Hon. Mr. Davis: Well, it is not in Sarnia.

Mr. H. Peacock (Windsor West): Mr. Speaker, have you located question number 2056 addressed to the Minister of Trade and Development, which I might ask, for we are about to become the only two members remaining in the House?

Mr. Speaker: The hon. member may proceed.

Mr. Peacock: To the hon. Minister of Trade and Development.

When does the Minister intend to announce the terms of sales to tenants of Windsor Housing Authority of units in the Bridgeview and Essex Court projects?

Part 2: Will tenants be eligible for first and second mortgages from the $50 million fund announced June 24, 1969, for purchases under the HOME plan?

Hon. Mr. Randall: Mr. Speaker, let me say that if the hon. member and I were the only ones left in the House we could get some work done.

The answer to the two questions: The first is that the terms of sale of existing public housing units to eligible tenants will be the same as those which applied in the Guelph Green Meadows developments. These were made known to the members in my reply to a question to the hon. member for Wellington South on November 21, 1968. The actual selling price of public housing units in any one development has not yet been established, as we are still awaiting Central Mortgage and Housing Corporation's approval of the disposal of approximately 5,000 units under this programme.

The answer to question 2 is that there will be no necessity for a second mortgage, as under the various purchase options, the tenant may make a down payment as low as five per cent of the cost of the dwelling only. The $50 million fund announced on June 24, 1969, will be unimpaired as a result of this programme as the dwellings in question have already been financed by the federal-provincial partnership. It is just a matter of transferring from one piece of paper to another. There is no money involved.

Mr. Peacock: I think the Minister probably stated this, but may I ask him by way of supplementary whether he is still awaiting approval from the Central Mortgage and Housing Corporation or assessed values for the purpose of purchase—establishing the price?

Hon. Mr. Randall: No, I say we are waiting for a blanket approval to take a look at all 5,000 units and once that is done they will permit us to go in and assess the value of them and establish a price on them as we did up in Guelph. I would hope in the next week or so, from what I hear in Ottawa, that we will have that blanket approval shortly.

Mr. Peacock: It would only be following the approval from Ottawa that the Ontario Housing Corporation would then go out into

the field and establish the values? May I ask the Minister whether or not it will not be a considerable period of time before he is in a position to actually announce the terms of sale for each of the projects?

Hon. Mr. Randall: I think each project would have to be looked at on the basis of what the market value is, what the book value is today, what the market value is in the area. There is not a simple solution. We have already had approval from our own Treasury Board to establish about 20 people to handle the sale of these 5,000 units. They are at work right now, establishing our procedures. I would think as soon as we hear from Ottawa we can get under way with it. But it is not going to be a simple job, selling 5,000 units. I think you recognize that.

Mr. Speaker: The hon. member for Cochrane South has a question of this Minister.

Mr. W. Ferrier (Cochrane South): Mr. Speaker, my question is to the Minister of Trade and Development.

Will the Minister call for a thorough re-investigation of the refusal of ODC to grant either a forgivable or conventional loan to T-Cube Meat Corporation of Canada Limited in Timmins?

Will the Minister take steps to see that some form of assistance is made available to this company so that they may continue in business and not have to close—as we announced in the Timmins *Daily Press* of September 29—so that economic hardship may be averted?

Hon. Mr. Randall: Mr. Speaker, I myself became interested in this when I was in Timmins last weekend, and when I came back I had this matter thoroughly investigated. Here is the information, on which we based our decision.

T-Cube Meat Corporation of Canada Limited was refused financial assistance from the Ontario Development Corporation for the following reasons: (1) The Company is insolvent. At the present time there is a working capital deficit of some $62,000 and a deficit of equity of almost $27,000. Losses on operations since its inception amount to nearly $200,000. Under the Ontario Development Corporation's terms of reference, funds are not available to applicants who are either in bankruptcy or insolvent.

The answer to question two: the predecessor company to T-Cube Meat Corporation of Canada Limited—Timmins Packers—was equally unsuccessful and is now also insolvent.

In view of the foregoing, there is no way the Ontario Development Corporation can help them. But I have suggested to them that when they solve their bankruptcy problems, if they reorganize—and organize a company or somebody puts some more equity in—they can come to us and we will be glad to talk to them.

Mr. Ferrier: May I ask a supplementary question? Is the Minister satisfied that the officials of his department have adequately checked into the assets and the equipment that this company has? Because I have been talking to the president of the company this morning, he said that the ODC people had never gone up to look over the operation, and that they showed a great deal of disinterest. He said it was only last week that he was able to get the Minister of Mines down there, and he seemed to show some interest in doing something about it.

I think that—

Hon. Mr. Randall: That is not correct. Our own representative visited the factory.

Mr. Ferrier: I think that there is real justification that this question of insolvency be looked at. Will the Minister request his department to look into it more fully?

Hon. Mr. Randall: No, I do not think we will. I think that is a misunderstanding. Our people in the Ontario Development Corporation did go to the plant in Timmins, I am informed. They investigated and their facilities are antiquated. The plant is not a good plant for that kind of an operation. Perhaps this is why these people have lost their own money.

I just simply say to you that plants operate efficiently. In our view, this one would have to be completely remodelled insofar as equipment is concerned, and new capital put in. We just do not have the answer for that kind of a programme, as the plant sits right now.

We have investigated it thoroughly, and we will not be making any further loans or any move to give them money until, as I say, they solve their present problems. Then, if they come back and they want to re-equip the plant, we will take a look at it.

Mr. Speaker: The hon. member for Sarnia.

Mr. Bullbrook: To the Minister of Justice and Attorney General.

Would the Attorney General advise as to whether any charges will be laid in connection with the altercation between Ted Green of the Boston Bruins and Wayne Maki of the St. Louis Blues?

Has the attitude of the Minister's department changed in connection with altercations of this nature since the departmental reply to my letter concerning the Eddie Shack-Larry Zeidel incident at Maple Leaf Gardens last year?

Would the Attorney General agree that prosecutions following incidents of this nature might well have a deterrent effect and also benefit the sport of hockey and collaterally the youth of our province?

Hon. Mr. Wishart: Mr. Speaker, the Green-Maki incident is presently under investigation. It is not complete. I think the hon. member is aware that Green is in hospital and will undergo further surgery and we cannot complete or prepare any case we might contemplate on until his recovery.

There are other parts of the question, and while I could answer to some extent, I would prefer, if the hon. member would permit me, to take this as notice. I will give him a full answer very shortly.

Mr. Bullbrook: I am prepared to do so. Thank you.

Mr. Speaker: The hon. member for Wentworth has a question of the Attorney General.

Mr. Deans: To the Attorney General.

Can the Minister assure the House that the changes contemplated in The Landlord and Tenant Act will include a Tenants' Bill of Rights, a standard lease form, and provision for a rental review board?

Hon. Mr. Wishart: I have already indicated that legislation is prepared and I trust we will have an opportunity to introduce it in the House very shortly.

I would ask the hon. member perhaps to wait until I introduce the legislation and then its content will be apparent to all.

Mr. Speaker: The hon. member for Kitchener has a question of the same Minister.

Mr. J. Breithaupt (Kitchener): A question of the Attorney General.

Is the Attorney General considering amendments to increase the jurisdiction of the division courts beyond the present $400 in order to lower the work load of the county courts?

Hon. Mr. Wishart: Well, Mr. Speaker, we have looked at the possibility of doing this and I think perhaps there is some merit in increasing the jurisdiction. But I have not any recommendation as yet for the government. We are still studying the matter and it is in relation to a number of other improvements that we think we can suggest in connection with the administration of justice on the civil side.

Mr. Speaker: The hon. member for Peterborough has a question of the same Minister.

Mr. Pitman: Thank you, Mr. Speaker. This is of the hon. Attorney General.

Has the Attorney General conducted any province-wide investigation into the charges made at the Ontario police association convention in Peterborough that policemen who do not reach their quota of parking tickets, summonses and arrests are in some way intimidated by their superiors?

Hon. Mr. Wishart: Mr. Speaker, I would ask the hon. member to allow me take this as notice. I could answer, but I have some further information I want to give him when I do answer—which will be very shortly.

Mr. Speaker: The hon. member for Sandwich-Riverside has a question of the Minister of Transport.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker—

Mr. M. Makarchuk (Brantford): Mr. Speaker, I have a question of the Minister of Justice.

Mr. Speaker: I am sorry, I did not notice that one.

Mr. Makarchuk: A question of the Minister of Justice.

Mr. Speaker: Perhaps the hon. member would just wait until I find the question.

Mr. Makarchuk: It is number 2034.

Mr. Speaker: I do not seem to have a question—

Mr. Makarchuk: It is number 2034, Mr. Speaker. I have a spare copy here, Mr. Speaker.

Mr. Speaker: I have it, it was under one of the other older questions.

Mr. Makarchuk: A question of the Minister of Justice.

1. Why were charges not laid against a Brantford city policeman for alleged break

and entry and theft of money from the public utilities office in Brantford in March, 1968?

2. Were the chief and deputy chief of the Brantford police department aware of the alleged crime?

3. Was the policeman subsequently dismissed from the Brantford police force?

4. Was this matter raised with the Ontario police commission while it was investigating the functionings of the Brantford police department?

5. Did the Ontario Police Commission make any specific recommendations regarding this particular case to the board of the Brantford police commissioners?

6. What were they?

7. Does the Minister's department plan any further action in this matter?

Hon. Mr. Wishart: Mr. Speaker, this question we received just a few moments before one o'clock. I think the hon. member will realize it requires some research. This goes back to a 1968 situation. I would ask to take it as notice. I will get an answer very shortly.

Mr. Speaker: The hon. member for Sandwich-Riverside has a question for the Minister of Agriculture and Food.

Mr. Burr: Mr. Speaker, a question for the Minister of Agriculture:

Will the Minister consider the postponing until March of premium payments on wheat crop insurance for which application must be made in October?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, the question poses a very interesting solution to a problem that does exist in certain parts of the province of Ontario.

It is an interesting proposal. It follows something along the line of the suggestion that was made not long ago, I understand, by a lady I believe from Harrow, in a radio broadcast. I did not hear it and I do not know who made the broadcast, but I understand it was a farm lady making the suggestion that it might be possible to provide crop insurance and pay the premium at the time the crop was marketed.

This is a proposal that those of us who were on the select committee on crop insurance will realize was carried on in the state of Michigan by the Michigan Mutual Hail Insurance Company: If you will recall, they operate on that basis. But this is a company that is owned entirely by farmers and their programme is designed only to cover hail insurance, and if there are losses sustained it is really themselves that sustain the loss. Now this suggestion that you have made here may have some merit and I have asked the crop insurance commission to have a look at the suggestion that the lady had made a week or two ago—and they are also looking at this one.

On the other hand, I think it is only fair to suggest, Mr. Speaker, that since at least half of the wheat insurance premiums have now been paid for this year—that is the wheat crops that are planted in 1969—it might be a little difficult to implement this type of programme for this year.

It wouldn't be quite fair to those that have already paid. On the other hand, I think it is worth taking a look at, and we will do that. But I am afraid it may offend against the principles of the federal and provincial crop insurance Acts.

Mr. Speaker: The same member has a question for the Minister of Transport.

Mr. Burr: The Minister no doubt realizes that most of this money has to be borrowed at a rate of interest that is now very high. That is why I think this proposal has more merit now than it might have had a few years ago. Would he agree with that?

Hon. Mr. Stewart: Somebody has to pay.

Mr. Burr: A question for the Minister of Transport. Why are auto manufacturers not required to present new car buyers with mechanical fitness certificates?

Hon. I. Haskett (Minister of Transport): Mr. Speaker, the Government of Canada has now assumed full responsibility for safety standards for new motor cars.

The federal Minister of Transport, the Hon. Donald Jamieson, has announced that he plans to introduce at the forthcoming session of Parliament of Canada a bill relating to safety standards for new cars and imports. Whether the new legislation will call for certificates such as the hon. member suggests or not, is a matter for decision by the responsible Minister in Ottawa.

Mr. Speaker: The hon. member for York Centre has a question of the Minister of Financial and Commercial Affairs.

Mr. Deacon: Yes, the first question Mr. Minister, does the Statute of Limitations still permit correctly signed charges to be laid

against Messrs. Brien, Despard, Jonak and Stein, for contravention of provisions of The Securities Act? After the Minister's statement I refer him to page 13 of the Osler, Hoskin, opinion, where it states that the limitation period where it applies to actions brought under aforesaid section 69 of The Securities Act or section 5 of The Corporation Information Act, is six years from the date of acquisition of the security.

I would appreciate an answer or an explanation of that question.

The second thing, what independent counsel has the Minister retained to determine action which might still be taken against these men? The basis of that question is the fact that Clarkson, Gordon, stated they didn't have complete information, that they didn't have the opportunity to examine the records of third parties to ascertain whether the costs recorded in the company's records contained any amounts paid or assets delivered to insiders.

The third question, will the Minister again retain Clarkson, Gordon & Co., giving it sufficient scope to examine such matters as records of third parties to ascertain whether the costs recorded in the company's records contained any amounts paid or assets delivered to insiders?

The fourth question, why did the Minister not reply to the letter from Mr. Harry Westlake, president of the Prudential Finance Creditors Association, dated January 15, 1968, asking what action the Minister would take to assist the creditors to obtain maximum recovery of assets?

Fifth, has the Minister met recently with representatives of the Prudential Finance Creditors' Association to determine in what way he can co-operate with them to obtain maximum recovery of assets, to bring those responsible before the bar of justice and to discuss new legislation which might still be needed to prevent a repetition of the catastrophe?

Hon. Mr. Rowntree: I received this question at about five minutes to two, and I would be happy to take it as notice.

Mr. Speaker: That completes all of the questions I have unless any other hon. members have any questions.

Orders of the day.

It being 6 o'clock, p.m., the House took recess.

APPENDIX

Answers to questions were tabled as follows:

The answer to Question 53 is a Return (Sessional Paper No. 124).

63. *Mr. Martel*—Enquiry of the Ministry of Education—1. How many people employed in Metro Toronto high schools as teachers do not hold teacher certificates? 2. How many are teaching on a letter of permission? 3. How many are teaching on a letter of standing?

Answer by the Minister of Education—As of September 30, 1968, the most recent date for which statistics are available, the number of teachers engaged in the secondary schools under the jurisdiction of the six boards of education in Metropolitan Toronto, was 7,129.

1. Of this number, 312 do not hold teaching certificates. Included in this figure are persons teaching on Letters of Standing and on Letters of Permission.

2. The number of persons teaching on Letters of Permission is 188.

3. The number of persons teaching on Letters of Standing is 124.

64. *Mr. Reid* (Scarborough East)—Enquiry of the Ministry of Education—(a) Must parents or guardians of students suspended from school by a principal be informed in writing of their right to appeal the suspensions to the relevant Board of Education as provided for under The Schools Administration Act (Section 22 (2) (k))? (b) Within what period of time after receiving such notification of suspension, must the parents or guardians register their appeal to the school board? (c) Within what period of time after receiving such a request for an appeal, must the school board hear the appeal? (d) Are parents making such an appeal allowed to retain legal council? (e) If so, does the lawyer representing the students have full access to the relevant school files including "students' record"?

Answer by the Minister of Education—

(a) It is not a statutory requirement that the parent or guardian of a student suspended from school by the principal be informed in writing or otherwise of the right to appeal the suspension to the Board.

(b) There is no time limit for bringing an appeal under section 22 (2) (k) of The Schools Administration Act.

(c) No specific period of time is prescribed for the hearing of an appeal from a suspension by a school board.

(d) Parents and guardians are at liberty to retain and to be represented by legal counsel.

(e) Parents or guardians of a pupil or counsel or agents acting on their behalf do not have access to school files such as "students' records".

66. *Mr. MacDonald*—Enquiry of the Ministry of Education—What percentage of educational costs in 1968 were paid by provincial grants in each of the 13 municipalities with populations over 60,000? (Metro Toronto, Ottawa, Hamilton, London, Windsor, Brantford, Burlington, Kitchener, Mississauga, Oshawa, St. Catharines, Sudbury, Sault Ste. Marie.)

Answer by the Minister of Education—Information relative to the cost of education for the calendar year 1968 is not yet available. Legislative grants, paid in 1968 to school boards, however, were calculated on the basis of the operating costs for the year 1967. The accompanying table shows the total costs in 1967, the amounts paid in grants in 1968, and the percentage of costs paid in grants in the 13 municipalities with populations over 60,000.

GRANT AS A PERCENTAGE OF COST OF OPERATING IN EACH OF THE THIRTEEN MUNICIPALITIES WITH POPULATIONS OVER 60,000

	Cost of operating 1967	*Grant 1968*	*Grant as % of cost of operating*
Metropolitan Toronto	296,838,141	104,763,810	35.29
Hamilton	38,263,058	17,758,334	46.41
London	29,140,308	15,583,075	53.48
Windsor	26,721,154	14,989,280	56.10
Brantford	7,427,689	4,116,221	55.42
Burlington	10,692,078	6,256,368	58.51
Kitchener	14,593,455	7,518,734	51.52
Mississauga	19,990,473	10,026,190	50.15
Oshawa	10,005,929	4,996,748	49.94
St. Catharines	15,349,914	8,657,635	56.40
Sudbury	11,950,145	8,412,670	70.40
Sault Ste Marie	11,859,183	7,791,642	65.70
Ottawa	41,969,339	20,654,304	49.21

68. *Mr. Peacock*—Enquiry of the Ministry of Education—What disposition has been made of the 10,000 units of classroom furniture stored in a vacant CNE building awaiting delivery under The Department of Education's Operation School Supplies since March 11, 1969?

Answer by the Minister of Education:—

The following distribution has been made of the 10,000 units of classroom furniture stored free of charge in a vacant CNE build-

ing since March 11, 1969, for Operation School Supplies, sponsored by The Department of Education:

March 12, 1969: 500 units of classroom furniture were transported by Canadian Armed Forces aircraft to Turks and Caicos, B.W.I.

March 16, 1969: 500 units of classroom furniture were transported by Canadian Armed Forces aircraft to Antigua, W.I.

April 16, 1969: 500 units of classroom furniture were transported by Canadian Armed Forces aircraft to Belize City, British Honduras.

The balance, or 8,500 units, have been shipped by truck to Fort Lauderdale, Florida, for transshipment to Nassau, Bahamas, for use in Out Island schools. The Bahamas Ministry of Education assumes all transportation charges.

78. *Mr. Reid* (Scarborough East)—Enquiry of the Ministry of Education—(a) When is the study now being done by the Teachers' Superannuation Commission going to be completed? (b) What is the purpose of the study and how is it going to relate to the over 8,500 superannuated teachers in Ontario? (c) Has the government any commitment or plans to increase its percentage contribution to the teachers' superannuation fund to match any further increases in the contributions by non-superannuated teachers? (d) Does the government intend to amend The Teachers' Superannuation Act to include a normal escalation clause to ensure that Ontario's superannuated teachers do not suffer from a deterioration in their real income as inflation takes place each year?

Answer by the Minister of Education:—

(a) It is hoped that the study referred to will be completed within a few months.

(b) The purpose of the study is to assess the implications of several proposals relating to the Teachers' Superannuation Fund.

(c) As indicated in the answer to (b), the purpose of the study is to determine the effect of any proposed changes in the Teachers' Superannuation Fund. Consequently, any decisions must await the results of the study.

(d) Again, any decision or action along the lines suggested must await the results of the study.

79. *Mr. Singer*—Enquiry of the Ministry of Justice—(a) Will the Attorney General advise the House how many reports he has received from the Law Reform Commission which he has not yet tabled in the Legislature? (b) Will the Attorney General advise what each of such reports deal with and the date on which they were received by him? (c) Will the Attorney General advise why each of such reports he has not yet tabled has been withheld by him for the length of time indicated and when they will be tabled in the Legislature?

Answer by the Minister of Justice and Attorney General:—79. (a) 7. The recommendations of three of these reports were implemented into amending legislation without prior printing and distribution.

A further four reports were printed ond distributed to all members of the Legislature and the recommendations of such reports implemented into new legislation.

(b) Title of the report: (1) The Wages Act: Assignment of Wages.

Date received: March 3, 1965.

Title of the report: (2) The Evidence Act: Admissibility of Business Records.

Date received: February 16, 1966.

Title of the report: (3) The Execution Act: Exemption of Goods from Seizure.

Date received: December 30, 1966.

Title of the report: (4) The Mechanics' Lien Act.

Date received: February 22, 1966.

Title of the report: (5) Supplementary Report on The Mechanics' Lien Act.

Date received: June 1, 1967.

Title of the report: (6) Supplementary Report on Personal Property Security Legislation.

Date received: May 20, 1966.

Title of the report: (7) Basis for Compensation on Expropriation.

Date received: September 26, 1967.

(c) Title of the report: (1) The Wages Act: Assignment of Wages.

Subsequent action: Recommendations implemented by The Wages Amendment Act, 1968, Chapter 142.

Title of the report: (2) The Evidence Act: Admissibility of Business Records.

Subsequent action: Recommendations implemented by The Evidence Amendment Act, 1966, Chapter 51.

Title of the report: (3) The Execution Act: Exemption of Goods from Seizure.

Subsequent action: Recommendations implemented by The Execution Amendment Act, 1967, Chapter 26.

Title of the report: (4) The Mechanics' Lien Act.

Subsequent action: Printed and distributed to all members on August 24, 1966.

Title of the report: (5) Supplementary report on The Mechanics' Lien Act.

Subsequent action: Printed and distributed to all members in July and August, 1967.

Recommendations of Reports (4) and (5) implemented by The Mechanics' Lien Act, 1968-69.

Title of the report: (6) Supplementary Report on Personal Property Security Legislation.

Subsequent action: Printed and distributed to all members on August 24, 1966. Recommendations implemented by The Personal Property Security Act, 1967, Chapter 73.

Title of the report: (7) Basis for Compensation on Expropriation.

Subsequent action: Printed and distributed to all members in November, 1967. Recommendations implemented by The Expropriations Act, 1968-69.

80. *Mr. Singer*—Enquiry of the Ministry of Justice—1. Would the Attorney General comment on the recent opinion given by the county of York grand jury to the effect that the costs of legal aid are likely to increase tenfold if the scheme is not carefully supervised and abuses removed? 2. Does the Attorney General know of any evidence that came before that grand jury which might justify such opinion? 3. Was any evidence in this regard given to the grand jury by: (a) the police; (b) any Crown Attorney; (c) any provincial judge or county court judge or Supreme Court judge and (d) anyone on behalf of the Ontario Legal Aid system? 4. Will the Attorney General support a suggestion that the legal and municipal bills committee further investigate this warning by the grand Jury and that the said committee be given the power by this House to call before it the foreman of the said grand jury and such other persons as are necessary for the purpose of such investigation?

Answer by the Minister of Justice and Attorney General:

1. No comment.

2. No.

3. (a) The grand jury interviewed several police officers appearing in courts. However, no records of such interviews have been maintained or produced. (b) No. (c) No. (d) Yes. After the report of the grand jury was received.

4. No.

82. *Mr. Martel*—Enquiry of the Ministry of Energy and Resources Management—1. Did INCO pump tailings from its IORP operation directly into a creek leading into Kelly Lake on May 26, 1969? 2. Did the tailings contain solids, ammonia and other chemicals? 3. Was a ten-foot section of the tailings line over the creek in question conveniently removed to allow this spillage? 4. Does the newly installed metal tailings line have a trap door directly over the creek? 5. Why? 6. In view of the many spillages by INCO this spring: (a) when will the government take decisive action to stop this pollution; (b) when will the pollution control office for the Sudbury area be opened to provide for immediate inspection when a spillage occurs?

Answer by the Minister of Energy and Resources Management:

1. INCO reported that it had become necessary to remove loose scale from a wood stave tailings line, before putting it back into service. The procedure for carrying out this maintenance operation has been to "break" the line at 200 ft. intervals and pump waste from the iron ore recovery plant through the line to remove the loose scale.

While carrying out this operation there was a discharge of wastes on May 26, 1969, which reached the creek leading into Kelly Lake.

The company has been requested to modify descaling procedure, and investigation is under way by the company of alternative methods of scale removal.

2. Samples of the waste were not obtained, but normally they do contain ammonia and suspended solids.

3. One of the "breaks" as described in (1) was over the ditch carrying the main tailings overflow.

4. Yes.

5. The trap is necessary to empty the tailings, by draining it during the winter, to prevent the build-up of ice which could otherwise result in a line blockage. Also, the tailings line is subject to severe scaling which can result in blockage. To prevent this problem, the trap is opened and loose scale flushed out. The OWRC has requested INCO to relocate the trap door away from the creek.

6. (a) The Commission has taken action, and improved control has, and is, being effected.

(b) As indicated in the reply to Question 1806, no decision has been made concerning this matter.

83. *Mr. Reid* (Scarborough East)—Enquiry of the Ministry of Education—1. In light of the announcement of the resignation of Mrs. Fiona Nelson from her teaching position with the Board of Education for the city of Toronto, what guarantee, if any, under the regulations of The Department of Education, does Mrs. Nelson have that the personal dossier kept on her by the Board of Education does not contain statements of a libelous nature? 2. What regulations exist, if any, in The Department of Education concerning the kind of personal information that the Board of Education may place in a teacher's dossier? 3. What regulations exist, if any, concerning access to a teacher's personal dossier? 4. What regulations exist, if any, concerning the distribution of information contained in a teacher's dossier? 5. What recourse exists, if any, under the Minister's regulations on the part of the teacher, concerning the removal of material in her dossier, which she believes to be maliciously damaging to her professional career?

Answer by the Minister of Education:

1. There are no regulations under any of the Acts administered by the Minister of Education specifically relating to the maintenance of records in respect of employees of school boards. The establishment and maintenance of a personnel file for each employee is a matter of business practice and the nature and form of such records can be expected to vary from board to board. No guarantee has ever been given that any statement contained in any record will not be found by a court of law to constitute a libel of the person.

2. See answer to No. 1.

3. No regulations exist in respect of the access to personnel files of a school board.

4. No regulations exist in respect of the distribution of information from a personnel file established and maintained by a school board.

5. See answer to No. 1.

84. *Mr. Reid* (Scarborough East)—Enquiry of the Ministry of Education—In light of the announcement of the resignation of Mrs. Fiona Nelson from her teaching position with the Board of Education for the City of Toronto, what guarantee, if any, under the laws of the Province of Ontario does Mrs. Nelson have that the personal dossier kept on her by the Board of Education does not contain statements of a libelous nature?

Answer by the Minister of Education—No person in Ontario has any guarantee against the commission of a libel by any other person, and the appropriate remedy for a person asserting a libel lies in a common law action for damages and other relief, as governed by The Judicature Act and The Libel and Slander Act.

85. *Mr. Smith* (Nipissing)—Enquiry of the Ministry of Energy and Resources Management—Will the Minister of Energy and Resources Management arrange a screening of the new OWRC film "Teamwork" for members of the Legislature, prior to the consideration of the OWRC estimates?

Answer by the Minister of Energy and Resources Management—Yes. I will be pleased to arrange a screening of the OWRC's new film "Teamwork" for the members of the Legislature, at their pleasure, as soon as production of the film has been finalized.

86. *Mr. Martel*—Enquiry of the Ministry of Energy and Resources Management—As both the City of Sudbury and the Sudbury and District Pollution Control Committee have requested that Lake Wahnapitae be defined as a source of public water supply, as it is outlined under Section 28 of the OWRC Act, can the Minister indicate when this request will be complied with?

Answer by the Minister of Energy and Resources Management—The Ontario Water Resources Commission has authority to define a water area that includes a source of public water supply under section 28, subsection 1 of the OWRC Act.

Following the city of Sudbury's decision to develop a water supply system using water from the Wahnapitae River, the Ontario Water Resources Commission received on September 23, 1968, a resolution from Council (No. 68-497) passed on September 17, 1968, which requested that the Ontario Water Resources Commission define the Wahnapitae River as a source of public water supply. Subsequently, correspondence was forwarded to the deputy city clerk on October 17, 1968, which confirmed receipt of the resolution and outlined the procedures to be followed prior to the Commission giving consideration to the request from the city. The procedures in this case as outlined in section 28, subsection 1, required that the municipality prepare a survey of the area it wished to be defined so that the appropriate public notices could be posted. Following the necessary publications and consideration of any objections resulting from the same, the Commission would assess the application.

92. *Mr. Pitman*—Enquiry of the Ministry of Education—1. How many colleges of applied arts and technology have computers? 2. At what total cost have these computers been purchased? 3. What is the average "load-time" of computers found in colleges of applied arts and technology? 4. What is the justification for this emphasis on computers in CAAT?

Answer by the Minister of Education—

1. Fifteen colleges of applied arts and technology have on-campus computing facilities.

2. With the exception of a limited amount of ancillary equipment, colleges of applied arts and technology have not purchased any computer equipment.

3. An "average" college of applied arts and technology uses its computing facilities 60 meter-hours per week and 85 clock-hours per week. From 80 per cent to 85 per cent of this total time is devoted directly to the instructional programmes of the college. The remaining time is used for college administration procedures. Since instructional use of the computer accounts for the majority of the computer time, actual work load will vary somewhat from term to term.

4. It is inherent in the educational philosophy established for colleges of applied arts and technology that students should not be "trained for yesterday's jobs." Hence it is essential that all technical and business students—not only those training as computer operators and programmers—graduate from colleges of applied arts and technology with a working knowledge of the computer as it relates to their particular area of specialization.

93. *Mr. Brown*—Enquiry of the Ministry of Health—1. How many males, and how many females under the age of 18 are there in Ontario Hospitals, psychiatric wards of general hospital and Ontario Hospital schools, in the following age categories: (a) age 10 and under; (b) 10-12 years; (c) 12-14 years; (d) 14-16 years; and (e) 16-18 years? 2. What were the numbers of males, and the numbers of females in such hospitals and wards, (a) at the beginning of 1968; (b) the end of 1968; and (c) at the end of May, 1969?

Answer by the Minister of Health—

Number of patients on books January 1, 1968 by age group

	Male			Female		
	9 and under	10-14	15-19	9 and under	10-14	15-19
Psychiatric hospitals	53	99	286	16	42	183
Facilities for the retarded	606	887	1053	355	636	743

(i) Statistical data is not available for the breakdown of age groups as requested.

(ii) Statistics on the numbers of patients in general hospitals by age groups are not available.

(iii) Figures for number of patients on books as of January 1, 1969, are not yet available.

No. 167

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, September 30, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, September 30, 1969

Department of Financial and Commercial Affairs Act, 1966, bill to amend, Mr. Rowntree, second reading 6443

Used Car Dealers' Act, 1968-1969, bill intituled, Mr. Rowntree, second reading 6447

Mortgage Brokers Act, 1968-1969, bill intituled, Mr. Rowntree, second reading 6451

Consumer Protection Act, 1966, bill to amend, Mr. Rowntree, second reading 6452

Upholstered and Stuffed Articles Act, 1968, bill to amend, Mr. Rowntree, second reading 6452

Collection Agencies Act, bill to amend, Mr. Rowntree, second reading 6452

Real Estate and Business Brokers Act, bill to amend, Mr. Rowntree, second reading 6452

Credit Unions Act, bill to amend, Mr. Rowntree, second reading 6453

Estimates, Department of Financial and Commercial Affairs, Mr. Rowntree, continued 6453

Motion to adjourn, Mr. A. F. Lawrence, agreed to 6473

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, SEPTEMBER 30, 1969

The House resumed at 8.00 o'clock, p.m.

THE DEPARTMENT OF FINANCIAL AND COMMERCIAL AFFAIRS ACT, 1966

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs) moves second reading of Bill 170, An Act to amend The Department of Financial and Commercial Affairs Act, 1966.

Mr. Speaker: The hon. member for York Centre.

Mr. D. M. Deacon (York Centre): Mr. Speaker, I think the principles the Minister is endeavouring to introduce in this bill are good—to have a tribunal that will be a basis whereby those who are going to have their licences rescinded or who are objecting to not being able to get a licence will have an opportunity to have their cases heard by other than a person who is, in effect, directly in line or above the man who has made a decision against the individual or the party seeking a licence. But in the way this bill is made up, that objective of the Minister would unfortunately be completely frustrated.

In his opening statement about this bill, I think the Minister referred to the fact that three of the members of the tribunal might be public servants and the others might be representative of the industry concerned. What I feel is very important. If the objective the Minister seeks to obtain is to be actually, in fact, assured, it must be specifically prohibited to have any public servants appointed to the tribunal. The Lieutenant-Governor-in-Council's appointment might be from within the industry, but in any event they shall not be in any way public servants.

It would enable the tribunal to call in people from the department and other experts or witnesses for outside advice to give the tribunal information, but it would assure that those who are feeling aggrieved about a decision of the department shall have an objective hearing. It is very important that there be no one sitting on that tribunal who could be embarrassing a fellow public servant. It is natural that there be embarrassment in this way. I feel it is important that we have an amendment to this bill which would specifically prohibit public servants from being members of the tribunal.

The matter of revocation of a licence is even more important than the granting of a licence, because when a person is having his licence removed he is losing an investment in time, an investment in income, an investment in good will. All that could be wiped out overnight by a decision that in effect could be made by public servants who are concerned that they are protecting the good name of their fellow public servants. Despite every intention to be fair, they canot help but be somewhat prejudiced. I would hope that the minister would put this bill before the legal bills committee for further consideration before it comes back to this House, so that any other thoughts that industry might have with regard to the formation of this tribunal will be considered.

Mr. Speaker: The hon. member for Riverdale.

Mr. J. A. Renwick (Riverdale): Mr. Speaker, on second reading of this Bill 170, I propose to include any comments that I might have on the companion bills, which appear to me to be all of a piece with the proposal the Minister is bringing forward to establish an appeal tribunal where licences are granted.

I do think, however, that whatever merit there may be in adopting in this way the proposals of the McRuer commission report on providing an appeal from licencing, the Minister has brought in, first of all, a bill which is extremely unclear and nebulous in its terminology. Secondly, in the method which he has used to provide for this registration appeal tribunal in each of the varying bodies under his jurisdiction which grant licences, he has produced a very cumbersome set of bills.

I would like to hear from the Minister why he and his government feel that they should proceed in this piece-meal, cumbersome, nebulous fashion to implement what appears to be a very clear recommendation of the McRuer commission and which has been adopted in the draft Bill 130, which

the Attorney General (Mr. Wishart) has introduced into the assembly. The Minister of Financial and Commercial Affairs is engaged in this piecemeal implementation of a bill which the Attorney General is introducing as an omnibus bill to provide for appeals from the exercise of statutory powers, so that everybody in the province will know that there is a single bill, not a multitude of bills, governing these appeals and the type of hearing that a person is entitled to if an application for a licence has been refused, or if an application for a renewal of a licence has been refused, or if for any reason a licence is suspended.

I think it calls for comment by the government as to why we are going to go through this debate this evening and then at some point the government is going to bring in and proceed with Bill 130. It would seem to me to be much better if we dealt with the principle of the requirement of an appeal tribunal where a licensing power has been exercised in such a way that an individual feels aggrieved by it throughout the whole of the government operation, and not in these multitudinous bills which the Minister has presented tonight.

The other comment that I would like to make is that to the extent that the government proceeds with this departmental licensing procedure, then it has opted for that procedure, rather than to provide a method by which these various individuals engaged in a market activity in a particular area could themselves become part of a self-governing framework. I happen to believe that it is wise in many cases to grant powers of self regulation to those engaged in the same business, just the way that it has been done in the past in the case of the traditional professions, but particularly in other bodies such as the broker dealers association.

While it may not be appropriate in all of the cases, the time may well have come when, for example, the real estate and business brokers in the province could have a self-governing body which would provide for their own regulatory procedures and would provide for their own licensing procedures, subject to adequate safeguards by way of appeal to another body, and whereby they would relieve the government of the cost of supervising and carrying out this licensing and regulatory function which follows on from the licensing.

I think it is quite appropriate, regardless even of all the difficulties that there have been in the used car markets in the province, that the time may very well have come when the used car dealers themselves might be well able to provide their own self-government. They have their own association, but everybody doesn't necessarily have to belong to it, and it is for the purpose of promoting their own interest and not necessarily looking out for, or toward, the public interest. I think it would well behoove the government to give consideration to moving as quickly as it could to the self-regulation of various fields of activity such as those covered by the mortgage brokers, the real estate and business brokers, and the used car dealers, and indeed perhaps even the collection agencies.

I think that the standards of those groups of persons engaged in those various areas of activity, which one could call a profession or a calling, could lead to a higher standard of performance in the public interest if properly set up in that way. Then, of course, there could be appeals where necessary outside that body for any person who is a member of that body who felt aggrieved by any of the decisions of procedures of the self-governing body. I am concerned that this Minister's department has so many of these bodies which are granting licences and feels it incumbent to have a series of individual Acts relating to each one of them, in each of which is repeated in almost identical language the same procedures by way of hearing an appeal as are proposed in the one government bill, as I understand it, proposed by the Attorney General.

I would also ask, Mr. Speaker, that the Minister indicate that these bills be referred to the legal bills committee so that they could, in that body, be dealt with adequately, clause by clause, before returning to this assembly for clause by clause hearing.

In substance, Mr. Speaker, those are the remarks. We are certainly not going to oppose the bill, or indeed the other bills, but I just cannot understand why the Attorney General can't get on with Bill 130 instead of leaving it around on the order paper for some kind of nebulous discussion which will take place across the province, while his fellow Ministers bring in a series of bills incorporating a goodly number of those provisions, so that we have to deal with it also in a piecemeal fashion, instead of having the government take hold of this very important problem and provide an overall method by which persons who feel aggrieved by the exercise of statutory powers can have a right of appeal.

If I have misinterpreted what the Attorney General is proposing in Bill 130, I am sure

he will say so, but the piecemeal activity simply multiplies the number of times we are going to have to stand up and deal with all these bills. We could deal with it once and we could deal with it in the legal bills committee.

Hon. A. A. Wishart (Minister of Justice): I wonder if the hon. member would permit me to say so now. Perhaps I could clarify a little bit my intention in Bill 130, since it does provide, as the hon. member said—he interprets it quite correctly—the procedures which govern all matters before boards, agencies of government, Ministers' discretions in refusing, granting, etc. Since there are so many approaches, so many different subjects dealt with and dealt with in so many different ways—some of major importance, some of not such great importance—we felt it wise, and I still think it is wise, that the bill, when it was introduced earlier this year, should have some time to be studied by not only the people concerned—and it does concern all people—but by the agencies, the commissions, the boards concerned, so that we might have the benefit of their comment, the benefit of their criticism if it would be criticism, when we came to debate it. We would, as I say, be dealing with an omnibus situation with various subjects covered by all these various and varied agencies, and we felt it wise to take that length of time.

I am not going to trespass on the field of my colleague whose bill we are discussing tonight, but I think it was our thought generally that while it might be necessary to proceed with certain procedures to protect the public interest in specific matters in the meantime, when we came to deal with the omnibus bill, and if it were passed, then perhaps some amendments would be necessary. The statutes now on the creation of every board—the workmen's compensation board, the liquor licensing board, the liquor control board, the Ontario Municipal Board, the Ontario Transport Board and so many others—and the statutes which give Ministers power, all will necessarily be amended, because we will be providing procedures which will deal with all these situations. So we must contemplate amendments, in any event, when we come to deal with Bill 130 and pass it, so that we really are not creating any more work for ourselves. We certainly shall have to look at all these various statutes—and there are many of them and there are many boards and agencies and commissions—all of the measures which relate to them. They are all so various and varied, that we shall have the business of looking to the proper amendments to bring them then in line with Bill 130 when it receives the approval of this House.

Perhaps those remarks may be of some help. I think we should realize that it will be necessary, in order to protect certain situations and to control certain matters such as my colleague has to deal with, that he not be left with a poor procedure or a poor arrangement now, and that he might be permitted to improve it by amendment pending the enactment of Bill 130.

Mr. J. A. Renwick: Mr. Speaker, I appreciate the intervention of the Attorney General to explain the reasons for it. I personally do not see that it is all that much of a problem.

Everybody will agree that there are a multiplicity of Crown agencies and bodies—

Hon. A. F. Lawrence (Minister of Mines): On a point of order, Mr. Speaker, I think we are on second reading and I think the hon. member has spoken.

Mr. Speaker: If I recollect, the hon. the Attorney General interjected to attempt to clarify the position made by the hon. member for Riverdale. The hon. member for Riverdale was still speaking and I think he has the floor.

Mr. J. A. Renwick: Thank you, Mr. Speaker.

Everyone will agree that there are a multiplicity of Crown agencies and bodies, but procedures on appeals from the exercise of statutory powers are going to be uniform. That uniformity is abundantly set out in broad specifics in the McRuer report, and the translation of those broad specifics into the specifics required in Bill 130 is not something which should either take a long time or should be now confused by having another Minister introduce seven bills covering the same areas.

Now, dealing specifically with the bill, Mr. Speaker, Bill 170—and I am including in my comments Bills 171, 176, 180, 181, 185, 193 and 199—I stated that they were cumbersome.

Hon. Mr. Rowntree: I do not think Bill 199 should be included.

Mr. J. A. Renwick: Oh, all except Bill 199. I have said that it is cumbersome because of the repetition in each of these bills of the procedures to be followed, and I said that the original Bill 170 establishing it is nebulous. I would like the Minister in some way or other to indicate to us what the meaning of this particular provision for establishing the board is when it states that the Lieutenant-Governor-in-Council may appoint a panel composed of persons engaged in each of such

industries which shall be members of the tribunal.

You have already established a tribunal of six members and presumably there is now going to be added to it panels of members representing any one of these six or seven special forms of activity. If a panel means three, you have 18 members being appointed in addition to the six, which I assume then is a tribunal of about 24 members. And if that is the case, that again points up the cumbersome way in which this particular Minister has chosen to deal with the problem.

There are other specific items but if the Minister would give the assurance that it would go to the legal bills committee, then I can save those comments to such time as we appear before that committee.

Mr. Speaker: Does any other member wish to enter the debate before the Minister replies? The hon. Minister.

Hon. Mr. Rowntree: Mr. Speaker, first may I say that all of these bills will be referred to the legal bills committee. May I say that this Bill 170, which relates to the amendment of The Department of Financial and Commercial Affairs Act, is the approach enabling the establishment of the tribunal.

Now, some reference has been made to the other bills, and the fact of the matter is that these are the industries with which we are concerned; namely, used car dealers, mortgage brokers—The Consumer Protection Act itself—those engaged in the upholstery and stuffed articles business, collection agencies and real estate and business brokers' operations or callings. We think it is desirable from their point of view to have within their own individual acts all of the matters pertaining to the operation of their industry.

There is little connection between upholstery and stuffed articles people, real estate brokers and used car people, but in any event these respective industries have their own present piece of legislation and it was determined after some considerable consideration that by including the tribunal proceedings in each Act, this would be the fairest way of making this information available to those engaged in the respective industry covered by the legislation.

Now, I might say that the procedures set out for the tribunal are basically the same as those in the Attorney General's Bill 130. There is a large business being done, if I could use that phrase, with respect to these industries, and in order to get the benefits and see that the benefits or recommendations as they occur are made available at the earliest possible time, we are going ahead, and did so last spring with the introduction of this new procedure.

Some question of self-governing bodies has been raised and that point has a good deal of merit. Where a trade or calling or industry can regulate or discipline itself, I think it a very desirable thing. But the truth of the matter is that I do not think we have reached the stage yet where we can say that a sufficient number of all of those engaged in the respective trades, callings or industries involved will belong to any association which exists to make it the fully effective and meaningful organization and operating body that we all would want to see.

It may well be in the near future that in one or other or all of the six groupings, the suggestion made by the hon. member for Riverdale would come to pass and be a desirable thing, and I would be one of the first to recognize the merit as it lies in the suggestion. And I might say that discussions along these lines have been held with some of the industries concerned.

The hon. member who spoke first for the official Opposition refers to the question of representatives. This the hon. member from Riverdale also referred to, the constitution and makeup of the tribunal, and I would like to correct what appears to be a misunderstanding of the intentions of the proposals of section 2. The representatives will not necessarily, the three of them, be public servants, but from my own point of view I must say that I have no reason to distrust public servants.

Mr. E. Sargent (Grey-Bruce): They should not all be lawyers then.

Hon. Mr. Rowntree: That would be a good safeguard. I will make sure they are not all lawyers. But I would have no distrust of public servants. To the contrary, I have a lot of trust and confidence in them.

Mr. E. W. Sopha (Sudbury): Who, lawyers?

Hon. Mr. Rowntree: Public servants!

Mr. Sopha: Not lawyers! You see, the hon. member's father was bitten by one.

Hon. Mr. Rowntree: By a lawyer? Well, that explains a lot of things.

Well now, the situation is presently under review and there are certain bodies representing the public interest who are quite capable of supplying and being the source of nominees to the board itself. Now if the member

for Riverdale really wants me to answer the point, if he would give up the reading of the newspaper and apply himself to the questions with which he has wasted the time of the House, I will try to answer him.

Mr. MacDonald: I thought the Minister said it was an important question.

Hon. Mr. Rowntree: Well it was important to him.

However, the hon. member and he are both smiling tonight and I think that is a good thing, I welcome that on that side of the House I might say.

Mr. Sopha: They are smiling at each other.

Hon. Mr. Rowntree: Well when they are looking at each other are they smiling at each other, or something else; I do not know?

Mr. J. A. Renwick: Who is wasting the time of the House now?

Hon. Mr. Rowntree: The question of the panels has to do with this situation. Suppose a situation is coming before the tribunal involving a real estate salesman or broker. As a matter of principle it is absolutely essential that one, at least one person, sitting on the board or tribunal be from that industry; and similarly from the others, used car dealers and upholsterers or whoever they may be.

Our experience has been this, that we will consult these industries and have them nominate and we will, together, work out some suitable representatives who will be appointed to the board and they will be eligible to sit. The point about needing three or four is that in the course of the business and the commercial lives of these people they are not all available to sit maybe on the day required, and we need to be able to seek out one or more from an available group of three or four or five people who have been selected to be on that panel and who are available to attend the hearing at that time.

There would be a basic panel of six and that would be added to, by one or two say, from the real estate industry or the industry dealing with the matter that is coming before the tribunal. I think that the person involved, that is licensed for instance, is entitled to have his peers or someone from his own industry there to describe to the board and interpret the practices and procedures that are acceptable, or whatever the case may be. That is the reason all 18 of them will not be sitting at any one time. They would be available to meet the needs of the various cases as they come about.

Now the—

Mr. Sargent: What would be a reasonable fee?

Hon. Mr. Rowntree: A reasonable fee?

Well it should be a daily fee for those sitting in such a fashion and it will be commensurate to the fees paid to those sitting on other boards and commissions on a daily basis. I am informed that already the matter has been moved, that the Treasury Board's recommendation would be $60 per day for attendance as a member of the tribunal.

Now I think I should repeat, because there is some importance attached to this legislation, that under the present legislation the registrars of the various Acts have a dual responsibility; the authority for licence issuing and investigation, and second, the authority to refuse to suspend or revoke a licence. Where appeals from the decision of the registrar are to another official, the director responsible for the registrar's operation, it is this situation that is directly opposed to the recommendations of former Chief Justice McRuer and which also creates administrative problems which led us to the desire on our part to get on with this legislation and to correct as quickly as possible what is obviously an untenable and unacceptable situation for those who must appear with respect to an appeal or a review of a certain subject.

Now under the new legislation the authority for suspension or revocation of a licence is removed from the registrar and transferred to the tribunal. The authority to refuse registration remains with the registrar, but with direct right of appeal to the tribunal. Appeals from the tribunal are to the court of appeal.

I do not think I can add anything more than that, except to say that it is the kind of legislation that should be discussed in detail, clause by clause. All of this legislation will go to the legal bills committee and I ask hon. members' support of this bill.

Motion agreed to; second reading of the bill.

THE USED CAR DEALERS' ACT, 1968-69

Hon. Mr. Rowntree moves second reading of Bill 180, The Used Car Dealers' Act, 1968-69.

Mr. Speaker: The hon. member for York Centre.

Hon. Mr. Rowntree: May I say just at the outset that The Used Car Dealers' Act which

is now before us, and the next bill, The Mortgage Brokers' Act, Bill 181, and Bill 185 and Bill 193 with respect to upholstered and stuffed articles; those four bills simply provide for the mechanism of getting the appeal to the tribunal, pursuant to the authorization which will be in the statute.

I want to make it clear to the House that I have not mentioned The Collection Agencies' Bill 171, and the Real Estate and Brokers' Act, Bill 176, on which I have some other remarks to make, because both of those bills, in addition to the enabling procedure, contain substantive changes in the legislation as well.

Mr. Deacon: Mr. Speaker, with regard to Bill 180, I heard two types of comments of concern.

First of all the fact that financial statements may be required at any time of used car dealers has aroused some resentment. But to my mind this is a sensible provision to have for any body dealing with the public, to assure the public that it will not lose money, or give some assurance that some checks are being made that the people with whom they are dealing are financially responsible.

Perhaps, as has been suggested before, the industry itself will find a means of checking the financial situation of its own members in a way that can satisfy the department that they themselves are providing for the department's present provision in this bill for checking the financial statements any time they wish.

Another provision that comes into these bills has been raised that I think is quite a good point. That is the reference to the time and the place of hearing being decided upon. The fact that the department does have offices around the province from which their representatives go out and do the checking might make it feasible, and would make it much more acceptable for the people concerned in these hearings if the actual hearings themselves were held at the nearest office, or at the office where supervision of this particular area was being carried out. This would make the places of hearing accessible both to the applicant whose licence is being considered and to the public.

I would appreciate hearing the Minister's views as to how this item of place of hearing could be covered so that the matter of convenience to those concerned is looked after. Certainly it is very difficult for those in various parts of this province to come conveniently to this city, and I would hope that we would make provision and the principle would be spelled out in some way that the town in which the office of the department controlling the operation is located will be the one at which the hearings will be held.

I also feel it is important that these hearings be open to the public if the persons affected state that they are quite willing to have disclosure of intimate financial and personal circumstances. After all, they are the ones that are going to be adversely affected or otherwise, and if they say they prefer to have the public hear the gory details, then surely they should have the right to have an open public hearing and it not be the discretion of the tribunal to have it held in camera. Those are the main points that I have in this.

Mr. Speaker: Does any other member wish to debate on this bill?

Mr. E. A. Winkler (Grey South): Mr. Speaker, I believe, if I heard the Minister correctly that he said, or suggested, there would be some amendments in the bill itself.

The reason I rise at this time is to suggest to him that the present requirement of the bond—and he may actually have commented on this—should be sufficient in itself to protect the public for the purposes of the bill without, in my opinion, requiring a financial statement from the operators as well—one or the other, but I would suggest that both are not necessary.

It would be a costly matter as far as the government is concerned and as far as the public is concerned, and I believe that the dealers themselves have instituted a programme whereby, if necessary, an increase in the price of the bond to cover any additional requirement that may exist in the fulfillment of the thinking of the bill, would be a more satisfactory and a safer way from the public interest point of view than to institute a group of people who would have the right to pry into the business affairs of these business people.

Mr. Speaker: I was just going to say that it seems to me that the hon. members are going into considerable detail which might better be discussed in committee. We are now dealing with the principle of these particular bills and the detail that has been discussed tonight seems to me to be a little farther than the principle of the bill itself.

The hon. member for Dovercourt.

Mr. D. M. De Monte (Dovercourt): Mr. Speaker, I am not going into specific detail

but I would like to know why the hon. Minister is presenting a bill to us where most of the hearings are held in camera, or hearings that are supposed to be, in the opinion of the tribunal, in the public interest to be held in camera. I want to know what type of public interest is protected by an in-camera hearing. That is a question I would like to ask of the Minister, Mr. Speaker.

Hon. Mr. Rowntree: This is not a question and answer debate and I do not want to be technical about it, but I will deal with it when I reply.

Mr. De Monte: Thank you.

Mr. Speaker: The hon. member for Downsview.

Mr. V. M. Singer (Downsview) Mr. Speaker, I was interested in the remarks made by the member for Grey South.

I had representations made to me along the same line just today at noon when I was in my office and I suspect from talking to some of my colleagues that a number of people have been making a similar type of representation—why should a used car dealer have to reveal his books to government inspectors?

I thought about that and I argued with this gentleman somewhat along this line, Mr. Speaker. I said in our profession, in the legal profession, in view of the fact that it appeared certain lawyers on occasion were moving off with other people's funds, the law society determined with the consent of the members that from time to time there should be periodic examinations and spot audits of our books, and I do not think anybody objects particularly to that. Perhaps some of the lawyers may not enjoy it, but I do not know that anyone is objecting particularly and I think it has produced a useful effect insofar as the handling by lawyers of funds is concerned.

Certainly in the securities commission the same sort of thing is established. Brokerage houses have a responsibility in handling other people's funds and keeping their books properly and the Securities Commission can go in and examine their books and I do not think anyone feels there is any great invasion of their rights to privacy or the right to conduct their affairs in the manner that they choose best.

It would seem to me, Mr. Speaker, that the reason we have a Used Car Dealers Act is that there are many members of the public who have been unhappy about the way used car dealers have been dealing with them. With the result that there have been many debates in this House that I have listened to over the years, many columns in the newspapers that we have all read over the years, saying, "Why does not the government do something?" Well, I think one effective way of control when the occasion demands it is the necessary inspection of the manner of carrying out business, including an examination of the books.

I recognize, Mr. Speaker, and it bothers me to some extent, that because of the complicated way that we are living and the greater and greater role that government must play in our affairs, the government must of necessity interfere with an individual's manner of carrying on his business. But I do not think we can have it both ways. I think if we expect in fairness the government to do some sort of a job about controlling and making reasonable the business of used car dealers and protecting the public then there has to be sufficient powers given to government. Otherwise, we are going to come back at the first complaint that we have and berate the Minister about why he did not do something, and the Minister is going to say: "I do not have the power in the Act". And somebody will say: "Well, why didn't you take the power in the Act?"

Well I thought, Mr. Speaker, since this was sufficiently fresh in my mind, that these remarks were well worth putting on the record, particularly in view of the remarks of the hon. member for Grey South. There are two sides to this question, but I think if we are going to be in this business of controlling various enterprises for the protection of the public we have to be prepared to give to civil servants charged with that responsibility—with proper controls—the right to get enough information so they can do their job properly.

Mr. Winkler: Mr. Speaker, I do not wish to take issue with the hon. member for Downsview, but I simply—

Mr. Speaker: I must point out to the hon. member that while we are debating a bill on second reading each member is allowed to speak once only.

Interjections by hon. members.

Hon. Mr. Rowntree: Mr. Speaker, if I might deal briefly with some of the points which have been raised.

Mr. Sargent: Before he does, will the Minister accept a question?

Hon. Mr. Rowntree: Yes.

Mr. Sargent: The unfairness of this Act, The Used Car Dealers Act, in the minds of many dealers, is the mechanics of the thing they call "fit for the road certificate". There is nothing wrong with this fit for the road certificate; it is valid for 30 days, but a lot of people construe this to be a warranty. It is valid for only one day because a dealer may have a car sit in a lot for 30 days before it is sold and then the misrepresentation goes out that this is still under warranty.

Mr. L. M. Reilly (Eglinton): That does not come under this.

Mr. Sargent: Does it not come under this?

Hon. Mr. Rowntree: Unfortunately, the very subject, while a matter of very real importance, is controlled by The Department of Transport and deals with, and is related to, the issuing of licences for vehicles, at which time the certificate of fitness must be produced.

Mr. Sargent: It still does not answer the flim-flam that is going on, because the people have really no protection; nor has the dealer under this clause.

Hon. Mr. Rowntree: Well if it is not working, we will have to do something about it.

An hon. member: Put a new battery in or something!

Hon. Mr. Rowntree: If I may proceed, Mr. Speaker.

I recognize the point that the hon. member makes and this is something that the Minister of Transport (Mr. Haskett) and I will discuss, because there is an overlapping in this field between the two departments.

Now with respect to the hearing, may I refer the hon. members, who all have the bills before them, to The Used Car Dealers Act, Bill 180. If they will please turn up page 5, section 13, they will find the following section is there:

> All hearings shall be open to the public—

We were being questioned about this a moment ago.

> —except where the tribunal finds that a public security may be involved or the intimate financial personal circumstances of any person may be disclosed.

Now those appear to me to be two reasonable safeguards, but the basic principle is that the hearings are to be held in public. And with that, I agree.

About the place of hearings, as far as Toronto being the central focal point of all hearings, I think we might just as well understand as far as our department is concerned—and I think the bulk of the departments, I know of none which have taken opposite views to me in this matter—that we can all get rid of that mistaken idea. It is just ridiculous to expect a man from the Lakehead to come 1,000 miles to appear before a licensing tribunal at Queen's Park—

Mr. T. P. Reid (Rainy River): The Minister should do the same as the liquor licence board.

Hon. Mr. Rowntree: As far as I am concerned, these hearings should be held at a place where the balance of convenience dictates—I cannot hear what the hon. member for Riverdale is saying.

The balance of convenience is the test, depending on the case. I could imagine if there were a lot of witnesses involved that maybe it might not be in the home town of the person. But a far more meaningful hearing can be held in the town or locale where the offence arose or where the problem exists. If it is held in Toronto the people of Haileybury would never hear anything about the evidence or what was said.

In support of this, I would like to tell the House that the Ontario Securities Commission does hold hearings and has held hearings outside of Toronto and the very point that I have just made took place. The man who was accused of improper trading and who was to appear before the commission in his home town where a local radio station and newspaper would have given appropriate coverage, disappeared completely. He was only a transient, in effect, in that town anyway, and he never showed up to appear before his fellow citizens at the time. Of course, he is no longer in this business.

When I use the word "meaningful", I have in mind meaningful in the truest sense of the word that the best hearing possible can always, I think, be held in our case, so far as consumer protection is concerned, in the locale where the situation exists. As far as I am concerned, it will be.

With respect to bonding—

Mr. Sargent: There is nothing in the legislation that says that.

Hon. Mr. Rowntree: Well, this is the practice that is underway and will be so far as this tribunal is concerned.

With respect to bonding: The member for High Park and I have had some discussion

about bonds and unfortunate instances. There was the case of a man in a used car lot whose vehicle was sold and the judge, when he tried the case, made a finding. I have forgotten the name of the case—but the witness came from overseas—

Mr. M. Shulman (High Park): And never got a penny.

Hon. Mr. Rowntree: Well the money was paid; it was settled and paid this summer. The money was paid to him this summer. But that does not cure the principle that was involved.

Mr. Shulman: It shows the effectiveness of the member.

Hon. Mr. Rowntree: Well I know, I am trying to be honest, to be frank with the House. The bonding situation required a finding of fraud before the bond was affected; and I might as well tell the House that that kind of a bond just is not worth anything, because certain courts or the lawyers or counsel acting on the other side would go out of their way to ask the court to make a specific finding that no fraud existed.

So, the whole purpose of this bonding situation became thwarted. I take some of these things home to bed and worry about them a little bit—whether hon. members believe it or not.

We have conducted a total review of the whole bonding situation and there will not be any more bonds issued in this field that have the condition, that the finding of fraud has to be included. That is number one.

Number two, new regulations are being drafted at the moment, and I hope that they will be in effect soon—if you in this House approve the legislation—with respect to the used car field. I think a real simplification can be made with respect to bonding by simply holding the dealer responsible for those whom he employs. In other words, cut through all the red tape of bonds for salesmen: Have you got a bond and when does it run out and let me have a look at it and all this sort of thing.

That is a factor in being in business as far as the dealer is concerned, and his bond will be such that—

Mr. Sargent: Blanket.

Hon. Mr. Rowntree: It is a blanket bond on his operation. The cost factor might even be improved if you look at it in its totality. But certainly the effectiveness of the bond system was for the birds, and I do not mind saying that in the House.

Now I do not think I can add anything more that would assist this situation at this point. But I did feel that some of these observations about bonding and the place of hearings are the things that affect the people and really affect the principle of what is behind the bill. That is why I have spoken this way.

Mr. Sargent: Mr. Speaker, will the Minister enlighten the House, if, as and when this is going to be made law: These two things, bonding and locale. Are they going to be part of legislation or are they just—

Hon. Mr. Rowntree: As the tribunal becomes established and as soon as it gets Royal Assent and is established, one of the policy directions which I will give it will be that the balance of convenience is going to be served so as not to put people through a lot of expenses over a minor or intermediate matter when they cannot afford to travel and pay a hotel bill in Toronto.

Mr. Sargent: This end of bonding will be part of legislation?

Hon. Mr. Rowntree: The bonding? No, it comes under the regulation.

Mr. Sargent: Thank you.

Motion agreed to; second reading of the bill.

THE MORTGAGE BROKERS ACT, 1968-69

Hon. Mr. Rowntree moves second reading of Bill 181, The Mortgage Brokers Act, 1968-69.

Mr. Speaker: Is it the pleasure—

Mr. Sargent: No, just a moment. I have not had a chance to digest the bill. What is—

Hon. Mr. Rowntree: A part of this bill is a correction, for instance, of the definition of the word "prescribed" in the definition section. There is a definition of the word "regulations", which means regulations made under the Act. Apart from minor matters like that, this bill provides for the implementations of the tribunal.

Mr. Speaker: Is it the pleasure of the House the motion carry?

Motion agreed to; second reading of the bill.

THE CONSUMER PROTECTION ACT, 1966

Hon. Mr. Rowntree moves second reading of Bill 185, An Act to amend The Consumer Protection Act, 1966.

Motion agreed to; second reading of the bill.

THE UPHOLSTERED AND STUFFED ARTICLES ACT, 1968

Hon. Mr. Rowntree moves second reading of Bill 193, An Act to amend The Upholstered and Stuffed Articles Act, 1968.

Motion agreed to; second reading of the bill.

THE COLLECTION AGENCIES ACT

Hon. Mr. Rowntree moves second reading of Bill 171, An Act to amend The Collection Agencies Act.

Hon. Mr. Rowntree: I think in fairness to the members I would like to make a statement about this bill. It goes beyond the tribunal matter, and in view of the number of changes which are necessary in this Act it was decided to introduce a revised Act.

The purpose of this revised Act is to:

(a) Provide the necessary authority to implement the recommendations of the McRuer Report and deals with the tribunal as I have referred in the other pieces of legislation.

(b) The definition of collection agency and collector has been broadened to include debt consolidation services and tracers.

(c) It provides that a creditor must collect under his own name or use a registered collection agency. This places, what are called house agencies in the industry, under control.

(d) The licensing system has been changed to conform with other similar Acts,

(e) Bonding requirements are removed from the Act and placed in the regulations to permit necessary amendments and for uniformity with the other Acts.

(f) Previously, all forms used were required to be forwarded to the registrar. This has been amended to permit the registrar to require such forms to be provided to him. The registrar may now adjust such forms as he considers harsh, false, misleading or deceptive.

(g) There are numerous housekeeping items required since no material changes have been made in this Act for many years.

This bill is a tightening up with respect to this area of operation. This bill goes to the committee as well and I ask the House for second reading.

Motion agreed to; second reading of the bill.

THE REAL ESTATE AND BUSINESS BROKERS ACT

Hon. Mr. Rowntree moves second reading of Bill 176, An Act to amend The Real Estate and Business Brokers Act.

Mr. Speaker: Is it the pleasure—

Mr. Sargent: This is a steamroller!

Mr. Speaker: No steamroller!

Hon. Mr. Rowntree: Mr. Speaker, this bill goes to the legal bills committee.

In addition to the appeal tribunal it covers a variety of housekeeping items necessary for updating in uniformity with other Acts administered by the department.

It removes the registration and renewal provisions from the Act to regulations to permit the implementation of an organization study to consolidate in all of our sections of the consumer protection branch—our registration function—and to get them onto a data card and standard form of control system.

Bonding requirements have been removed from the Act to the regulations to enable us to implement changes in the bonding system which again, in my view, have been unsatisfactory in this field as well. Provision is made for full disclosure of a broker or a salesman's interest where the broker, or salesman is appealing on his own account.

The Act previously was silent with respect to shareholders holdings in a real estate company. However, for many years, it has been the policy of the registrar not to permit other than a broker to hold more than 10 per cent of the shares of a real estate company. After considerable discussion with the industry the following formula has been set up and, I may say, that the entire bill has the support of the Ontario Real Estate Boards and Association.

At least 51 per cent of all issued voting shares of a limited company, that is, real estate firms, must be in the hands of an active broker or brokers. (b) 49 per cent may be held by persons other than brokers or salesmen. However, where a person other than a broker or salesman owns an interest in more than one real estate company he may only hold 10 per cent of the shares of each company.

A salesman may only hold 10 per cent of the shares of the company for whom he works. And with respect to foreign land sales, the regulations and rules sections pertaining to the sale in Ontario of land located outside of Canada have been tightened up and strengthened to provide better protection for those in Ontario.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: In relation to this bill I have three questions of the Minister.

First of all, I was called by a broker today who is not a member of the Toronto Real Estate Board and he was very upset that he was not allowed to use the word "realtor" after his name. Perhaps the Minister could inform me. That is something I have no information on. But the two matters which I am primarily interested in are two matters which came up in the Minister's 1968 estimates.

The House will recall there was a matter of part-time brokers allowed in towns up to a certain population, and as the population grew beyond that figure they were automatically put out of business, and you said at the time that you would bring in legislation to correct that abuse, but as far as I have been able to tell, nothing has been done.

Second, members will recall prominent international brokers wishing to split commissions, and because of the way that the law had been set up in Ontario a great deal of capital was not coming from, for example, Switzerland. I went into that in great detail last year and I do not wish to repeat myself, but I wonder has anything been done about either of those two problems?

Hon. Mr. Rowntree: I wonder if we could leave those matters for our estimates, which have yet to come up and are now coming up. Could we deal with those matters then?

Mr. Sargent: In finalization of this section on legal bills, does the Minister think that one tribunal will cover all these areas of different parts of our economy? Can two or three full-time men and the rest part time, handle this whole ball of wax, as it were?

Hon. Mr. Rowntree: Well the whole ball of wax, as the hon. member describes it, is presently being handled by the registrar and his immediate superior, the director, although I must say that dealing with these reviews is taking far too much of their time. But in direct answer to his question, the tribunal will be able to handle the volume of matters which arise and which would normally, as proposed and intended, go before the tribunal.

Mr. Sargent: Finally, Mr. Speaker, may I ask this. Bill 183, by the member from High Park, has to do with consumer affairs. It is a good bill that he has; why does it not get before the House? Bill 183, an Act to amend The Consumer Protection Act?

Hon. Mr. Rowntree: I think the hon. member has been reading the hon. member for High Park's literature.

Mr. Speaker: Order!

I think it would facilitate the business of the House if these questions were brought before the committee and did not take time here.

Motion agreed to; second reading of the bill.

CREDIT UNIONS ACT

Hon. Mr. Rowntree moves second reading of Bill 199, An Act to amend The Credit Unions Act.

Motion agreed to; second reading of the bill.

Clerk of the House: The 34th order, House in committee of supply, Mr. R. J. Boyer in the chair.

ESTIMATES, DEPARTMENT OF FINANCIAL AND COMMERCIAL AFFAIRS

(continued)

On vote 703.

Mr. J. A. Renwick (Riverdale): Mr. Chairman, as we resume the estimates of this Minister on this particular vote, I have two preliminary matters that I hope, without us getting hung up on the rules, I could deal with.

First of all, since we were dealing originally with the estimates of this department, the companies branch, as I understand it, has now been incorporated into this department and I would like to ask whether or not—if I am accurate in that—the Minister expects to require any additional funds over and above the $800,000 that was voted when the estimates of The Department of the Provincial Secretary and Minister of Citizenship were before the House, following upon the transfer to his department of that branch.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): The transfer of the companies branch from the Provincial Secretary to my department took place some time ago; about the middle of June, before the House recessed. At that time it was my recollection that the estimates of the Provincial Secretary, including the companies branch, had been dealt with.

Now we are, as the hon. member will probably know, all located in what I hope will be permanent quarters for some time at the south east corner of Yonge and Wellesley Streets.

Mr. E. Sargent (Grey-Bruce): Until 1971.

Hon. Mr. Rowntree: Are you going to move? Well, good luck to you, but the companies branch is also moved and all four sections of our department are now at 555 Yonge Street.

We are presently preparing, as you would expect, I am sure, to look at financial matters for next year's estimates. That is already underway in our department and the question of the sufficiency of those funds for the current fiscal year is a matter under review. I do not think I can give any indication as to what is happening at the moment, but it is certainly under review now. If funds are required to speed up the process—I would hope that we would be able to improve operation without enlarging our staff, yet on the other hand I would recognize the importance in the commercial field of the companies branch and the supplementary letters patent and the letters patent and so on, that are its prime functions. I really cannot answer the question—

Mr. J. A. Renwick: I assume, Mr. Chairman, from the Minister's remarks, that certainly for this current year he does not anticipate that he is going to ask for supplementary funds because of the incorporation into his department of the companies branch.

Because of this reorganization, Mr. Chairman, the other question that I would like to ask the Minister is whether or not it is his intention to introduce this year the Business Corporations Act into the assembly and move it through the processes of the House to have it enacted as law.

It seems to me that with all the work and effort that went into the background of that revised Business Corporations Act, and with the crying need for certain portions of it to be implemented and for other portions to get into an area of public debate, it is very important that the bill be introduced by the Minister and carried through so it will be enacted.

I do not want to elaborate on all the important areas that were included in that bill, but I certainly want to say that the standard of care which is included in the draft bill as it was originally presented some long time ago is one which awaits legislative sanction before it can become part of the general law of the province. After all these years I think it is imperative that we get on with it, and I would certainly like to think that the Minister was going to proceed now that this reorganization has taken place to introduce that bill during the remainder of this session.

Hon. Mr. Rowntree: On that point: I recognize the importance of this matter and I have spent a large portion of the summer personally informing myself with respect to the many, many details that surround the bill and have to do with it.

This bill will certainly take a long time in committee, there is no question of that. It is a very substantial document. If we were to wind up this present session in the next couple of weeks then I think we would be in a position to try to select a target date to get this bill going. But I think there are some interrelated factors here. I would not want to get hung up on the bill; it is going to take a long session in the committee, which might take us over the end of one session and the commencement of another session.

There are a lot of matters to be taken into account but I think what the hon. member is primarily concerned with is the importance of the nature of the legislation and I must say to him that I recognize those factors and I would think I have spent a large portion of my time in the last two and a half months on this very subject trying to inform myself.

Mr. J. A. Renwick: This is a matter about which I just want to ask the Minister without getting involved in a procedural discussion. I want to be very brief. In view of the lengthy statement that the Minister made this afternoon on the question of Prudential Finance, the one area which naturally remains open and about which I would like to ask the Minister, is whether or not either the ministry or the Ontario Securities Commission requested an opinion as to whether or not there was any liability on the part of the Ontario Securities Commission as a result of any actions of that commission or failure to act or lack of care on its behalf. Because among the documents which were tabled this afternoon was the communication to the law firm of Messrs. Osler, Hoskin and Harcourt setting

out the various opinions which were requested. Copies of them are available, but the one missing question which was not asked, and which of course is the nub of the concern of the creditors of that association and the sole remaining area in which they have any possibility of receiving funds to recompense them for their loss, is whether or not the Ontario Securities Commission is liable in damages for negligence.

I am simply asking the Minister whether the ministry or the Ontario Securities Commission has taken any legal opinion on any possible liability of the Commission.

Hon. Mr. Rowntree: There has been a good deal of talk this week about writs being issued and parties being sued, but to my knowledge I know of no writs that have been issued, and therefore I have no knowledge of the basis of any proposed action on which to seek an opinion. And at this stage of the game we are at the point where friends of the creditors' committee are making various statements about suing different people.

However, you are getting into the securities commission and those estimates are finished and at this stage I do not intend to discuss them in the House.

Mr. J. A. Renwick: Mr. Chairman, I do not want to engage in any debate. I take it that the answer to my question is that the Ontario Securities Commission has not requested or obtained, and the government has not requested or obtained, a legal opinion as to whether or not the securities commission as such, or the government, is liable in negligence in any way for what took place in the collapse of Prudential Finance. And that is a different question from the one the Minister just said he was answering, because you did not wait until somebody sued in the case of asking Osler, Hoskin and Harcourt for an opinion as to whether there were any grounds for causes of action against Metropolitan Trust, against the officers, directors or auditors of Prudential.

Hon. Mr. Rowntree: The hon. member is mis-stating the facts about that request to Osler, Hoskin and Harcourt because that was a gesture towards the creditors to secure an independent opinion as to whether the note holders and others—security holders—had any action against certain parties. But this is not the time for that subject to be debated.

Mr. J. A. Renwick: Mr. Chairman, I do not want to debate, I want to know whether the answer to my question is that no, the government has received no opinions on that question. I take it that the Minister has refused to answer the question.

Mr. Chairman: I think I should point out that we have already completed vote 702. We are now on vote 703. I think the hon. member for Riverdale wished to follow up something in connection with vote 703. I would ask him now to proceed with that, please.

Mr. Sargent: Mr. Chairman, on 703 I would like to find out from the Minister—last spring in the House we found out that we have now spent over $1 million of the taxpayers money trying to untangle the whole fiasco of Atlantic Acceptance, the whole deal there—

Hon. Mr. Rowntree: It has nothing to do with insurance.

Mr. Sargent: Well, British Mortgage was part of the deal.

Hon. Mr. Rowntree: No—

Mr. Sargent: We are using taxpayers' funds to find out where you went wrong, who went wrong, and I am trying to get from the Minister Mr. Chairman, information on the assets that will be resolved or uncovered in the Atlantic Acceptance mess. I want to find out why the taxpayers should be paying the shot to find this out when there are assets there, and who will get the assets.

I mean, why can the taxpayers not get a part of the financial residue after everything settles down?

Mr. Chairman: I must say that I cannot find anything in vote 703 that would indicate that the hon. member's question would apply to this particular section.

Mr. Sargent: There are loan and trust companies involved in this financial mess of the Atlantic Acceptance. Many of them involved.

Mr. Chairman: I do not think that that comes under this particular section.

Mr. Sargent: I do not see why we cannot get out a simple statement of policy on the part of the Minister, of the government, Mr. Chairman.

Mr. Chairman: Oh, I think we will. I think there are other opportunities for obtaining that, but not under this particular section.

Mr. Sargent: Mr. Chairman, we are on the estimates of this department. We are talking about a million dollar bill that comes to the

taxpayers of the province of Ontario, through the laxity of this department—the hon. Minister of Municipal Affairs (Mr. McKeough) was not as cocky in Walkerton as he is in this House, do not worry about it.

Mr. Chairman: Now I would ask the hon. member to return to order and discuss vote 703.

Mr. Sargent: I am talking on this vote, Mr. Chairman. I would like to know why the government cannot see merit in the fact that taxpayers should not foot the bill for finding laxity on the part of the Ontario Securities Commission.

Hon. Mr. Rowntree: Who said there was laxity?

Mr. Sargent: The loan and trust companies are involved here, Mr. Chairman, and I cannot see why the Minister cannot discuss the fact that—

Hon. Mr. Rowntree: We are not discussing the securities side at all.

Mr. Sargent: I am not talking about securities at all.

Hon. Mr. Rowntree: Yes you were.

Mr. Sargent: I am talking about trust and loan companies.

Hon. Mr. Rowntree: You are talking about the Ontario Securities Commission.

Mr. Sargent: All right. I would ask the Minister this, Mr. Chairman, and we will leave that there. Insofar as the trust and loan companies, superintendent of insurance and registrar of loan and trust companies are concerned; how many of this department lost their job or went to jail through laxity of this failure of the Atlantic Acceptance?

Hon. Mr. Rowntree: I know of none in the department of the superintendent of insurance who went to jail.

Mr. Sargent: Of the loan and trust companies, no one through malfeasance of negligence lost their jobs?

Hon. Mr. Rowntree: Not in The Department of Insurance.

Mr. Sargent: I am talking about the registrar of loan and trust companies.

Hon. Mr. Rowntree: All right. No, I know of no one in the registrar of loan and trust companies operation who has gone to jail.

There are charges pending at the moment, criminal charges in connection with certain transactions in which some reference has been made to one deal that Canada Trust was connected with but there was no money lost on any loan or trust company in the area about which the hon. member is talking about.

Mr. Chairman: Vote 703. The member for High Park.

Mr. M. Shulman (High Park): Under vote 703, Mr. Chairman, I would like to pursue a matter that came up earlier in this vote and I am glad that the Minister has been taking his material home with him and working on it.

June 13 I believe was the last date the matter came up, certain insurance companies that went defunct as a result of the Prudential collapse and two specific cases were mentioned. On one of them, a Mr. Smith, the details were supplied to the Minister on that date and he said he would report back to us what action he was going to take, if any. I would like to know what action the Minister has taken.

To refresh the Minister's memory this was the gentleman who had insurance with one of the subsidiaries of Prudential, before Prudential ever took it over and before Prudential went bankrupt. When Prudential went bankrupt the case in its slow way finally came to the court and a judgment was given against Smith for some thousands of dollars, of course the insurance company was not there to pay it. The bonding money which the Ontario government had was not able to be used to pay for it.

I asked the Minister to intervene to see that funds were used to pay that claim. He said he would look into the matter immediately. That is the question I am asking, what has he done?

Hon. Mr. Rowntree: I recall the matter myself. The matters raised in the course of the estimates, before they were adjourned, were all combed through and carefully listed and I asked for complete reports of all these matters, as to the establishment and so on.

Now, Mrs. Caroline Smith of Scarborough, Ontario; the lawsuit against Mrs. Smith was in 1963 and the judgment against her was secured in 1966, of some $8,700. She was insured with Wentworth, has a claim of approximately $7,500 against the company and at the moment it stands that her claim

is still against the trustee of Wentworth Insurance.

Mr. Shulman: The trustee, of course, has no funds, Mr. Chairman. That is why I brought the matter to the Minister and that is why I sent the facts which the Minister has just recited. What I asked the Minister last June—and I guess perhaps my question was not clear enough, I must go back and look at *Hansard* again, I will ask it again now.

What, if anything, does the government intend to do about it? Because this is governmental responsibility, not the trustee's responsibility.

Hon. Mr. Rowntree: At the moment I have taken certain steps in the matter. I am unable to report any success with respect to the matter, but I have not given up my efforts in this connection and shall continue them. I would hope that within the matter of another few days I shall have a final report on the Smith and allied matters.

Mr. Shulman: Thank you very much. In that case, we will leave that for another few days.

There is another matter which seems to have been dragging on for a while, a couple of years as a matter of fact, so I hope perhaps you have had a chance to consider that.

This is the matter of the Allstate Insurance Company. Now I hope the Minister willl recall, Mr. Chairman, not in the last estimates, but the estimates before that, I brought in certain material to the Minister about rather unfortunate practices of that insurance company. In particular, in the relation to a certain Mr. Kaczinsky who, as you recall, had his insurance cancelled after he got ill and the company asked for money back when he was foolish enough to make a claim.

I requested, on numerous occasions going back over the past two years, that the Minister investigate and give a report, and the Minister has promised that on a number of occasions. I wonder if he is prepared to give that tonight.

Before the Minister answers I might inform him that I have a great deal more material which I have collected about the Allstate Insurance Company, but I will be prepared to give that first sir, or after the Minister's reply, whichever he prefers.

Hon. Mr. Rowntree: Yes, I am prepared. We have pursued this matter at some length, and in fact have taken opinions on that matter, having in mind the various facts as they were reported to us and discovered on enquiry by officials of our own department.

The conclusion reached by my staff is as follows.

First, that the Allstate Insurance policy in the Kaczinsky case was not contrary to The Insurance Act; secondly, there is a question of credibility on both sides that can only be resolved by a court of competent jurisdiction; and third, the insurers may have been overzealous in their investigation once they were suspicious but there is no definite evidence of a wrongdoing without which there may not be a remedy in law for Mr. Kaczinsky.

Mr. Shulman: Mr. Chairman, I am afraid that sums up the position of the government very well. If you do not like the way the insurance companies treat you, go and sue them and you know very well what chance a small person has against an insurance company. Especially when the claim is small, involving a few hundred dollars, the lawyers' costs and court costs are going to far exceed that.

It is the duty of the superintendent of insurance in such cases to step in and say, well perhaps the insurance company was a little deceptive, perhaps they were carried away, perhaps they lied a little bit. It is the duty of the superintendent of insurance, and I hope within a relatively short time the superintendent of insurance will carry out that duty, to act for the ordinary person.

I do not want to waste the time of the House by repeating the details of the Kaczinsky case, it is a shocking case. I think the Minister will probably privately agree with me.

But I have more material here on other cases and I want to pile them on top. I have been trying to get the Minister to do something about this insurance company, the Allstate Insurance Company, since I came into this House and finally he comes here, after all these questions, to tell the dissatisfied clients to sue them.

All right, here is another one, a neighbour of mine, Emmanuel Furrugia; poor Mr. Farrugia. He lives at 734 Indian Road, Toronto, Ontario.

Mr. Sargent: He is not very poor then, if he lives there.

Mr. Shulman: He is a lot poorer than he should be because of the Allstate Insurance Company and because of the Workmen's Compensation Board, Ontario, and because of this government, and here are the facts.

Mr. Farrugia was injured at work on April 23, 1968. He was struck on the left side of his face by the hook from an overhead crane. He had witnesses. The crane operator witnessed the accident.

As a result of the accident he developed a black eye and an injury to his neck. He continued to have trouble with his neck—I am reading from the workmen's compensation report—and the first-aid attendants took him to a doctor. The trouble went on and went on and became more and more complicated, and ultimately he became completely disabled.

I have the medical certificates here from his physician and from specialists who were brought in to consult on the case. As a result of the X-rays that were taken it was found that Mr. Farrugia had an arthritis in his spine.

The compensation board rejected his claim for the disablement that occurred as a result of this accident and the reason they gave for rejecting the claim was that the disability that came from the accident could not have been proven to be a result of the accident.

Therefore they rejected the claim. But they said: "Don't worry, no reason for alarm, your company carries a disability policy and you are entitled to coverage under the disability policy. Although you won't get compensation, it doesn't matter, it is just a technical thing, you won't be paid by us but you will be paid by the insurance company."

And what is the name of the insurance company? Why, of course, it is Allstate.

So we went to Allstate and Mr. Farrugia filled out the forms and after a reasonable interval the Allstate Insurance Company investigated the matter very carefully and they finally sent Mr. Farrugia a letter dated October 23, 1968, in which they informed him:

> Dear Mr. Farrugia:
>
> In connection with your claim we regret to inform you we cannot pay you. Our decision of rejection has been maintained because from the evidence submitted both by yourself and by the doctor, it appears you had an accident at work. As you know, if you have an accident at work you are covered by compensation, we don't have to pay it, the compensation board pays.

So therefore, Mr. Farrugia, don't come to us, go to the compensation board.

Well this statement by Allstate was made after they were already aware that the compensation board had rejected the claim. I contacted the Allstate Company—it is a waste of time as we all know—and they said: "It doesn't make any difference what the compensation board said, our policy is very clear. If the accident occurred at work, he is not covered by us." But the X-rays proved it is arthritis, therefore it is not a result of the accident. "Too bad, we will review the thing."

They wrote him another letter back a few weeks later: "We reviewed it, there is no question you had an accident at work, therefore you cannot collect any recompense from us. Go to the compensation board." The compensation board says: "Too bad, go to Allstate".

Here is another example of where the ordinary worker in this province is caught between—the rapacious insurance company on the one hand, the callous compensation board on the other, and the superintendent of insurance sits there and does not do a thing about it.

Now surely, either there was an accident or there was not an accident at work, surely we are not going to allow the superintendent of insurance to stand up behind the Allstate Insurance Company and say: "There was an accident at work, he can't collect from Allstate," and have another government department, the compensation board, stand up and say on the other hand: "It wasn't as a result of the accident at work, go to Allstate". Where is the justice here? Why do we have to bring these claims in to the House? Why, when it it brought to the superintendent of insurance is something not done? Why was not something done for Kaczinsky? Why is something not done for Farrugia? It is not just these two small cases; case after case.

Let me read to you a letter, a newsletter of the American Civil Liberties Union.

Hon. Mr. Rowntree: Is this on the Farrugia case?

Mr. Shulman: No, this is on Allstate Insurance Company. Does the Minister wish to make some comment on Farrugia before I go ahead?

This letter is from the American Civil Liberties Union of Washington:

> Freelance photographer Robert M. Livingstone of Buckley, Washington, appeared in the ACLU office one afternoon with a letter from Allstate Insurance Company which gave the following reasons for nonrenewal of auto policy—

And I interject here: this could not happen at the present time in Ontario. I am bringing this letter in to show an example of the attitude of the Allstate company and I have further material here to back this up. Quote from the letter from Allstate:

> Our information shows you displayed poronographic drawings and a statue unusual to the average home and not reflecting the attitudes of the above average unmarried for which our market is priced. The decision to not renew your policy was made only after thorough consideration.

Well the interesting thing besides all the other infuriating aspects of this complaint of what is proper for the average citizen, is that his pornographic belongings consisted of two Picasso prints and one Michaelangelo statue of "David" without the fig leaf.

In addition, Mr. Livingstone's driving record had been perfect for the five years he was insured with Allstate. This is the attitude of Allstate. I could not believe that this is just a new development. I went to consumers' reports and asked them to look back and tell me what they had on Allstate and they said: "We did a study on Allstate some years ago, we will get it out for you". And here is the study, I have it right here. It was made in April, 1962 and they made—

Mr. Sargent: Do not read it all.

Mr. Shulman: Pardon?

They made a study of the comparative ratings of the quality of company service based on returns from CU—that is consumer report—questionnaires. They had 6620 responses. Only one company rated worse than average under all departments. Guess which one! Allstate! Allstate, worse than average under first party claims. Allstate, worse than average under third party claims. Allstate, worse than average under cancellation and refusals to renew. Right across the line it is Allstate.

This is a terrible company. It is not just individuals, it is not just the consumer union, it is not just the civil liberties union that are aware of this, every insurance man in the business—ask the Minister of Correctional Services (Mr. Grossman), he is aware of it—every insurance man in the business knows that you make a mistake if you insure with Allstate.

You can go to any other company, they will criticize no one but Allstate.

Now for two years here, beginning with the Kaczinsky affair, I have been trying to get the Minister to hold a hearing, to determine if this company should be allowed to continue to sell "insurance" in this province and I have not been able to get any response, the Minister has not answered my question even.

Now I ask the Minister once again, will he hold such a hearing? Because if he does not hold such a hearing, he is going to continue to have cases like this and he is going to continue to have calumny thrown on his head because it is his fault and it is the fault of the superintendent of insurance because they do not do anything about it.

Mr. H. Worton (Wellington South): As they say in the ad, you have got it all in your hands now.

Hon. Mr. Rowntree: The question of Allstate: it is a large underwriter, they have a large volume of business, probably one of the largest volumes of automobile business in Canada, and I only cite that factor for its factual worth because I make no comments as to the merit of it.

The officials of Allstate have been called in at my direction and I have discussed the matter and a further analysis of Allstate would indicate that to date we are unable to find a higher percentage of complaints in relation to the volume of their business than exists in any other company or with any other underwriter. As a matter of fact, with the changes in the legislation for which I and our department claim some credit a year and a half ago, dealing with the prevention of cancellation of policies in mid-term and so on and the assigned risk plan and the substitution for it of what is known as the facility, the number of complaints with respect to insurance companies and claims has decreased substantially.

In Ontario alone there were just under 600,000 automobile insurance contracts. There are about 2,100,000 fire insurance contracts, without counting any of the other non-life forms of insurance such as health and accident, or liability. So it would indicate to me that there are in the neighbourhood of six to seven mililon policies in force in Ontario of a non-life type at any one time.

The company itself is of a federal registration and incorporation and they are licensed in every province in Canada. I do not know that there is anything other than that that I can raise and report to the hon. member, but the matters which you brought to our attention have not been ignored. You get into the area of unreasonable demands.

If someone goes to a doctor and says: "You are a doctor and I have got such and such; I want you to cure it by 10 o'clock tomorrow

morning," certainly the doctor is going to say: "Well I want to examine you myself and find out what the trouble is and what the situation is." So it is with certain areas of dispute between assureds and underwriters. In some cases both are at fault. In some cases one or other is at fault.

We are doing our utmost, through the superintendent of insurance's office, to encourage a policy of giving the benefit of the doubt, where doubts exist, to the assured, and we say that that policy is a fair one and is one that should be accepted by those doing business in Ontario and directives to that effect have gone out over the signature of the superintendent as guidelines in this field of settlement of claims and meeting the just demands of the insuring public.

Mr. Shulman: Mr. Chairman, I am afraid that answer is completely unsatisfactory. Of course the majority of people buying insurance policies are not dissatisfied. The majority of people who have insurance policies, the vast majority of them, do not have claims.

The point, which apparently I have not made clear to the Minister, is that when an obvious injustice comes up your superintendent of insurance does not do anything about it. Now I do not think in the whole time we have ever been in the Legislature you will ever have a clearer case than Emmanuel Farrugia, who takes ill—or has an accident at work—as a result of which he becomes completely disabled, and is unable to earn any money. He has, on the one hand, one government department saying go to the other government department, and the other government department saying go back to the first government department.

Now you say it takes a reasonable time. When you go to a doctor you do not expect him to act immediately. It is one year now. It is one year now since this happened. What to you is a reasonable time?

Hon. Mr. Rowntree: Why would you not? I try to—and so do the officials of my department—deal with reports of situations and get on to them. We are improving that service in our department from week to week, and we have asked in our estimates for an increased amount for this purpose. Why would you hold back on reporting a matter that is a conflict between the compensation board and an underwriter for one year before bringing it to our attention?

Mr. Shulman: I would have been delighted to bring it one year ago if I had known about it. When Mr. Farrugia came to me I told him I would raise it at the first opportunity in the Legislature and that is exactly what I am doing.

Unfortunately your estimates were cut short and he came to me shortly before the dissolution. I assured him I would bring it up at the first time—I am doing it now.

Hon. Mr. Rowntree: That was not my fault. You could have brought it—

Mr. D. C. MacDonald (York South): Why do you not deal with the substance of the criticism instead of these technicalities?

Hon. Mr. Rowntree: But the point is you still have the opportunity of telephoning me.

Mr. MacDonald: You are evading it—like the two government departments.

Hon. Mr. Rowntree: Where two government departments are in conflict it does not suit me any more than it suits you.

Mr. MacDonald: Well resolve it.

Mr. Shulman: Mr. Chairman, I must appeal to you. Perhaps you will recall the Kaczinsky case. For two years I have been attempting to get justice for that man. Finally, today, I got a reply from the Minister to tell him to sue. I suppose we are going to have two years of investigation now with Farrugia.

We have had one year now, and after another year, hopefully, the election will be past and we will have a government that will do something about it.

Hon. Mr. Rowntree: That kind of talk is not going to get you anywhere, quite frankly. The fact is in the Kaczinsky case there is a major question about credibility involved and, if you did not hear me say that, I repeat it now.

Mr. Shulman: Well in that case since the Kaczinsky case has come up, let me ask the Minister where is the question of credibility. I have the documents right here. I tabled them once. I will be happy to table them again. Where is the question of credibility? What possible doubt is there in that case? I have here signed documents. What doubt is there, tell me? Well I guess that is the end of that. All right, let us come back to Farrugia. Are you going to do anything?

Hon. Mr. Rowntree: I would be delighted to look into it, and I will look into it personally.

Mr. S. Lewis (Scarborough West): Send a little postscript saying: "You are in good hands with Allstate". That is your attitude.

Hon. Mr. Rowntree: No there is no love with Allstate, or any tie with Allstate, in our department at all. Any more than there is between Mr. Schreyer in Manitoba and the insurance companies.

Mr. I. Deans (Wentworth): I want to raise two matters with the Minister—

Mr. Lewis: That certainly is germane.

Mr. MacDonald: A meaningless comment.

Hon. Mr. Rowntree: Well most of the remarks from over there tonight have not been germane to the debate at all.

Mr. Lewis: You have become the defender of the insurance companies.

Hon. Mr. Rowntree: Not at all.

Mr. Lewis: Not only in broad terms, but in particular cases.

Hon. Mr. Rowntree: Not at all.

Mr. Deans: Mr. Chairman, I want to raise two matters with the Minister that fall, I believe, within the scope of the superintendent of insurance and the general insurance field.

One is the matter of whether or not the Minister is contemplating any act which will bring into force Ontario compulsory automobile insurance. During the debate of the estimates of The Department of Transport I discussed with the Minister of that department the difficulties that confront certain individuals, and one family in particular, in regard to a claim under the Unsatisfied Judgment Fund or the Motor Vehicle Accident Claims Fund.

It does not operate nearly efficiently enough. There are far too many drivers driving in the province of Ontario without insurance. Part of the reason lies within the sphere or scope of insurance companies who overcharge many, many people in this province for the insurance they are selling them. But be that as it may, that is not going to solve it.

I am not going to convince them I am sure that they ought to change their premium schedule. But I do think, sir, that the time has come when we are going to have to make automobile insurance in the province of Ontario a compulsory item. I wonder if the Minister has given any thought to this in the last six or eight months, since the last time we discussed his estimates? I think it is something that has to be done and done very quickly.

I have another matter I want to discuss if the Minister can answer it.

Hon. Mr. Rowntree: Well the question of compulsory automobile insurance—let us be very frank about it—is a matter of straight government policy. There is a substantial difference between the compulsory automobile insurance and the question of automobile insurance involving payment of damages without fault and there have been several developments in the past several months—having to do frankly in British Columbia. But nothing definitive in that area has come forward which would be even sufficient for me to report to the House as to the situation in British Columbia.

It is moving at a very, very slow pace, and there is no help there as to just what might be done in that field. I would think, if I were to express an opinion, that the area of liability without fault would be closer to realization than compulsory automobile insurance.

Mr. Deans: I can understand both areas, but I think that we have to have compensation without fault and I agree with this.

The matter then comes up as to how you are going to raise the necessary moneys to pay the compensation and I think it is necessary in this province that the day of the automobile being used strictly for pleasure and a few thousand miles a year is long gone by the board. It is becoming increasingly more difficult to drive for a year without an accident. It seems to me that more and more people are becoming involved in accidents. And they just do not have adequate, or any insurance at all, in some instances.

I feel that if we are going to have compensation without fault, then we must also make sure that everyone who drives an automobile contributes something towards the cost from which this compensation will be paid. The only way that you can do this is to guarantee that everyone is, in some way or another, insured. I will leave that with you for a moment.

Hon. Mr. Rowntree: I would like to have a word just on that subject because I have not been a stranger to this field. I would like to make it very clear to the hon. member that compulsory automobile insurance does not automatically carry with it the instant coverage of every vehicle that is used on the highway. You understand that. And that there is a factor, not a tolerance factor, but a realistic factor that can reach up to five per cent, or six per cent, of uninsured drivers who are on the road even in jurisdictions with compulsory insurance. This is the law.

This arises through the use of stolen cars, driving without permission and so on. In

Ontario, on that point, it is my information that at the moment, 98 per cent of all the vehicles registered are covered by insurance, which exceeds the coverage in the compulsory states in the United States to the south of us.

Mr. Deans: This raises an area, a very grey area. The way those figures are arrived at, I assume it is at the time you are purchasing an automobile that you must produce a certificate of insurance. The difficulty there is that you have no way of telling whether this insurance is in force during the entire period of the licence. In many instances it is not.

Many people are insured for a quarter of a year, and at the end of that quarter of a year their insurance lapses. I know, personally, of instances of this. It is those people we have to get at because there are people who are buying partial insurance and in many instances not buying any at all. The trouble really lies, I suppose, in the cost. The cost is getting to be prohibitive.

Hon. Mr. Rowntree: May I say I understand that point and I think the point you make about the failure to continue the existence of the insurance past the date when it is tested, if I could put it that way, is a serious situation. I agree with you.

Mr. Deans: Well, I assume, then, that you will take a look into the whole area before next year, at least to see if there is something that can be done.

Hon. Mr. Rowntree: This area of automobile insurance is a matter of The Department of Transport.

Mr. Deans: Well, not in their opinion. The other area I want to talk to you about for the moment deals with, in part, this afternoon's debate on the Medicare issue. It deals with the undistributed reserves of the various insurance companies who, to date, or up until midnight tonight have been the carriers of the medical insurance for the people of Ontario. Now, there are a number of companies, who, as of 12 o'clock tonight, will have left to them, in some form or other, substantial sums of money that have been raised over the course of the last year or two, in the form of premiums.

In other words, the surplus of premiums over expenditure, and I am concerned about what is going to happen to this money. I think that this money rightfully belongs to the people who have been the subscribers to the plans and ought to be returned to them. In fact, this money was paid by them for continuous coverage which they are no longer getting from that company. The company is going out of business.

I would be interested in knowing whether the insurance branch of your department has undertaken any study into the amounts of money that are left presently in the various companies involved, and whether or not one of two things should happen to it. The money ought to be returned to the policyholders or it should at least go into the Medicare programme as it presently is. I think it should probably go back to the insurance holders but I would like to hear your comments on what is going to happen to this.

Hon. Mr. Rowntree: Well, this matter comes under the superintendent, generally through the area of his obligation and that department's obligation to have an eye on the stability of those engaged in the insurance business. Since a number of health and accident co-ops particularly, will not be writing any more business after tonight.

Mr. Deans: They will not be writing it now.

Hon. Mr. Rowntree: Exactly, but the fact is that those organizations have created reserves or surpluses and I would say that I cannot find a lot of fault with the creation or collection through premiums of the funds that have led to the existence of those reserves or surpluses. It is only a matter of several years ago when our department and the superintendent was contemplating what would happen if these people suddenly went out of business, and there were some operations which were depending on staying in business with the cash flow of premiums being received and the payment of claims out. The turnover of money through their hands enabled them to keep in business, quite frankly.

As a result, some two or three years ago the premiums were raised and the more stable situation was created where this element of risk and inability to—in the event of certain happenings of their not being able to meet the claims that might be made upon them—was released. Now, having in mind this situation—and I am trying to deal with this topic that the hon. member has raised as directly as I can—there is an element here in the co-ops and in some of the other operations. It even occurs in PSI which was generally regarded as a doctors' operation, but even PSI as I understand it, falls within the group as a non-proprietary operation. Do I make myself clear?

The question now will be what these operations do after September 30. Are they going to keep premises open, keep their staff on salary until their directors or those in charge of the operation find some alternate method of or way of doing business within the law, and so preserve their corporate entity, if I could put it that way. Or will they keep their operation alive until something develops so they can keep in business?

But would that—if they failed to find an alternate method of operation—not lead to simply the exhaustion of their reserves by the payment out of the salaries to the staff who, frankly, would have very little to do from here on?

Now this would fall again under the direction of the Superintendent and on August 14, the Superintendent addressed a letter to the industry through the deputy superintendent, Mr. Sexton, pointing out that the enactment of The Health Services Insurance Act would have a major effect on the business of all insurers presently offering medical insurance in this province. This is particularly true with respect to prepaid medical associations. The letter goes on and says there is some indication from some of them that they intend to wind up their affairs and other associations which may find that their reduced activities require less funds.

Many of them would be faced with the question of the distribution of surplus assets. Now he goes on and says:

> That to ensure that all liabilities, claimants, creditors and members are fully met and that a fair and orderly distribution of funds takes place, I would ask that no payments of patronage dividends, refunds from surplus, donations to charities or expenditures of any kind not in the ordinary course of business be made without the prior written approval of the Superintendent of Insurance. If there is any question as to whether any proposed disbursements may be of this nature I would ask you to contact this office.
>
> Any plans for the winding up or termination of activities should also be submitted to the Superintendent for his approval at the earliest opportunity. May I please have your acknowledgment that you have received this letter and etc.

Now what the superintendent's office is doing is trying to make an assessment of those operations to which you have made reference to gather enough information together. This will indicate the scope of the problem—if I could put it that way—or the scope of the situation, the amount of the surplus funds involved and their proposed methods of distribution if they are going to wind up or partially wind up or reduce their funds on hand. This way, the superintendent would then be able to make an appropirate assessment and it might be that—and this is the only way I can put it—that based on the findings of the superintendent that the government may have to make a determined policy statement about distribution or winding up of this type of operation.

Now in going over this matter in the last few days, there are some of these operations which have announced they are going out of business. They have given some indication that they intend to donate their surplus funds to medical research, or some such type of objective related to medicine and health generally.

There are others—we have already discovered one or two—that have built into their bylaws some very, if I could use the word, "attractive" retirement plans for their employees in the event that the entity ever ceased, gave up its operation.

Mr. MacDonald: Big fat severance allowances!

Hon. Mr. Rowntree: Yes. So that the matter that the hon. member has raised is a very important one. It is very timely. The department and the superintendent are gathering information together at the present time so that we can make an immediate assessment as to what should be done with respect to such surplus funds.

Mr. Deans: Well first of all, if I understood the Minister correctly, he did say that prior to any distribution of funds or any use being made of those funds, that this had to be submitted to the Superintendent of Insurance who would then make some judgment on whether this was the proper and reasonable way to handle the money. Is this true?

Hon. Mr. Rowntree: The directive from which I have quoted, bearing date of about August 14, 1969, to the various members of the industry, told them not to make any winding-up distribution. It went further and said, if there is any doubt in your mind other than in the normal course of business and if there is any doubt in your mind about certain expenditures, let us know and we will give you an immediate ruling on the matter.

Mr. Deans: Yes, in other words, as long as the insurance company is satisfied that where they are distributing the funds is satisfactory

to them, they do not have to ask for a ruling. Is this correct? And there will be no enquiry?

Hon. Mr. Rowntree: All we are asking is what their intentions are.

Mr. Deans: Right!

Hon. Mr. Rowntree: And what they are going to do.

Mr. Deans: Right!

Hon. Mr. Rowntree: When we get in, it will be like asking 110 or 140, whatever the number is, people in this House to say what their intentions are about the Christmas holidays next year so we can assess it.

Mr. Deans: Okay!

Hon. Mr. Rowntree: It is that kind of an assessment and then when we see what it looks like we will be in a position to determine whether or not any government intervention is required.

Mr. Deans: Yes. I am sorry, I thought you were asking for the intention in regard to the distribution of the funds, not the intention in regard to the continuance of the operation.

How far has the Minister gone with this enquiry? How many companies have replied out of the many insurance companies in the province, and does the Minister have any indication now as to how much money is likely to be involved?

Hon. Mr. Rowntree: At this stage, no.

Mr. Deans: How soon would you expect the answers to be available?

Hon. Mr. Rowntree: Well, I would think it would take at least another three or four weeks before we would be in a position to make that estimate.

But there is some very interesting information being made available and coming to us. There are amounts in some of the operations of surplus which would be available on a winding up of $2 million or more. Others would be much more modest and it is pointed out to me that when I say a month, it could be the end of the year before we have all of the information that is really required.

But some of these operations that are giving up their business might not have large reserves accumulated. In other cases it might be quite substantial, as they are according to my knowledge.

Mr. Shulman: Mr. Chairman.

Mr. Chairman: The hon. member for York South.

Mr. Shulman: If I may go on a point of order then, in that case? The Minister made a statement a few minutes ago which I must correct. In reference to Allstate and Farrugia the Minister rose and said this is not the way you do things, why did you not contact me as soon as you heard of the information?

I was not exactly sure, sir, so I left the House to get the file. I have it here in front of me. I did contact the Minister. I did not receive a reply.

The facts are, sir, that on November 4, 1968, I received a letter from Mr. Farrugia on this matter which of course was after the Minister's estimates were closed. I wrote back to Mr. Farrguia that day as follows:

Dear Mr. Farrugia:

> I have written to the Minister of Financial and Commercial Affairs and it may take a few weeks. I will be in touch with you as soon as I hear from him.
>
> Yours sincerely

That same day, I wrote to the Minister. I I may say this is the fifth letter I had written to the Minister on the subject of Allstate, none of which letters had received a reply.

Dear Mr. Minister:

> I find it rather frustrating carrying on this one-way correspondence but perhaps with the Legislature opening, you may feel more inclined to answer my questions in public, and there is some further material about Allstate. Finally, the most recent case is a particularly flagrant one and I find it very disturbing to think that it need not have occurred if someone in your department had taken their responsibilities a little more seriously at the time this matter was brought to your attention. I would be pleased to present the details to you at any time.
>
> Yours sincerely

I was never given such an opportunity, nor was there any reply to that request, sir. That is the fact. That is why it is brought up here in the House one year later.

Hon. Mr. Rowntree: That was the fact until you went and found out, but I am glad you did. I will look at this tonight—rather tomorrow—and if I am in error, I want to find out why those answers are not going out to you.

Mr. H. Peacock (Windsor West): So what if we both forget about it?

Mr. MacDonald: The main point here is that there have been individual cases drawn to the Minister's attention many times and nothing happens. After two years we find out that one injured party can sue the company. In another case the Minister says there is a credibility gap, but he says where the credibility gap is he does not know. He did not rise in his seat to say, so he was not sure, he did not know at that point.

Hon. Mr. Rowntree: Oh yes!

Mr. MacDonald: Well, if you knew you should have risen when you were challenged as to what is the credibility gap.

Hon. Mr. Rowntree: Not at all.

Mr. MacDonald: The fact of the matter is that it is the old, old question—is it the function of the superintendent of insurance to protect the insurance companies against the subscribers, or the subscribers against the insurance companies? That is the essential proposition and on your record you usually protect the insurance companies against the subscribers. There is just too much hard evidence to argue the case and you have had more of it placed on the record tonight.

Hon. Mr. Rowntree: The facts of the matter are that that is not so and it is not true. I have no sympathy with the insurance companies any more than you have because they should be ashamed of some of the conduct that has been handed out with respect to claims, and there have been numerous instances of matters handled through the department where the companies have been called in, and not telephoned but told to come in.

In one instance, they were told to produce their senior executive officer from their parent company in New York and have him in the office here to report and explain the conduct of the company. This is going on on a continuing basis and will continue.

Mr. MacDonald: Well, Mr. Chairman, it does not hurt the insurance companies one whit to have the Minister get up and say they should be ashamed of themselves. They did it yesterday, they are doing it today, they will do it tomorrow, and the crocodile tears from the Minister will make no difference.

Hon. A. F. Lawrence (Minister of Mines): Oh come on, stop the "crocodile tears" comment.

Mr. MacDonald: What do you mean, come on?

Hon. A. Grossman (Minister of Correctional Services): He wants you to come on.

Mr. MacDonald: When the companies know that this government, or the Superintendent of Insurance acting on its behalf, are going to descend on them like a ton of bricks when they engage in that kind of thing, and not any crocodile tears, they will cease it.

Hon. A. F. Lawrence: The Minister has got more sincerity in his little finger than you have.

Mr. MacDonald: Is that right? Mr. Chairman, you know that is the—

Mr. P. D. Lawlor (Lakeshore): What tax concessions has the Minister given away to the mining interests over the summer?

Mr. MacDonald: Exactly!

That is the kind of comment that is not only out of order but one should ask to withdraw it. It is the kind of gratuitous comment that this Minister slips into now and then such as he did when he went up and made a mess of a nominating convention of his colleague up in Timmins a week or so ago.

Mr. R. F. Nixon (Leader of the Opposition): Did they get the wrong man there?

Mr. MacDonald: Exactly. However let me get back on to the record. Mr. Chairman, let me get back to the estimates.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. MacDonald: He can get up and slander colleagues of this Legislature for his own political purposes, that is what it adds up to.

Interjection by an hon. member.

Mr. MacDonald: That is right, and what he said was slander because it was a misrepresentation of the record in the House and is being corrected back in Timmins where it counts.

Mr. E. W. Sopha (Sudbury): If I did that I would be called out of order right away.

Mr. Chairman: I suggest we get back to the estimates, vote 703.

Mr. MacDonald: Mr. Chairman, I want to come back to the business of the insurance reserves once again. I want to divide it for the moment into what I would describe—if the Minister understands my use of the terminology—non-profit companies, and the profit companies. I want to raise a question with regard to both.

The Minister was asked how much money is in these reserves. Well it is rather interesting to know that in one alone – PSI – last December, it was over $14 million, so now it may be in excess of $15 million. We are likely talking about tens of millions of dollars.

Hon. Mr. Rowntree: Exactly, a lot of money.

Mr. MacDonald: Right, a very great deal of money. I hope—and we shall see that the Minister lives up to his commitment—that within four weeks we have some report back without delay from these companies. The longer it drifts beyond the time in which they have gone out of business the more difficult it will be. When I say companies, I am sorry I mean profit groups like PSI, Windsor Medical, and what the Minister described as Health and Accident Co-Ops.

Now all of these carriers, as I understand it, were forced to have reserves. Indeed, I have a very vivid recollection 10 years ago—

Hon. Mr. Rowntree: I referred to that.

Mr. MacDonald: Right. I know you referred to it, but you said they did not know how big they were with the Health Co-Ops. I was rather intrigued by that comment because I have a very vivid recollection of an incident about 10 years ago when PSI announced an increase in rates. When the usual public outcry developed, PSI said: "Well we were instructed to do so, we had to do so because of instructions from the superintendent of insurance."

When we looked into the matter we found that the superintendent of insurance, rightly or wrongly, had come to the conclusion that the reserves at PSI were not large enough and in effect said: "you have got to increase your reserves." So PSI used that as an excuse to increase their rates. So it has happened under the direction of the superintendent of insurance—at least in PSI, and I presume Windsor Medical, and I find it a little difficult to believe it would not be with every other company. In fact, I do not know why any health and accident co-op company would not have been subjected to the same kind of stipulations by the superintendent of insurance because they came under his direction. So there are millions of dollars.

Hon. Mr. Rowntree: When you say that, you have no reason to suspect or believe that all companies would have been subjected to the same treatment if, in the opinion of the superintendent or his advisers, the stability factor required improvement. Is that not the condition? Where he would say—

Mr. MacDonald: I do not know that there is much point in pursuing it at the moment. I do not know what there was about the PSI 10 years ago that raised such serious doubts about their stability in the mind of the superintendent of insurance that he told them to raise their reserves. Therefore they raised their rates—that always has puzzled me and it is burned indelibly in my memory. I did not have to go back to the records to get the facts to deal with it in the new context of what has arisen here.

I think the Minister should make very, very certain that as of—shall we say November 1—these reports are in. Do not let these organizations drag their feet. This is public money, not their money. It is public money, and it should not be, in the instance of a private company, absorbed back into their profits, or in the instance of PSI, distributed among the doctors, or in the Windsor Medical, distributed among the doctors too. These are public moneys and they should come back in some fashion that the Minister says he is going to consider in light of the facts once they are returned.

However, I want to go on for a moment—because quite frankly I am a little intrigued by this—to the profit companies, those that will be continuing in the business. Now may I preface before I make further my comments with a question to the Minister. Were the private companies—the insurance companies—were they obligated by the superintendent of insurance to have comparable reserves?

Hon. Mr. Rowntree: From my understanding the answer is yes.

Mr. MacDonald: Well, that makes my comments even more interesting because, I will be frank with the Minister, I have had people say to me that some insurance companies did not have reserves because for the claims that might be made upon them under epidemic conditions, the whole assets of the company were available. Therefore they did not have to have reserves. I was a little sceptical of that and the Minister has bolstered my scepticism. He says they should have reserves. Let us accept the Minister's answer at its face value.

These companies now have no need for reserves any more. On administration costs the government is going to pay them six per cent plus, we do not know what it is. It is going to be watched carefully and any disputes between the company and the govern-

ment are going to be adjudicated by a tribunal that has been set up under the Act. On claims they have no responsibility, they are merely a post office. In other words the claim is going to come into them, it is going to be audited with a government watchdog in their office and they are going to send a government cheque back. They are going to have to have a nice big fat pile of government cheques in their office, and they will be mailing them out from their office as a nice leader to sell their insurance packages.

Well that is fine. They are going to have no outlays. Their administration costs are completely covered, they are going to have no responsibilities for claims, the money comes into the provincial treasury, the claims are paid out from the Provincial Treasurer. In other words there must be really tens of millions. PSI may have $14 million. Windsor Medical may have relative peanuts, but the insurance companies if they were obligated to have reserves must have tens of millions—the 31 of them that are continuing in the business. And I am rather curious to know how many are going out of business—how many have not been designated as agents. In short, I am just a little curious as to whether it is $25, $50, $100, $150 million of public money.

An hon. member: So am I.

Mr. MacDonald: Well look, Mr. Chairman, the Minister does not need to be curious on that score very long, because as far as PSI is concerned it is in the record of the superintendent of insurance. My guess is that the superintendent of insurance could at least give you the figures for the last reports a few months back—or at the most—a year ago and give it to you in the next 24 hours. So, you do not need to be curious for long to see the proportion of public funds that are there for this Minister to get on top of and make certain that they go back to the public instead of being absorbed into the profits of the private insurance companies or distributed among the doctors who do not really need a bonus of this nature.

So, you have both your profit and your non-profit agencies. On the basis of the Minister's assertion that the private companies also had reserves, this is a real issue that we should be on top of and make very, very certain that we have a settlement four weeks from now—before the end of this year—certainly in terms of its distribution.

Hon. Mr. Rowntree: Let us just look at what we have got here with respect to PSI in a statement of their profit and surplus. I believe you already have this statement. In 1967 there was a loss of $2,700,000 which left the surplus in PSI of $23,100,000.

Mr. MacDonald: Undistributed reserve?

Hon. Mr. Rowntree: Surplus! In 1968, there was a further loss of $9 million which reduced the surplus account to $13 million.

The past record of profit and surplus illustrates the necessity for contingency reserves to meet obligations when an association faces adverse conditions. Now while we are talking in terms of many millions of dollars I simply remind you of the fact that in one year there was a loss factor of $9 million.

Mr. Lewis: Right, and a 46 per cent increase in premiums as of April 1, 1969 to make up for the loss.

Hon. Mr. Rowntree: Yes, I know. Just let me finish my statement and you sit back. You just sit back and listen for a moment or so, without interrupting.

Mr. Sopha: Do not bicker, do not bicker. Let us get on with it.

Hon. Mr. Rowntree: The point of this being that while we are talking in terms of a lot of money the nine million dollar loss, if it increased to $13 million, would have eliminated the surplus of the $13 million.

An hon. member: But it did not.

Hon. Mr. Rowntree: All right, I know because steps were taken to create a new rate schedule to protect that surplus and, from a stability standpoint, I can find nothing wrong with that.

Mr. MacDonald: Nobody has quarrelled with that!

Hon. Mr. Rowntree: The new rate schedule, according to the notes that I have, would have allowed PSI to break even this fiscal year. That is, 1969—and show $1.8 million profit in 1970. These are just some notes on the PSI that we have got and to let you know that we are not in total ignorance of what is going on and being done in this field.

Mr. MacDonald: The Minister disturbs me. May I say this quite frankly. He disturbs me because what he has just said is pure obfuscation. Nobody is arguing this point. Of course, we agree that you should have had stability. And, of course, if they were losing nine million dollars a year they should have increased their rates—which they did.

And they delayed increasing their rates because they were contemplating going out of business. All of that is passé now.

What we are talking about is the tens of millions of dollars which may well be in all of the private insurance companies as well as the non-profit ones. In the instance of non-profit they are going out of business. In the instance of the private companies they do not need reserves from this point forward because the government is carrying them. That is with a loss leader.

Now you have taken the loss out of the leader, but left them with the leader to sell their insurance packages. They are sitting pretty. You really set them up. But very, very quickly let us get these reserves which are people's money and get them back to the people. That is what we are talking about.

Mr. Chairman: Vote 703; the hon. member for Downsview.

Mr. V. M. Singer (Downsview): Yes Mr. Chairman, I wanted to say a word or two about compensation without fault. We have been almost through this debate and there has not been a word about it yet. However, Mr. Chairman, this year as a result of the amendment to The Insurance Act allowing companies to sell compensation without fault on a voluntary basis, my enquiries amongst members of the industry indicate that most agents are including it in the policies as they renew them and are only removing it on request.

One agent I talked to who carries on a very large business, was telling me throughout his whole practice there had only been one request for its removal. He tells me that his colleagues in the business are finding substantially the same thing. So, most people are accepting it.

Well Mr. Chairman, is it not pretty obvious that if the public has accepted it and the government took the bold step of making it permissible, perhaps the day is now here when we can make it compulsory and go back and do the thing recommended unanimously by that select committee on automobile insurance that I have talked about in here about six or eight times already?

No need to repeat the same thing. The Minister knows who the members were, and what their unanimous recommendation was. And surely, the acceptance of this now should remove the remaining resistance that sits in the front benches against making something compulsory. You have almost got it, why not go the whole way and bring compensation without fault to the province of Ontario?

Hon. Mr. Rowntree: It is being given serious consideration.

Mr. Singer: All right, the Minister says. When will it be given pretty serious consideration? Can we reasonably expect that we are going to have some answer in this session?

Hon. Mr. Rowntree: If I knew when the sitting was going to end I could be definite but—

Mr. Singer: Well it has been pretty seriously considered, I have understood, for about ten years now, ever since I came into this House and we have not got—well we have gotten a little further. We have gotten a little further but I can see no remaining—

Hon. Mr. Rowntree: I am trying to give you some encouragement, but you are not taking it.

Mr. Singer: All right.

The other point I wanted to deal with very briefly, Mr. Chairman, is this. What action, if any, is the government able to take for those people who lost benefits that they were about to accrue as the result of successful claims against Wentworth; and also, refunds of prepaid insurance premiums? Is there anything that can be done for those people? Does the department have no responsibility? There was Wentworth and the other one that went bankrupt.

Hon. Mr. Rowntree: North American?

Mr. Singer: Yes. Is there anything that can be done?

Hon. Mr. Rowntree: Well, this is what I was referring to a little earlier in the evening. In the Smith case, raised by one of the members, there is a judgment. She had a policy. There is a judgment and there are others in the same position. I do not agree with that position. I do not think they should be left in it, and I might as well say so.

To date, I have been unable to develop a solution to the matter, and all I can do is to tell you that I have not given up my efforts to this end.

Mr. Singer: I wonder at this. I do not know that you have any power to impose it. But I wonder if the insurance industry as a whole could not look to some of the other industries? There was recently a stock broking firm which went broke and the other

members of that industry banded together to make sure there would be no loss within certain limits.

To some extent we lawyers, by a contribution to a fund, make some kind of a contribution. Might there not be some substantial merit in suggesting to the senior officials of the insurance industry in this province that it would be somewhat reasonable if they worked out some method of looking after the people who had been so badly hurt? And, there are some of them who have suffered very seriously.

I would not imagine, Mr. Chairman, I have no figures on it, that the total amount of outstanding claims proved, but not able to have been paid, would amount in the overall picture to a tremendous sum of money. I would think it would be a comparatively small sum of money. Are there any figures on that?

Hon. Mr. Rowntree: Yes. Wentworth was an Ontario company, North American in Montreal was a federal company. So let us look at the Wentworth situation. The situation there would involve about a quarter of a million dollars to clean up—

Mr. Singer: How much?

Hon. Mr. Rowntree: A quarter of a million.

Mr. Singer: Quarter million dollars.

Hon. Mr. Rowntree: A quarter of a million, in that area, and I would think tops of 300,000. Now—

Mr. Singer: Surely an industry that big, would be able to handle this amount with ease.

Hon. Mr. Rowntree: If I could—if it were proper language I would say, my dear, dear friend how true and right what you say. The industry was approached from various sides at the time. This is not complicated, and it is not long, nor is it involved. But both of those companies had reinsurance—and reinsurance, to my way of understanding, can only exist when there is an outstanding primary contract of insurance, to which the reinsurance relates and connects itself.

So it is not just reinsurance as a word that stands out in the air and is a policy over here. It is a direct link to a primary basic policy of some sort. There is no imagination required to find the connection, even by standing permanent automatic treaty, as they call them, in the insurance industry. Efforts were made in both the case of North American, and in the case of Wentworth, to very, very strong sources and means, to have the industry as a whole take whatever steps that were necessary to keep those companies in business.

Because, had they been in business, the reinsurance would have gone into a growing company and been available in the normal course of business to pay off the claims.

Instead, in bankruptcy, or winding up as the case may have been, the trustee claims the reinsurance proceeds as part of the general fund available to all creditors. Frankly, one should not, as a lawyer in government, attempt to get involved. But I had to say to the people involved that this just could not be. I just do not understand it. Based on the conception and meaning of reinsurance, being related to something.

It was tied to that and you could not untie it. If the primary policy did not exist well, neither did the other. But vice versa, if the primary policy existed, so there was the direct connection and claim on the reinsurance of those involved in any situation arising from the primary policy of insurance and the parties thereto.

Now, what happened was that the parties to the bankruptcy of winding up, took sides. Creditors wanted the reinsurance because it would have made their dividend on the winding up larger. We, in the province of Ontario, took the case to court. It was taken before the master of the Supreme Court of Ontario on a reference, and we won. And he said your arguments about the reinsurance are correct. The creditors and the trustee appealed that to the court of appeal of Ontario and the master's ruling was reversed. Then we, in turn, appealed it to the Supreme Court of Canada and it is just a matter of a few weeks ago that the final decision came out, and the court of appeal of Ontario was supported on constitutional grounds that The Bankruptcy Act and the Winding-up Act were federal and had precedence over any provincial insurance legislation, and that was a sad, inequitable decision. It was a sad decision, it had inequitable results.

Coming back to the point that you raised originally. Had the rest of the industry been willing to carry the companies and keep them going, the proceeds and the various claims under the reinsurance would have gone into the company and been used by the treasurer to pay out and make the payments that have not been made but should have been made.

The people who are suffering, are suffering as a result of this misdirection of these proceeds of reinsurance. In fact, the deposits

were even seized and held by the superintendent or the Treasurer of the province, the deposits required to operate an insurance company, as I recall, were seized and frozen by the court at the same time. We did not even have our own deposits, whether they might have been $50 or $75,000 in our hands to use towards the relief of the people we are talking about in Wentworth.

I am sorry I have taken up the time but I think the matter is of sufficient importance that it should be recorded again here in the House at this stage when it had been to the Supreme Court of Canada. I do not know whether we could ever write a section of The Insurance Act dealing with reinsurance, to provide that in any event the reinsurance has got to go where it was originally designed for, and whether we could find a vehicle of a means of doing that.

I would like to apply myself to trying to find a solution along those lines. But, whether one could circumvent the constitutional aspect of the matter, I am not certain at this moment. However, the fact is, that the industry, who were all approached officially by the government and by others to keep these companies going which would have carried the reinsurance at the same time, their answer was, "yes, if you can get every other registered company in the jurisdiction or in the group to agree as well." So, it only took one to say no and all of the other acceptances collapsed. And this is the same story that took place in Wentworth with respect to North American. It was a great disappointment that the industry should have taken that approach.

The effect of this was such that The Bankruptcy Act is presently being reviewed by the federal government and they are hearing a number of briefs about representation. I have some encouragement—there is no sense saying information, because I have no inside information—but talking to reliable and responsible people in the insurance department at Ottawa, I have reason to hope that very serious consideration will be given to this question in the new bankruptcy amendments as to where the reinsurance proceeds will go in the future, and deposits held by provincial governments as well, so that such a thing cannot happen again. But that does not help us in this present situation. I am sorry I took so long to explain.

Mr. Singer: No, I appreciate the Minister's information on this because it is obvious, from what he said, that he has gone into this matter very thoroughly and certainly efforts have been made, serious efforts, to try and help these people. As he was talking, I guess I had to come to the conclusion that we had both reached the end of the road, then, have we? Is there any more possibility for exploration of any solution?

Hon. Mr. Rowntree: There is one more avenue which remains to me and which I do not think I care to disclose. But there is one more avenue that I am pursuing and have already started. I am sincere about this matter, I believe that injustice has been suffered by certain people. They got their motor licences, they produced policies of insurance which were accepted as valid, they were issued by companies which were duly licensed by our own government, and all of these things, those are the cold hard facts. And yet there is something that is not turning out right. I have one more way that I am trying to find a solution to the matter.

At this stage of the game one gets a little bit superstitious about even thinking out loud about these things, but I can only repeat to the hon. member my personal interest in this matter and the sincerity with which I am approaching it. There is one more area in which I might produce a result and I have already commenced my efforts in that direction. However, I do not think it would serve any useful purpose at this point for me to make a public statement now.

Mr. Singer: This is a postscript, Mr. Chairman. It seems to me a very selfish and unusual attitude on behalf of the industry which has comparatively few component parts and who was able to mount—and the Minister has listened to them as many members in this House have—with great alacrity a most powerful lobby in relation to any proposed legislation that might affect them.

Certainly, when I referred a little earlier to the select committee on automobile insurance, they were there in all force, out of common concern. They paid counsel, and good counsel, to come from Montreal and sit with us and to assist, nothing was too much trouble for them, because government was investigating the possibility of taking certain action that would affect automobile policies.

At that point there was nothing that could have been asked of them that they would not have agreed to. And the then Provincial Treasurer, the member for Haldimand-Norfolk (Mr. Allan) was pretty rough on them, and I have never seen a more docile bunch sitting there saying: Yes, Mr. Minister. Yes,

Mr. Minister. We are bad boys but we won't do it again.

But, it is strange that a group that can mount that kind of a lobby when they feel the government might take something away from them, might make things a little more difficult for them to operate, refuses to listen to the kind of plea the Minister says has been made to them.

I think this should be pointed out and I think it should be pointed out in no uncertain terms, because some of the remarks that have been made about insurance companies as a group sometimes sounds a little unfair and a little harsh. But, in this story—as the Minister has outlined it tonight—I do not think there can be a strong enough condemnation of the collective attitude of those companies.

Mr. Shulman: Mr. Chairman—

Mr. Sopha: I think I was up before you put me down?

Mr. Shulman: If the member would allow me—

Mr. Sopha: He wants to raise a point of order.

Mr. Shulman: No, no. I just want to raise one question on this point. May I?

Well, the only point I would like to ask on this—and the member for Downsview has brought out the very bad role of the insurance companies in this field—but there is one fund in the government which should have been used—I would like to point that out—and that is the Unsatisfied Judgment Fund.

Now I think very logically and very seriously when the insurance companies have failed then certainly there is a duty on the government. Throughout this whole thing the Minister has said he is waiting for the ruling of the Supreme Court. Well, the ruling of the Supreme Court has come down and it is against him and there is no excuse for further stalling. They should go to the Cabinet and the Unsatisfied Judgment Fund should be tapped so that these people are not ruined.

Mr. Sopha: Mr. Chairman, I want to raise a number of points, but before I launch into them I want to ask parenthically if I understood the Minister correctly when he spoke about the summoning of the executives of the insurance companies to the chartreuse carpeted offices of himself or the superintendent of insurance. Did that include the concept that if an insured person had a complaint about, for example, non-payment of a benefit under a policy that person may contact the superintendent of insurance and the superintendent will perforce investigate the complaint—and ask for an explanation from the company?

Hon. Mr. Rowntree: Oh, this has been made very clear to the underwriting groups and the companies, that we will even do our own investigations quite apart from what is contained in their files.

Mr. Sopha: Yes; well in one area 15 years of experience shows me that companies are perennially at fault. That is in the slowness of the payment of the claims, once judgment has been given. I have never been able to understand, except on economic grounds, why they are so tardy in coming forward with the money in payment of the judgment. But it is seldom less than three weeks, sometimes it is up to three months, and the plaintiff's solicitor, the judgment holder and the judgment creditor, hesitate to exercise the right given under The Insurance Act because of the incurrence of cost and the possibility of further delay. But I strongly suspect the reason is that this is very sagely invested and they are reluctant to part with it until it has gained its full gale of interest.

Hon. Mr. Rowntree: There can be no doubt of that.

Mr. Sopha: There is no doubt about it at all. Now, they started recently—just to become more specific—last year, they began to sell in line with what my friend, the member for Downsview, said. They began to sell the life insurance feature on the standard automobile policies, $5,000, I think it is. And I know of a case—and I hesitate to make a complaint to the superintendent of insurance myself—but I have a case right now, a company in this city where the deceased met his death in the first half of June and yet the personal plea to the claims manager does not bring forward the money. And I hesitate to issue the writ to put the matter at list in the courts.

Hon. Mr. Rowntree: Is there any estate problem to clean up?

Mr. Sopha: None at all. The widow is appointed the executrix and waiting to receive the money and in quite dire need. If I were to report it, they would accuse me of using my legislative position, so I will just have to suffer it through and I will call that company again tomorrow to ask the claims manager to forward the money which he promised three weeks ago.

Now, I want to turn to a peripheral and marginal matter which is perhaps minor but is of importance to me. That is, to express the thought that I do not suppose the superintendent of insurance is at all concerned or interested in the nature of the advertising carried on in the television by the insurance companies—especially the life insurance broker. I for one, being conscious of the assault on McLuhan and the writers who are saying that he is all wet in his understanding of the impact of television on children insofar as children treat the television tube on the periphery. It has been discovered that it is a continuous process, they are only watching it out of the corner of their eye. But, it has been demonstrated that the commercial, the advertising is part of the programme—it is part of "Mission Impossible", it is part of "Ironside", it is part of any of the other programmes—it is a continuous process.

I think some of the advertising of the life insurance companies is witless. I think some of it is vulgar and I think at least one of the advertisements is obscene, and I am not one of those who believe that obscenity is confined to four letter words. Now, the witless fits the category of the woman wandering around the shopping centre in a pregnant state and the impression conveyed that the father of this unborn child has adequately prepared for any eventuality in insuring his wife. That I thought was a rather bumptious sort of thing.

The one I would call obscene is the one about the widow going around the den of departed Henry and sort of loving to touch his worldly possessions that he left behind him. Of course, it conveys the notion that Henry was sensible enough to keep himself well insured so that she is a well-endowed widow. And it ends up with the two younger children coming charging in out of the out-of-doors where they have been playing. She gives them the beatific smile and the notion is pervade that: Oh, Henry loved his family and left them a large block of life insurance.

Hon. Mr. Grossman: Well, how would you sell insurance?

Mr. Sopha: Well, I wish the superintendent would take a look at some of that stuff to see the impact. And, let me say it, against the backdrop of some of the notions peddled on TV. If we, as politicians, used some of the same devices there would be a howl of hysteria from one end of this country to the other for subverting the young. But the commercial world is allowed to use any method of sinister persuasion that they like.

Now I turn to more important matters. I say to the Minister, notwithstanding his bravado in talking about the insurance companies and lack of concern for him, I say to him categorically—as I said in this House on many occasions—that The Insurance Act of this province is what the companies want it to be. It is their verbiage and their language and it contains the concept that they want in it.

How else can you justify the limitation to $35,000 for the innocents who are driving their car, perhaps four or six of them, driving their car down a highway and a drunk meets them head on on their side of the road, killing one or two, leaving two or three others maimed or crippled, and limiting the innocent to the sharing of $35,000? This, in a society that believes in shifting losses from the innocent to those who ought to have protected themselves against the eventuality.

Second, the Minister of Transport (Mr. Haskett) and this Minister continually war in the courts against the insurance companies. Oh yes, I say to the Minister of Justice (Mr. Wishart), that they avail themselves of all the steps and expense of appeal, they take the war to the highest courts of the land, but never do they ever come in here having lost in the courts as they have done in respect to the interpretation of insurance contracts and change the legislation to which we would give our ready consent.

Where have they ever taken steps to change the legislation in respect of the case of Minister of Transport against Great American Insurance Company. That is a great name for the defendant. That sort of typifies our colonial relationship: Minister of Transport against Great American Insurance Company. All he need do in respect of the issue at bar in that case that went to the Supreme Court of Canada, is change a few words to this Act, and we will vote unanimously over here for the change.

What is the issue? The issue is that they successfully put it to the Minister of Transport. They horn-swoggled him, and nailed his hide to the fence on the matter of whether the policy attached when he was carrying passengers for hire.

It went to the Supreme Court of Canada. All he needs to do is to change the Act and say, when a person is using a commercial vehicle to carry passengers for hire, the policy attaches. Who would suffer? The innocent in the other car? Johnson in that case? Well that case went to the Supreme Court of Canada, too. The case that was the subject matter of the policy.

Who would suffer, those two or the company which has the right to select its insured? Well the answer to that one is plain. But they delight in warring in the courts. They have never resolved that issue yet, and every motorist on a hiring in Ontario is there at the peril that he will be struck by a car driven by a person who is in violation of the policy in carrying passengers for hire.

Make damned sure, Mr. Chairman, that the guy who hits you is not carrying someone for compensation in a pleasure vehicle, under the laws of this province, or your widow might find that Alan has gone to his great reward and she only gets $35,000 or $50,000 when your worth is much more than that. To both your widow and to us.

Where else in the law can a party thrust himself uninvited into litigation except under The Insurance Act?

Let me just finish this point in a couple of sentences and I will continue tomorrow—for the Minister to answer me tomorrow.

Where else is a party defendant able to come into a piece of litigation, and say: I am here as of right, except under The Insurance Act. The principle of the law, I say to the Minister of Justice, is that the principle is entitled to select his defendants, and no one is entitled to thrust himself into complainants litigation except under The Insurance Act. Violation of time honoured principles. When does your superintendent of insurance ever begin to have a look at that one, to revise—to stop, cut out those iniquities that result from it? With which I shall continue on the morrow.

Hon. A. F. Lawrence moves that the committee rise and report.

Motion agreed to.

Mr. Chairman: Mr. Speaker, the committee of supply reports progress and asks for leave to sit again.

Report agreed to.

Hon. A. F. Lawrence (Minister of Mines): Mr. Speaker, tomorrow, I understand we will continue with the estimates of this department and hopefully start the estimates of The Department of Trade and Development.

Hon. A. F. Lawrence moves the adjournment of the House.

Motion agreed to.

The House adjourned at 11.10 of the clock, p.m.

No. 168



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Wednesday, October 1, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Wednesday, October 1, 1969

Report, select committee on rules and procedures, Mr. R. G. Hodgson 6477
Handling applications for registration under OHSIP, questions to Mr. Wells, Mr. Nixon 6484
Ambulance service for Delhi area, questions to Mr. Wells, Mr. Nixon 6485
Sunday opening of large retail outlets, questions to Mr. Robarts, Mr. MacDonald 6485
Gravel pit operations, questions to Mr. A. F. Lawrence, Mr. MacDonald 6486
Extension of public support to end of grade 13, question to Mr. Robarts, Mr. Pitman 6486
Incentives to control pollution, questions to Mr. Kerr, Mr. Pitman 6486
Release of grade 13 results, questions to Mr. Davis, Mr. Pitman 6487
Student accommodation in colleges of applied arts and technology and in universities, questions to Mr. Davis, Mr. Pitman 6487
Coverage under OHSIP, question to Mr. Wells, Mr. Sargent 6488
Conditions at Don jail, questions to Mr. Grossman, Mr. Sargent 6488
Family coverage under OHSIP, questions to Mr. Wells, Mr. T. Reid 6489
Access to personnel files of school boards, questions to Mr. Davis, Mr. T. Reid 6491
Appointment of teacher-student ombudsman, question to Mr. Davis, Mr. T. Reid 6491
$50 million mortgage fund under HOME plan, questions to Mr. Randall, Mr. Trotter 6491
Hadati Farm area under HOME plan, question to Mr. Randall, Mr. Worton 6492
Location of motor vehicles registration branch, questions to Mr. Haskett, Mr. Gisborn 6492
Survey of water resources in northern Ontario, questions to Mr. Kerr, Mr. Stokes 6493
Quota impositions on nickel supplies due to strike, question to Mr. Bales, Mr. Breithaupt 6494
Oak Street school site, questions to Mr. Davis and Mr. Randall, Mr. Lewis 6494
Pyrotex Mining and Exploration Company Ltd., questions to Mr. Rowntree, Mr. Shulman 6494
Costs of first mortgages, questions to Mr. Randall, Mr. Shulman 6495
Securities Act and Prudential situation, questions to Mr. Rowntree, Mr. Deacon 6495
Hog producers' marketing board, questions to Mr. Stewart, Mr. Shulman 6497
Personnel of workmen's compensation board, question to Mr. Bales, Mr. Shulman 6498
Insecticide contamination of imported grapes, question to Mr. Wells, Mr. MacDonald 6498
Six per cent ceiling on administrative costs for OHSIP, questions to Mr. Wells, Mr. MacDonald 6499
Employers' contributions under OHSIP, question to Mr. Wells, Mr. Deans 6500
Regional co-ordinators and chief claims officers, questions to Mr. Wells, Mr. Lewis 6500
Collective agreements and OHSIP, questions to Mr. Wells, Mr. Deans 6501
Estimates, Department of Financial and Commercial Affairs, Mr. Rowntree, continued 6501
Motion to adjourn, Mr. Welch, agreed to 6520

LEGISLATIVE ASSEMBLY OF ONTARIO

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: Today in the east gallery we have students visiting us from the Oakdale Junior High School, Downsview. I am sure we want to extend our welcome to these students.

Petitions.

Presenting reports.

Mr. R. G. Hodgson (Victoria-Haliburton): Mr. Speaker, we the members of the committee appointed by the legislative assembly of the province of Ontario on June 27, 1969, to examine into and review the rules, standing orders, practices and procedures of the Legislature, and to report its findings and recommendations not later than October 1 of this year, have now the honour to submit the attached report.

Mr. Speaker: Motions.

Introduction of bills.

Mr. R. G. Hodgson: Mr. Speaker, could I say a few words on the tabling of this report?

In tabling the report of the select committee on rules and procedures I would like to mention not only the highlights of the report, but also to give you some of the background to it.

As you are aware the committee was appointed on motion by the Prime Minister on Friday, June 27, 1969, and was required by that motion to examine the rules, practices and procedures of the Ontario legislative assembly. In addition the committee was required to report its findings and make recommendations by October 1, 1969.

During the intervening three months your committee has held 20 meetings to consider the matter referred to it.

Without appearing to criticize present practices your committee's primary objective before attempting to formulate new procedures was to consider what it was exactly that we were trying to do. This may seem to be a strange statement coming from the chairman of the committee but nonetheless an important one. It would, for example, have been easy to formulate new standing orders which would have considerably speeded the passage of business through the House but to the minds of all the members of the committee this would not have been a desirable result if that was all that was to be accomplished.

Instead of this approach your committee attempted to take an overall view of the whole range of activities in which a member elected to serve in the assembly becomes involved. This can be a very complicated task, for as soon as one factor in a combination of factors is changed, it will affect all the other factors.

It is obvious that a legislative assembly is, as the name implies, an assembly, or gathering together, of legislators. All members, regardless of party, are engaged in doing their best in the interests of the people of Ontario, but means had to be found to enable members to give their best. In finding these means, all the activities of members had to be examined and this we have done.

Progress in an assembly of legislators is arrived at after consideration. Consideration assumes that study and thought have been given to the matter. Study and thought assumes that research into the problem being considered has been done. All these steps, however, are preliminary to the way in which the thought is presented. This of course leads to communication. The communication is the primary element, and is the way in which all the preceding consideration, study and thought is brought forward.

The task, then, facing the committee was to improve not only the background to a presentation in the House, but also improve the forum for the presentation. The committee recognized that it is the duty of the government to govern, but in making such recognition it also realized that the private member, be he government supporter or in opposition, also has a vital role to play in the governing process. A way had to be found to provide him with an opportunity to be heard on any question of concern, and

at the same time to permit the member expressing his opinion to be as fully informed as possible.

The demands which are made on the time of a member are heavy, and naturally any time that he had free from his day-to-day activities should be spent in the most productive manner possible. Your committee has made recommendations which will allow this time to be fully utilized. Recommendations have been made regarding research facilities, secretarial services, and general amenities as they pertain to members.

Additionally, the time which a member will spend in the House will not become, as will the House itself, much more relevant and meaningful, both in terms of his own participation, and more importantly, in terms of the benefits which he can give to the people of Ontario.

The benefit of having research facilities and staff available to members was pointed out to your committee by Mr. Walter Kravitz, a specialist in American national government, when he addressed your committee. Such staff, he noted, should consist of a library which is equipped to handle any question which might be raised by a member, and at the very least be able to tell him where to look in order to find the solution to his problem. While the Library of Congress is able to write a speech for a member of Congress, either pro or con on a given subject, your committee does not feel that this is either desirable or obtainable in this jurisdiction.

Your committee does feel, however, that a well-equipped and staffed library is an essential adjunct to a member's daily work, and as such could be more effective to the demands of the members if it were placed directly under the control of the assembly, and for this reason it has recommended that one of the new standing committees which will be formed have the library, its services and staff directly under its control.

Other recommendations have been made regarding a member's staff, office accommodation and parking. With regard to the office space—and I am at this point just hitting the highlights of the report—it was clearly demonstrated to the committee when it travelled to Sacramento, California, that a member can be much better equipped to do his job if he has an adequate office. The facilities which we have presently as members are very bad in comparison. What your committee recommends is that a member, at the very least, should have a private office for himself, and share a secretary with one other member.

With regard to the business of supply, this was probably the most important area of concern to the committee and a good deal of thought and study went into its recommendation. As all members are aware, a study of spending estimates of various departments is now consuming a very large part of the time of the House, and a way had to be found to reduce the amount of time spent in this House without destroying, at the same time, the opportunity for complete examination of the estimates.

This task has been accomplished by the recommendation of the establishment of at least one standing committee to deal with estimates on which members of all parties would be able to participate on a rotating membership basis. In this way, each party critic would have an opportunity to be present when the department of which he was critic would be examined.

At the committee stage, a member would also be able to question the senior civil servants who are involved in the day-to-day operation of the departments. This opportunity is lacking in our present practice.

As well, your committee recognized it is advantageous to still have an opportunity to examine a Minister in the House. This has the benefit of a direct confrontation and has been retained. But, the time spent in the House dealing directly with estimates has been limited to what all committee members concede is a fair amount of time.

While the committee was in California, it had an opportunity to examine the California system of budgetary consideration. This system included both a pre- and post-audit. The pre-audit was done by a specialist in government programming and he presented his report to the committee on ways and means, which deals with budgetary matters. This places the committee members in a position of being able to have their own experts to examine the budget as presented by the executive and assess the worth of various programmes.

Mr. E. Sargent (Grey-Bruce): Long overdue.

Mr. R. G. Hodgson: While it was too late to include this recommendation in the report, it was suggested this also be considered along with the report. It was suggested that the new standing committee, which is recommended in the report, further study the possibility of employing such an expert or experts on the staff of the standing estimates committee if this report is adopted.

While your committee feels that it would be desirable to be able to adopt the whole of the report as a unit immediately, your committee does realize that many of its recommendations are of such a nature that there is not now the staff or the facilities that would enable complete adoption at this time.

However, the report is not one in which there has to be an all or nothing form of adoption. Rather, there are some areas of the report which would be and could be adopted immediately without disrupting the business of the House. Other areas could be adopted as staff and other facilities become available.

It is not my intention to completely review the many recommendations in the report except to say that they have effected a complete revision of all the rules of the House, resulting in new and modern rules that are in readily readable form. I would like to reiterate what I stated at the beginning of these remarks. We have, throughout our investigations, tried to make the House of which we are all a part not only more efficient—but more importantly—make it relevant to the times and a place where all members have an opportunity to play as large a role as possible. To this end, all the incidents of membership in what has been called the most exclusive club in Ontario, have been investigated, and I recommend this report to you.

Thank you, sir.

Mr. T. P. Reid (Rainy River): I wonder if I might be permitted a few words on this report as I had the honour of being a member of this committee. They shall be brief.

I would just like to point out two or three things to the House, sir. One thing that was very noticeable on this committee was the impartiality of the chairman. I want to commend him for the way in which he conducted himself and the committee over the course of the summer. I also think he and the other members of the committee should be commended for the earliness of this report being placed before the House. We were commissioned to have this report here at this time and it might serve as a beacon, shall we say, to other committees who seem to be dragging their feet in reporting back to this Legislature.

I would like to draw the attention of the members to some specific recommendations of the committee—notably, the early adoption of recommendations—and draw to your attention especially the provision of recommendation (h) which deals with the debates on matters of urgent public importance. If the rules as recommended had been in force yesterday we would have avoided the schmozzle we had in this House and would have been able to proceed in a much more orderly fashion.

Having said that, Mr. Speaker, I want to say I enjoyed my tenure on the committee and again congratulate the chairman on the job that he performed.

Mr. H. Peacock (Windsor West): Mr. Speaker, before the Prime Minister (Mr. Robarts) might rise to comment, may I also join the member for Rainy River in congratulating the chairman of the committee, the Clerk of the House and our consultants for the progress which I think the committee achieved in bringing this report forward to the House—particularly in respect to those areas of our daily business which have proved to be so difficult in recent months of this session and which, as the member for Rainy River pointed out, again came before us with such urgency in yesterday afternoon's session.

That is why I would just like to say, by way of comment on the recommendations themselves and particularly page (r) of that section of the report headed "Early Adoption of Recommendations" that I would wish the Prime Minister and his colleagues in the Cabinet who still have the ultimate authority, as he reminded us yesterday, to regulate the business of the House—to give their attention to that section because the recommendations in it, I think, deal straightforwardly and directly with those urgent problems that all the members of this House are aware of.

Mr. Speaker: The hon. member for Sudbury.

Mr. E. W. Sopha (Sudbury): Mr. Speaker, I rise on a question of the privileges of the House and of personal privilege in order to deal with a matter which I deem to be at once a reflection upon myself and every member of the House.

Mr. Speaker, I draw to your attention a press item which appeared on page one of the Toronto *Star* on August 30. The heading states, "Shulman says he has paid spies in Ontario mental institutions." Here is what the news story says:

> Dr. Morton Shulman said today that he has paid spies in some Ontario institutions to tell him how the inmates are being treated. Shulman, New Democratic Party MPP for High Park, said he decided on a spy system because the "previous incompetent Minister of Health, Matthew

> Dymond," ordered that no MPP could visit a mental hospital except on prearranged conducted tours.

Mr. Speaker, may I disagree to say that that is not exactly what the former Minister of Health said. The quotation attributed to Dr. Shulman goes on in this way:

> "In order to combat this, I have now placed persons in my employ in certain institutions who report directly to me," Shulman answered.

Later in the news report, these words occur:

> Shulman told the *Star* later that he had two men apply for jobs in two institutions and they were accepted. Shulman adds his own money to their salaries but he did not say how much.

That is the end of the quotation from the news item.

Sir, I suggest to you and to the rest of my colleagues in the House that if you were to search the annals of our legislative history, you could find nothing to compare with this for sheer brazen effrontery and squalid intention. This is nothing less than an attempt by an elected and duly sworn member of this assembly to use his own advantaged position and personal material wealth to undermine the democratic process and to subvert and suborn public servants by the instrument of bribery.

The member for High Park, a self-confessed "character assassin"—that is how he described himself recently in a London speech—again has induced certain individuals to apply, under false pretences, for certain positions in the public service. Having been accepted and in clear violation of their undertaking, and the ordinary incidence of master/servant relationship, they are to supply him with "information," true or false, unauthorized or concocted, by the use of which the member for High Park will endeavour to capture sensational newspaper headlines. And let it be noted, Mr. Speaker, that the informer, the paid spy, can always be relied upon to supply his employer with the kind of information the employer requires.

Sir, the news item from which I have quoted refers only to The Department of Health. But the author of this infamy has interested himself in other areas as well. Who is to say that the same attempt at subversion and subornation will not extend to other departments—The Department of Justice, The Department of Financial and Commercial Affairs, or the Treasury.

Sir, the whole point is this—and I want to underline it—I should like to ask you, as the presiding officer of this assembly and through you the head of the government—I should like to ask the head of the government to answer today—can this kind of behaviour on the part of a member of this assembly be tolerated?

If this kind of behaviour is all right, let the first citizen rise in his place as the head of the government, the leader of this House get up and say so, and if it is all right then every member who has personal means, has personal wealth, has the material wherewithal, can engage in similar practices to that of the member for High Park.

If this is the case then let us know in clear and unequivocal terms that this is fair game in this province. Is the member for High Park to be permitted to use his position and his personal wealth to establish a private espionage system within the Public Service of this province? Those questions deserve answers promptly from you and from the head of the government.

Against the babble of voices to my left, it is very appropriate to point out to you, to the memory of those who recall it, how ironic it is, sir, that a member of the New Democratic Party should be guilty of such a squalid practice when it is recalled that the leader of the predecessor of that party, the CCF, charged the government of the day, 24 years ago, with following a similar course.

Mr. Speaker, public servants who have the high regard—

Interjections by hon. members.

Mr. Speaker: Perhaps the hon. member could be permitted to continue the point of privilege that he is submiting without interruptions.

Mr. Sopha: Mr. Speaker, public servants of this province, the public service and members of it, attract a very high degree of respect in the performance of their duties from all sides of the House. Consequently they have a high responsibility to discharge. By bribing them and demanding from them a prior loyalty to him, the member for High Park involves himself in a sinister conspiracy which brings every member of this assembly into disrepute.

In my view, the matter should be referred to the committee on privileges and elections, but I cannot help but interpolate that in every assault by the member for High Park the government benches have quailed in

fright. They withdraw in fright. In my view, this matter ought to be referred to the committee on privileges and elections, but before I proceed to give notice of such a motion myself, I ask you sir, and the Prime Minister, to express your wishes on the actions of the member for High Park in this regard.

Let me make it very clear that I do not now, nor will I ever, condone the withholding of information by a Minister of the Crown from this House. Nor will I ever uphold or defend an action of any Minister to deny the inalienable right of any member of this assembly to inspect conditions in our public institutions.

My esteemed colleague, the member for Parkdale (Mr. Trotter), during the years he has been in the House, has been unrelenting in his criticism of conditions in our mental hospitals. There are many wrongs to be righted, but they can be righted by a vigorous exercise of the democratic process and not by sending a privately financed army of spies and informers into the public service. Personally, I have no respect for those who engage in such a practice in government or out of government. The spy and the informer and the stool pigeon, as far as I am concerned, belong to the lower order of beings. I shun them as I would the plague and I shudder to think that this assembly through its indifference would accord them the right to operate even though on the payroll of the member for High Park.

This is a matter of high importance to the democratic process in Ontario and the functioning of this, its supreme Parliament, and it deserves a clear and definitive statement from the head of the government.

Mr. M. Shulman (High Park): Mr. Speaker, perhaps I might be allowed a word on this subject.

An hon. member: The member should resign.

Mr. Shulman: Yes, there will be a few resignations before we are through with them and it will not just be in the Conservative Party.

However, on this particular matter, perhaps, Mr. Speaker, I might explain the background of the subject. As the representative from High Park I have been assigned the honour by my party of being the critic of The Department of Health. In an effort to carry out my duties as that critic, last year I visited a large number of mental institutions. The conditions which I saw there shocked me.

I brought the facts to the attention of this House, and you will recall that the then Minister of Health not only refused to look into the matter, he actually called in the provincial police to try to divine who were the people in the hospitals who had given me the information, and these were supervisors.

One particular one was at Smiths Falls where provincial police were brought into the hospital to interrogate the various supervisors who had gone around with me to find out who had spoken.

Mr. R. F. Nixon (Leader of the Opposition): Was that the information about the 400 pregnancies in the mental hospital?

Mr. Shulman: It was the information about the deficient clothing which is being sold, I believe, by a Liberal firm to the Conservative government.

Mr. D. C. MacDonald (York South): Sounds like the Gestapo is still with us.

Mr. Shulman: As a further result of this, despite this fact, I continued to tour the institutions, and at that time the then Minister issued instructions that no member of this House was to be allowed access to the institutions under his control except on prearranged, conducted tours. I was not the only member who was refused. I know of at least one other member who was refused admission to these institutions.

I might point out that at that time the member for Sudbury felt it was wrong that we should be barred access. It was only as a result of this, that in an effort to carry out my duties, which I felt I owed to the people of this province and to every member in this House, I then took efforts to have persons apply for jobs so they could inform me of what was going on.

The member for Sudbury made one extremely erroneous statement which I wish to correct right now. He said I have done this in order to get newspaper headlines. Well, just to set the record straight, one very serious matter involving senior staff was brought to me as a result of this. I did not take it to the newspapers. I took it to the new Minister of Health (Mr. Wells). I wrote him a letter yesterday which he must have today. In fact, the first letter he received a week ago was about this matter, offering to discuss it with him. He wrote back asking me that I write him the details, I wrote him again yesterday—

Hon. T. L. Wells (Minister of Health): Would the member read the letter he sent me a week ago?

Mr. Shulman: I will be glad to read all the letters; I did not get a reply to any of them. We are coming to that in a minute.

Hon. Mr. Wells: The one he sent me a week ago was not worthy of a reply.

Mr. Shulman: I wrote again yesterday offering to supply all the details to him on the one condition that the person who supplied them not be prosecuted. I am waiting for a reply from that. But the more important thing is that ever since this Minister was appointed some weeks or months ago, I have been writing him a series of letters offering to take these people out of the institutions immediately if he would just restore the normal prerogatives and rights of the members of this House, which is to visit those institutions.

I said the day he restores those rights I will take my people out of the institutions.

Well, I did not get any answers to those letters and finally I wrote him again some days ago and I said: "Do you get your mail? What is the matter with you? The last man was incompetent but he at least answered his letters."

He then wrote me back and he said: "Gee, I am awfully sorry. I have only been here for a few weeks and I have not had time to consider this type of thing very seriously. I cannot decide whether we should let you in or not. I will let you know by and by. Do not worry about it."

That is what he said: "I will let you know by and by." Well he does his duty. I will do mine, and I am going to continue to do it. As far as the committee on elections and privileges is concerned, I want to remind the members there was another motion made here some months ago by my colleague from Lakeshore (Mr. Lawlor). When the former Minister of Health—that incompetent man who fortunately is no longer with us—barred us, my colleague moved that he be brought before the committee on elections and privileges so that our true privileges could be protected. Not this phony privilege we hear about today. And where was the hon. member for Sudbury then? Where were the Conservatives then? Silent. They do not deserve to be in the House, not one of them.

Interjections by hon. members.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, I realize that you cannot have a debate on this subject. This whole matter was brought to my attention. I am conducting my own investigation as to the legality of what has been alleged that has been done and, in due course, we will decide what is a proper course of action.

Hon. Mr. Wells: Mr. Speaker, I might just add, since certain letters that have been written to me have been brought up, that I feel it is incumbent upon any member of this House when writing to any of his fellow members to at least talk in civil and proper terms about fellow members. The letters sent to me contained derogatory remarks about my predecessor in this position, and are the kind of letters that I deem do not deserve an answer.

Hon. A. A. Wishart (Attorney General): Mr. Speaker, I would add a few brief remarks to what has been said. I do not intend to engage in any debate. I would point out one matter which the hon. member for Sudbury did not mention, and which I think is of great significance and importance.

In The Public Service Act of this province, which is chapter 121 of 1961-1962, section 9 reads as follows:

> Every civil servant shall, before any salary is paid to him, take and subscribe before the Clerk of the Executive Council, the Deputy Minister or person designated in writing by either of them, an oath of office and secrecy in the following form:
>
> I (giving his name), do swear that I will faithfully discharge my duties as a civil servant and will observe and comply with the laws of Canada and Ontario and except, as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant, so help me God.

So the action of this member for High Park, in my opinion, is suborning a civil servant and he has the effrontery to say a moment ago, "When I have the permission to enter without any direction or control by the responsible Minister, then I will remove these people." How does he remove from the payroll of the government, of this province, persons who have been properly engaged under The Public Service Act? What kind of a statement is that?

There is much more I could say. I would add this. I became aware when the hon. member was an employee of the department

that I have the honour to administer, some two or more years ago, of the type of conduct to which he lent himself and his energies. I thought that the public would have observed and become aware long before this—

Mr. J. A. Renwick (Riverdale): On a point of order.

Mr. Speaker: Point of order.

Mr. J. A. Renwick: Mr. Speaker, on a point of order.

Mr. Speaker: I believe the hon. member has the right to rise on a point of order at any time.

Mr. Sopha: Do you condone this conduct?

Mr. Speaker: Will the hon. member please state his point of order?

Interjection by an hon. member.

Mr. J. A. Renwick: When there is an opportunity.

Mr. Speaker: Order. The hon. member for Riverdale will please state his point of order.

Mr. J. A. Renwick: I will state my point of order, Mr. Speaker, when it is possible for the point of order to be heard by the members of the House.

My point of order, Mr. Speaker, is that there has been a question of privilege raised by the member for Sudbury. The Prime Minister has indicated that the matter is being considered by the government. The Minister of Justice and Attorney General has now arisen in his place and made further allegations, unsupported, which he has never made on any other occasion.

My point of order, Mr. Speaker—and I seek the guidance of the Chair on it—is that rule 50 of this Legislature states that whenever any matter of privilege arises it shall be taken into consideration immediately. I rise to ask the guidance of the Chair as to the procedure which we should now follow in order that this matter will not degenerate in the way in which the Minister of Justice and Attorney General has permitted it.

Mr. MacDonald: Charges with no substantiation.

Mr. J. A. Renwick: My point of order, Mr. Speaker, is to request your guidance in the light of the rules of this House and whether the statement made by the Prime Minister is the course of action which the government is following. Until that matter is settled, then I suggest that this House should not further consider this matter until we have your guidance.

Interjections by hon. members.

Mr. Speaker: Order! May we please have order in the Chamber? May I say that I concur with the hon. member for Riverdale in respect to his statement that this matter should be considered and disposed of in some manner. He has quoted rule 50. I must say that I have also read rule 50. I might say that I have been considering the matter for the last several minutes. I have been listening to everything that has been said by the various members who have spoken and it seems to me that this entire matter has some grave implications, that it perhaps goes deeper than might appear on the surface.

I do not think any hon. member of this House would expect the Speaker, based on what has been said today, to make any sort of immediate decision. Therefore, I will take the matter under further consideration. I will discuss it with the proper authorities and consider everything that has been said and I will deal with the matter just as quickly as it is possible to do.

Mr. Shulman: I am quite content with your ruling. On a point of privilege, sir, and I do not wish to make any further comment on the remarks of the member for Sudbury; but on a point of privilege—

Interjections by hon. members.

Mr. Speaker: Order. The hon. member may rise on a point of privilege at any time—

Interjections by hon. members.

Mr. Speaker: Order, please. Let us have some order in the Chamber. The hon. member has every right to rise on a point of privilege.

Mr. Shulman: Mr. Speaker, thank you. I have no intention of making any comments on the remarks of the hon. member for Sudbury or the hon. Prime Minister. However, a new allegation has been made by the hon. Attorney General with reference to my conduct, sir, and I find it extremely disturbing because this is not the first, but the second time that he has made such an allegation. The last time was just before this summer, sir, in the Toronto *Star*.

On five occasions I have risen in this House asking him to substantiate, and he has failed to substantiate because he cannot substantiate.

Now, I say to him once again: It is all very well to throw out the accusation to you, sir, but I am asking you, sir, to rule—

Mr. Speaker: Well, I think the hon. member has made his—

Mr. Shulman: I have only one more sentence, may I finish, please?

Mr. Speaker: He has made his point of privilege, I believe.

Mr. Shulman: I am not finished, sir.

Mr. Speaker: Is it further to the point of privilege?

Mr. Shulman: Yes, sir.

Mr. Speaker: All right, proceed.

Mr. Shulman: To finish my sentence, sir, the point of privilege which I make is that the Attorney General has once again made an unbacked-up, unsubstantiated allegation, and I request that in your ruling you request him to either substantiate or withdraw.

Mr. Speaker: By virtue of what the hon. member for High Park has just said in the House, the matter is of grave concern to all of us. It requires some deep consideration, careful consideration, and I assure him his point of privilege will also be considered before any ruling is handed down.

Hon. J. H. White (Minister of Revenue): Do not look now, but his own front bench is chewing him up.

Interjections by hon. members.

Mr. Speaker: The hon. leader of the Opposition.

Mr. Nixon: Mr. Speaker, following your disposition of this matter, I have a question of the Minister of Health which I would like to place at this time:

Will the Minister state how many individuals were enrolled in the pay direct aspect of OHSIP as of noon today?

How many people were enrolled in groups?

Hon. Mr. Wells: Mr. Speaker, I am afraid that question did not arrive at my office in time to get that answer for the member. I will have it for him tomorrow.

Mr. Nixon: I am sure that Minister of Health is as concerned as we are that information of this type is made available as soon as possible and I will certainly await it with a great deal of interest.

Secondly, I wonder if I might ask the Minister of Health: Can the Minister tell the House what special provisions were made by his department so that applications could be received by telephone and other informal means up until the deadline of midnight, September 30?

Hon. Mr. Wells: Mr. Speaker, in answer to question 2064, while it is true that the deadline for registrations under OHSIP was midnight, September 30, the objective of the plan—and we have said this consistently and constantly—is to have as many people as possible join. And as many, and all, administrative steps that we can take will be taken to make this possible.

Now I have been checking the matter of the telephones which was raised in the paper this morning, I can find no particular directive given to our very hard-working staff. They have had many, many thousands of calls to handle—for them to be on duty last night.

But what we said still stands, Mr. Speaker, that anyone who can indicate that they made an effort to apply to the plan before September 30 will be considered. The health services insurance council has the right to consider any cases, and, with at least some substantiation, which I am sure will not be difficult for any citizen, they will all be covered. I can assure this House that there will be no one left out who wants to get into the plan.

Mr. Nixon: I thank the Minister of Health for his statement and, Mr. Speaker, I wonder if you would permit a supplementary question—really a question for clarification.

From what the Minister has said, we should then assume that any citizen who was desirous of joining the plan, and could say that he was so desirous before the deadline and made some attempts to do so, would be considered, and in fact enrolled without a waiting period.

Surely it would be more acceptable to the citizens of this province and to the business-like procedures of the Minister's own department if, in fact, he were to set a new deadline without interrupting the coming into force of the programme, so that those people, who had not yet had an opportunity to cut through the tangle of confusion and red tape, would have at least a further period of time in which to, in an orderly way, get their application before the Minister's officials.

Hon. Mr. Wells: Mr. Speaker, in answer to the supplemental question, I have said

that no one will be left out, because administratively we can do this. I am sure the hon. members are aware that the only way we could extend the deadline is by amending the Act and this, of course, could not be done in time in this House to facilitate any of these people anyway. The section of the Act says October 1 will be the deadline.

We are accepting an administrative procedure to make sure that everyone is included.

Mr. Nixon: Well, Mr. Speaker, if I might ask further of the Minister. His intention then is, that he is really amending the Act as far as the citizens are concerned without bringing it before the Legislature. I am simply submitting to him that it would be much more acceptable to all concerned if in fact he were to make an announcement that some date, some time in the future—perhaps a month away—would be considered as the limit as far as the administrative capabilities of his excellent and hard-working staff was concerned, so that it could be applied in the intention that he stated at this time.

Mr. MacDonald: He is the victim of his own bad legislation.

Mr. Nixon: Now, Mr. Speaker, I have a further, more specific question of the Minister.

Is the Minister planning to license ambulance services for the town of Delhi?

Hon. Mr. Wells: Mr. Speaker, in answer to this question, number 2060, presently within the town of Delhi, I understand there are two funeral directors who are currently providing ambulance service, and who are reimbursed under the insurance programme under our OHSC programme for calls they make for necessary service. Arrangements are being worked out between our people and people in Delhi for future ambulance service in that area.

Mr. Nixon: Well, I must pursue that with a supplementary question, Mr. Speaker, if you will permit?

It is true there are two services that are getting government support. But neither of these is licensed under the legislation that is relatively new and administered by this Minister. There is some indication that another license service in a much smaller centre, some distance away, might supersede them and the citizens of that town are concerned.

Really, the only thing that I can gather from the Minister's statement is in fact that that is what is going to come about, and that the ambulance service is going to be moved out of Delhi. Will he verify that?

Hon. Mr. Wells: Mr. Speaker, of course, I do not have all the details to deal with this question. It was a very simple question about plans to license in the town of Delhi and we said that the whole thing is under consideration. Perhaps I can get the answer for him at a future date and give him some more definite details.

Mr. Nixon: I appreciate that, and I would only say that the fact that it is under consideration and has been for so long is what is concerning the mayor of the city, the citizens and myself.

Mr. Speaker: The hon. member for York South has a question for the hon. Prime Minister.

Mr. MacDonald: A question of the Prime Minister:

Has the government reached any conclusions regarding representations made to the government this past summer by a citizens' committee urging provincial legislation against opening of major retail outlets?

Hon. Mr. Robarts: Mr. Speaker, perhaps I could put it this way. The government has no intention of tolerating the continued expansion of large retail outlets being open on Sunday. I might say that we also recognize that there are small stores that are opened on Sunday that serve a very real purpose and become perhaps what one might term, part of the picture in the province.

So it is very difficult to have a completely black and white answer to the question. But we are presently prosecuting large stores that have opened on Sunday. There was, I believe, a prosecution in Whitby yesterday and judgment was reserved in that case. But we intend to make it very clear that we will not tolerate a completely wide open Sunday, such as shopping centres and large department stores and so on staying open.

There are many, many gradations or degrees in this whole question, which must be obvious to anyone who looks at it with care, so that it is not easy to formulate a policy. But we will use the means of prosecuting in order to indicate that it is not going to be tolerated.

Mr. MacDonald: Mr. Speaker, by way of supplementary question. May I ask the Prime Minister, is the government's way of delineating between major and non-major—and you

will note, Mr. Speaker, that my question said "major retail outlets," so we are on common ground there—that they are just going to pick the ones that they think are above such and such a line and charge them, and if that is their procedure, while I admit the difficulties involved in it, is it not necessary for government to be a bit more definitive so that everybody will know where he stands and not suddenly find that the boom is lowered?

Hon. Mr. Robarts: Mr. Speaker, the hon. member simply points out the difficulty there is in the whole problem. Certainly, one approach to it is this—and it was made clear to us by representatives of large retailers and large retail chains when they met with us earlier in the summer—that if they could be assured that their competitors were not going to be open on Sundays they were not interested in being open on Sunday.

I think we can indicate this and perhaps we can get a solution to the problem without getting into that very vexing question of having to draw a line, because there is every conceivable type of retail establishment that could be mentioned—

Mr. V. M. Singer (Downsview): You can buy anything you want on Sunday in Toronto—

Hon. Mr. Robarts: I do not beg the question nor do I beg our responsibilities, but I must point out that there are some enormous practical difficulties and perhaps our solutions are going to have to be practical solutions as well.

Mr. Singer: Is the government going to apply them to summer resorts, too?

Hon. Mr. Robarts: No, we are not.

Mr. MacDonald: I thank the Prime Minister for the general thrust of his reply. I admit the difficulties, and perhaps we can debate them under more flexible circumstances later.

My second question is to the Minister of Mines:

Will the Minister table the interdepartmental report on gravel pit operations to which he referred last night during an interview on the CBC TV programme Weekday? Secondly, in view of the fact that municipal bylaws appear to be ineffectual in coping with the problems created by gravel pit operators, can the Minister assure the House that legislation dealing with this important issue will definitely be introduced this session and will go into effect on reaching Royal assent?

Hon. A. F. Lawrence (Minister of Mines): The answer to both questions, Mr. Speaker, is no.

Mr. Speaker: The hon. member for Peterborough.

Mr. MacDonald: We will ask "why" under other circumstances.

Mr. W. G. Pitman (Peterborough): I wonder if I could address a question to the hon. Prime Minister.

When does the Prime Minister intend to give some specific and public answers to the brief of the Ontario Separate School Trustees Association on the question of the extension of public support to the end of grade 13?

Hon. Mr. Robarts: Mr. Speaker, I cannot tell you when we will be in a position to give a specific and definitive answer to that request. That one particular brief, as members undoubtedly are aware, has generated other briefs from other groups who have opinions that might bear on the final decision. We have heard from various groups. There is more to be considered than just the one brief presented to us, and these other representations are under consideration now.

There are certain elements and certain aspects of the educaitonal system raised in that brief that need to be studied as well. I can only say at the moment, it is receiving constant on-going study, but I cannot really tell members this afternoon when we will be in a postion to give a final answer.

Mr. Pitman: I wonder if I could direct a question to the Minister of Energy and Resources Management.

Does the Minister intend to set up a loan bank in the near future providing incentives for industry and individuals to control pollution, as suggested in his remarks last June?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, we are looking at the general picture of incentives. A loan bank is a type of incentive we are considering. I realize the importance of making funds available to small industries so that they can acquire pollution abatement equipment to meet our requirements. I am hoping that any incentives of this type can be done along with the federal government. I have met with my counterpart in Ottawa. We have had discussions about this—without too much encouragement, I might add. But we want to know what the impact of our plans might be

to industry and my hope is to have some legislation available for the next session of the Legislature.

Mr. Pitman: I wonder if I could ask a supplementary on that?

The Minister, in his answer, mentioned only small industries. Has he any intention of making this same opportunity available to individuals? I am thinking of cottagers and people who are going to be definitely affected by any legislation dealing particularly with small lakes and rivers in southern Ontario.

Hon. Mr. Kerr: No, frankly, Mr. Speaker, we have not considered individuals. We have not considered incentives for individuals unless it would be in the way of elimination of sales tax on pollution abatement equipment or something like that. Right now, we are only considering industry.

Mr. Pitman: I would hope that perhaps the Minister might look into this for individuals and small municipalities.

To the Minister of Education:

Has any action been taken to inform school boards that they should not release grade 13 results to the press and news media in view of the Deputy Minister's comments that such marks are privileged information?

Hon. W. G. Davis (Minister of Education): Mr. Speaker, there is no formal policy from the department relevant to the distribution of the grade 13 marks. I have a personal point of view, and I think this was expressed as well by the Deputy Minister, and that is that certainly the student himself, or herself, should be the first one to have the marks made available, prior to any distribution to the communications media. I think it is only fair to recognize that for many of the students—for those, for instance, who are not successful—it is not the most pleasant way to find out the results of their examinations by reading them in the press. I think this was the point that the Deputy Minister was making and it is one that I have made on many previous occasions.

Mr. Pitman: Does the Minister have any plans for making his personal opinions become department policy before the marks are released again next June?

Hon. Mr. Davis: Mr. Speaker, I think my personal point of view really is now fairly well understood by the boards.

Mr. Pitman: To the Minister of Education again:

How many students failed to secure a place in the province's colleges of applied arts and technology, and how many places were unfilled in the province's universities?

Hon. Mr. Davis: Mr. Speaker, dealing with them in opposite order, while we have not any final results yet from the universities it would appear as though we are very close to filling all the student places available. The initial returns indicate that every qualified student who wished to enter a university, with the exception, of course, of the specialized faculties or disciplines, was able to find a place. It would also appear as though the anticipated enrolment by the universities is, in fact, somewhat in excess of the figures they predicted, and that while we felt last June we might have some surplus of student places, it appears at this point as though we will be very close to the actual number of places that were available.

With respect to the college programme, Mr. Speaker, it also is too early to determine the exact number of students and how many students may or may not have been able to enter. I do not want to be too optimistic, but we are really quite encouraged at the response to date. It would appear that if a student is prepared to enter, shall we say, his second choice of course or go to a college that was not right next door, that we will come very close to accommodating all those who were seeking entrance to the colleges of applied arts and technology.

I do not want, Mr. Speaker, to make this a definitive statement as yet. It will take about another two weeks before we have all the figures in. There is, once again, an exception to this and that is in those courses where a certain amount of field work is necessary, where it is just not possible to accommodate the numbers of students because of the field experience or practice that is required. To date it looks very encouraging.

Mr. Pitman: Mr. Speaker, if I might ask a supplementary question? Would the Minister take that as notice and perhaps bring forward the figures in a couple of weeks when they become available?

Hon. Mr. Davis: Yes.

Mr. Pitman: Mr. Speaker, I have a question here. I ask your indulgence; I am not sure whether you received it or not. If not, I would be prepared to ask it tomorrow. It relates to the students enrolled in teachers' colleges. It is on a different kind of paper and I wondered whether your office did receive it and whether it went through the

proper channels or not. Well, perhaps I might ask it tomorrow, Mr. Speaker.

Mr. Speaker: One further question from the hon. member for Peterborough but the Minister is not here.

Mr. Pitman: No, no, it was to the Minister of Education.

Mr. Speaker: I am sorry, I do not have the question. The hon. member for Grey-Bruce had caught my eye and I have his questions in order next.

Mr. Sargent: Thank you, Mr. Speaker. Through my paid spy in The Department of Health I find that there have been 1,176,000 applications filed for OHSIP. Will the Minister advise how this relates to his statement of yesterday that 97.5 per cent of the families in Ontario were covered?

Hon. Mr. Wells: Mr. Speaker, I do not know where the hon. member gets the figure that he has and his question did not arrive in our offices, but as I indicated yesterday the figure of 97.2 per cent comes from two sources:

One is a printout from our computers at OHSIP—these are the computers of OHSIP and are government administered, from the old OMSIP—and the printout now has about 4.5 million people in it whereas it had two million before this plan came into effect. Secondly, the reports from the designated agents indicate that we have 1,116,838 single contracts; 596,911 contracts for couples; and 1,182,155 contracts for families. When you multiply these by the various factors that apply you get the total of 7,261,525 people.

Mr. Sargent: So we almost have perfection in the whole bit.

Hon. Mr. Wells: That is right, but the member will not believe it.

Mr. Sargent: The Minister should hear the phone calls the members are getting in. We are all crazy, I guess.

A question to the Minister of Correctional Services. Would the Minister inform the House what steps have been taken to correct the findings of the grand jury at Don Jail with regard to excessive 98 degree temperatures, lack of proper legal aid, and pre-medical facilities?

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, I just received this question prior to one o'clock but I am familiar with the circumstances. I read the grand jury report in detail and I know some of the background of it. I could tell the hon. member that before the Don Jail became the responsibility of this department, this department did draw to the attention of the Metropolitan authorities some of the problems in respect of lack of ventilation and some correctional measures were taken as a result of that, at that time. I cannot recall when, I think it was two or three years ago.

Apparently, according to the grand jury, this has not solved the problem so we have asked for the matter to be investigated again. We are getting some reports from various officials which will help us to arrive at some conclusion in this respect.

Regarding the lack of proper legal aid, that is a matter for The Department of the Attorney General, although I am familiar with the contents of the report. I think the grand jury's complaint was that the inmates—when they asked for legal aid—were not being given an opinion as to who specialized in what, and the various degrees of qualifications of the various lawyers. Even though this is not really a matter for my department we sent this part of the report along to the legal aid organization just in case it had not come to their attention. I do not know what they are going to do about it, quite frankly, and I do not really know that they can do anything about that particular complaint. I am not quite certain what the hon. member means by the statement "lack of pre-medical facilities."

Mr. Sargent: It should not be "pre", it should be "medical".

Hon. Mr. Grossman: Medical facilities. Well, I do not recall their complaints about that. I think they complained about some statement which the doctor at the jail had made to them which gave them the impression that he was not too concerned about the attention that was required by some people who required medical attention. I am not sure about that but I will get this information and provide it to the hon. member.

Mr. Sargent: Thank you, Mr. Minister. The thing is that the Minister must realize that this is the only course of action that the citizen has to get to a grand jury report. I would like him to let me know. These things are still going on right today. Legal aid is not working there.

Hon. Mr. Grossman: That is a matter of opinion.

Mr. Sargent: Their report said that, Mr. Minister. I am not saying it is right or wrong, but they are responsible people. So these things are rampant today at the Don Jail and I would like the Minister to give us a target date when it is going to be fixed.

Hon. Mr. Grossman: Mr. Speaker, I think I explained that. I do not know how to answer that question: "When these things are going to be fixed." In the first place, I have not agreed that there is a lack of proper legal aid. However, I have asked the legal aid people to look into this thing. It is entirely up to them to report on it and I do not agree necessarily that there is anything wrong with the legal aid system as it is working at the Don Jail. I have answered the other question as far as I was able.

Mr. Sargent: Will the Minister accept a supplementary question? Is he implying then that the democratic process of a grand jury does not work properly?

Hon. Mr. Grossman: I just said, Mr. Speaker, that I read the report thoroughly and I have caused certain action to be taken as a result of the grand jury report. I do not think there is anything else we can do.

Mr. Speaker: The hon. member for Scarborough East.

Mr. T. Reid (Scarborough East): A question for the Minister of Health:

Has the Minister written to the medical doctors of Ontario to inform them of the Minister's policy as stated in the Legislature on Tuesday, September 30, that: (a) individual families such as my own family, who have let the Ontario Hospital Services Insurance Plan know that our families want insurance coverage, but (b) are not now today legally covered, and (c) that doctors must consider my family, and others like mine, as being fully covered by OHSIP?

Hon. Mr. Wells: Well, Mr. Speaker, I thank the hon. member for this question. I might just ask him, is he indicating here when he talks about his own family that he had no insurance coverage before this date?

Mr. T. Reid: I had insurance coverage as of midnight last night and my insurance company cancelled it.

Hon. Mr. Wells: This is interesting, Mr. Speaker. What company was that with, may I ask the member?

Mr. T. Reid: Premier Life.

Hon. Mr. Wells: The point is that our Act is fairly explicit. If you were covered and your premium was paid, you automatically switched. I would be happy to look into the member's individual case to see what the situation is. We certainly have not written a letter to the doctors at this point. We have written to the doctors explaining the plan very fully, and this went out a couple of weeks ago. However, we will look into this and if it is thought necessary to inform them about this then we will certainly do that.

Mr. T. Reid: Mr. Speaker, by way of supplementary, the problem is a simple one: Legally I am not covered today under OHSIP. Could the Minister answer what happens if I go to a doctor tomorrow, or my wife goes with my young son, and the doctor says: "Are you covered by medical insurance under OHSIP?" I have to say: "No, but the Minister told me in the Legislature yesterday not to worry, because you will consider me covered." The doctor says: "Well, show me the laws."

There are no laws. Legally, people who are not covered are not covered. And how the devil are you going to tell the doctors this if they will not act?

Hon. Mr. Wells: Mr. Speaker, in answer to that, the member said he was covered by a private insurance company for medical coverage. Was this through York University?

Mr. T. Reid: No, I am on a full-time leave of absence. All my social security benefits were cancelled.

Hon. Mr. Wells: Yes, but I mean the member has a policy somewhere.

Mr. T. Reid: Mr. Speaker, I am quite prepared to engage in a personal debate, but my point is, what about people in the same circumstances who are not now covered legally by any health insurance when they go to the doctor and the doctor asks a very simple question: "Are you covered?" and they have to say, "No."

Hon. Mr. Wells: Mr. Speaker, for the clarification of the House again I will read the section. It says:

> Every person who is a covered person under The Medical Services Insurance Act immediately before this Act comes into force, shall be deemed to be an insured person under this Act until the expiration of the period for which his premium is paid under the Act.

That section, Mr. Speaker, means that everybody who is in OMSIP is automatically covered whether they have heard from anybody or not. Every person who is eligible to become an insured person under this Act, and who is insured for medical services under a plan of an insurer licensed under The Insurance Act, or under a plan of an association registered under The Pre-paid Hospital and Medical Hospital Services Act, immediately before this Act comes into force shall be deemed to be an insured person under this Act and entitled to payment for insured health services received on or after October 1, 1969.

My answer, Mr. Speaker, is that if the hon. member's premium was paid up until last night at midnight he is covered. He has OHSIP coverage, and he can tell his doctor so.

Mr. T. Reid: Mr. Speaker, I just want to make sure I am not misleading the House or anything here. And I also want to make sure the Minister is trying to understand the question I am asking him.

Mr. Speaker, in the way of a supplementary to the Minister, if I have an insurance policy with Canadian Premier Life, head office in Winnipeg, over the past 12 years, why would they send me a letter saying that my insurance policy is cancelled because of the provisions of the Ontario medicare legislation—which they did. They returned the unused portion of my cheque, starting midnight this morning, or one minute after midnight today, informing me I should get in touch with my government plan.

Now, Mr. Speaker, to make sure I am not misleading the House, I have another insurance policy, a $300 deductible policy, and I have not heard from the company yet. To be honest with you, I do not know whether I have medical insurance right now, but my general question to the Minister was, to get away from my personal case: What happens to people who got in touch with this part of his office before midnight yesterday, who are not now legally covered, because they did not fall into the categories that the Minister has defined? What happens if they have not yet sent their form in, and go to the doctor and the doctor says: "Well, are you covered legally?" and they say: "Well, no, I do not think I am, but I read in the newspapers that our nice new Minister of Health said that that did not matter as long as I got in touch with his department before midnight." And the doctor then says: "Who are you kidding? I do not read newspapers, but the law says you are not covered." My leader has asked the Minister. You know, legally the Minister is full of air.

Hon. Mr. Wells: The hon. member has introduced a new aspect into this when he talks about an out-of-province insurance company. Again, I would have to check with my friend the Minister of Financial and Commercial Affairs (Mr. Randall), and find out if that company is registered under the insurance Acts of Ontario. Of course, if they are registered, the member is covered. If they are not, then this would be a definite case of an administrative arrangement where he would be immediately covered by the Health Services Insurance Council because it would have been through no fault of his own that he was not covered.

I am sure the percentage of people that have out-of-province insurance policies is very small; but certainly that would be a case where you would be covered and the administrative arrangements would take care of this.

I understand the member's question very well, and certainly all of these things are the kind of administrative things that will be taken care of and nobody will be deprived of coverage.

Mr. T. Reid: If the doctors do not believe it what are you going to do?

Hon. Mr. Wells: The doctors will believe it. As I indicated to the hon. member, if it is necessary, in the light of the next few days consulting with our officials on this matter, we will send a bulletin to the doctors informing them.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): May I ask, Mr. Speaker, what was the name of the company?

Mr. T. Reid: The name of the company which sent me this letter, and the Minister's office has a copy of it, is Canadian Premier Life, head office, Winnipeg.

Hon. Mr. Rowntree: Canadian Premier Life, head office in Winnipeg, and the question is whether it is registered in Ontario to do business. Is the insured person referred to a resident of Ontario?

Mr. T. Reid: I am talking about myself. Look, I am trying to represent the people who could get scored by the system you guys set up.

Mr. Speaker: The hon. member has a question to the Minister of Education.

Mr. T. Reid: Yes, two related questions, perhaps I should put them both together.

In view of the Minister's reply to my question No. 83 on order paper 104, as tabled in the Legislature September 30, 1969, which related to Mrs. Fiona Nelson, does the Minister intend to amend the statutes of Ontario to prescribe regulations to limit access to the personnel files of the school boards to only a few people and to place specific limits on the distribution of information from a personnel file established and maintained by a school board in order the better to protect the rights of privacy of identifiable individuals in Ontario, and if not, why not?

The second question, which has part of the sentence left out, is: In view of the Minister's reply to my question No. 84 on order paper 104, that Mrs. Fiona Nelson has no guarantee under the provincial statutes that libellous statements are not contained in the dossier kept on her by the board of education of the city of Toronto, and that Mrs. Nelson's only remedy lies in the common law action for damages and other relief by The Judicature Act and The Libel and Slander Act, does the Minister not believe that his department should explore methods or guidelines concerning the type of personal information on teachers that should or should not be recorded in the personnel files of school boards in Ontario?

Hon. Mr. Davis: Mr. Speaker, dealing with the second question first, I think the hon. member would recognize that to determine what should or should not be contained in personnel files, we would have to make a predetermination as to whether these might, if improperly used be libellous or otherwise, which is, I think, a very difficult thing to do.

The other point that I think needs to be made is that the teacher should be in the same position as any other individual and, of course, he or she is, under the laws of this province. Can you in any way introduce guidelines or legislation that would give a teacher, shall we say, any preferential position over anyone else relevant to the laws of libel and slander?

With respect to the first question, Mr. Speaker, this, of course, gives us some concern. Once again, can you in fact legislate the number of people who would have access to personnel files? You get into the problem if you are going to determine by regulation or even by statute who should or should not have access. Then you have to have people who will in fact determine whether the regulations are being, shall we say, properly abided by.

Then you introduce a third or another group; and this in itself is somewhat self-defeating. I would assure the hon. member that these matters have, and are being considered. They are not quite as simple as they might appear on the surface as far as any solution is concerned.

Mr. T. Reid: Mr. Speaker—

Mr. Speaker: Does that answer both questions of the hon. member?

Mr. T. Reid: I have no supplementaries on that.

I have one further question of the Minister:

Is the Minister prepared to appoint a teacher-student ombudsman as recommended to him by a special 15-member committee on September 16?

Hon. Mr. Davis: Mr. Speaker, the report being referred to by the hon. member is the one related to "The Unreached Youth". There are a number of recommendations in that report. It is receiving study within the department, there are other groups which have indicated an interest in making some briefs relevant to it, and of course this is one of the recommendations in it that is being considered.

Mr. T. Reid: A supplementary question, Mr. Speaker. Could the Minister make a copy of that report available to the Opposition critics?

Mr. J. B. Trotter (Parkdale): Mr. Speaker, I have a question of the Minister of Trade and Development:

Will the Minister inform the House whether or not any part of the $50 million mortgage fund under the HOME plan will be used to assist the purchasers of the 300 lots at the suburban—

Mr. Speaker: Order, please. That is not the wording of the question I have. I do not know if it is important.

Mr. Trotter: We phoned the Minister's office, Mr. Speaker. It was typed out meaning "purchase of," and it should have read "purchasers of" lots. I left my glasses home today. I think they understand the question.

Hon. S. J. Randall (Minister of Trade and Development): Mr. Speaker, I would say yes.

If I am not successful shortly in securing funds from traditional sources, we will use that money for that purpose.

Mr. Trotter: I was wondering, Mr. Speaker, if the Minister could say how much of the $50 million would be involved in the Borden Farm in Ottawa?

Hon. Mr. Randall: I would say this: I think the figures are that approximately 2,600 homes could be financed through the $50 million, financing the entire package at the 95 per cent high ratio mortgage. It will run to about 2,600 units and it would be ample for Borden Farms.

Mr. Trotter: Well, there will not be much left out of his $50 million for the rest of Ontario, will there?

Hon. Mr. Randall: I would hope long before then I can do the same thing as I did last year. I got $60 million out of the banks for the same purpose, so we are working on the banks and other financial institutions, to have them go along with the first mortgage arrangement, and perhaps things up in Ottawa will ease up a bit too before we use up all the $50 million.

Mr. Trotter: Just one final supplementary: Has the Minister any idea when this $50 million will be applied to the Borden Farm, if it is needed? I think time is running out on these people.

Hon. Mr. Randall: We are in contact with people up on Borden farm right now. They have their lots under lease and we are making arrangements now to either get funds elsewhere or provide funds through this $50 million.

Mr. Speaker: The hon. member for Wellington South has a question of the same Minister.

Mr. H. Worton (Wellington South): Mr. Speaker, a question of the Minister of Trade and Development:

When will the Minister authorize the development of the Hadati Farm area under the HOME plan?

Hon. Mr. Randall: The answer to that question, Mr. Speaker, is that the acquisition of the Hadati Farm in Guelph received provincial approval on May 23, 1968, and the development is currently going through the normal planning processes required by any subdivision.

When draft plan approval has been obtained the necessary services will be designed and further provincial approval will be sought. It is hopeful this land will be brought into production toward the end of 1970.

Mr. Speaker: The hon. member for Hamilton East.

Mr. R. Gisborn (Hamilton East): Mr. Speaker, my question is to the Minister of Health.

Will the Minister clarify the position regarding enrolment and coverage of mandatory group employees who are at present on legal strike, and may be on legal strike for some time in the future?

Hon. Mr. Wells: Mr. Speaker, this question arrived fairly late but I would say to the hon. member that of course the employees, if they are employed by the firm, even though they are on strike, have their coverage there. And as I stated in the section of the Act that I have already read, if their premiums were paid up by the firm up until midnight last night, they are in OHSIP. So I see no technical difficulty there. They are covered.

Mr. Gisborn: A supplementary question: Certainly the Minister is aware that where a strike has now been in process for two months, there are no payments being made by the company for the premiums. Whether or not they have made their enrolment submission is one thing; are they covered or are they not? They are now on strike.

Hon. Mr. Wells: All right. Mr. Speaker, I had better take that as notice and check. Is the member speaking specifically of the Stelco and INCO people?

Mr. Gisborn: Yes, all in the province.

Hon. Mr. Wells: We will check that and get the answer tomorrow.

Mr. Speaker: The same hon. member has a question of the Minister of Transport?

Mr. Gisborn: A question of the Minister of Transport:

Why was the motor vehicles registration branch, previously located at the Hamilton Greater Shopping Centre, re-located at Parkdale and Britannia avenues, Hamilton?

Hon. I. Haskett (Minister of Transport): Mr. Speaker, the lease on the property at the Hamilton Greater Shopping Centre expired, and we were not able to renew it. We found the site at Parkdale and Britannia avenues the most suitable available at the time.

Mr. Gisborn: The parking lot holds 12 cars.

Mr. Speaker: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Speaker, I have two questions, one for the Minister of Education from yesterday:

In view of the Provincial Treasurer's (Mr. MacNaughton) statement in a speech on September 15, 1969, to school board chairmen that the province was now bearing 49 per cent of total school costs, will the Minister table a reply to my enquiry of the Ministry (No. 27 on the order paper) showing the calculations by which the 49 per cent was arrived at?

Hon. Mr. Davis: Mr. Speaker, I do not have a copy of the Treasurer's speech here as to what relation the 49 per cent was being used, whether it was to the total cost of education, or the cost of elementary and secondary. I am endeavouring to assemble sufficient information for the hon. member to answer the question that is on the order paper. I should point out to him it is a fairly lengthy and detailed process and will take as yet a period of time to have this information.

Mr. Deans: I am sure the Minister would agree it has been on the order paper for quite a while.

Hon. Mr. Davis: And there is a lot of work to be done.

Mr. Deans: I do not doubt that.

A question of the Minister of Health: Is the office located at 135 James Street South in Hamilton, which was previously—

Mr. Speaker: My copy of the question says "East".

Mr. Deans: Yes, I realize that. There is no James Street East in Hamilton. Is this office, which was previously used by Ontario Medical Insurance Plan, presently being used by Ontario Hospital Services Insurance?

Hon. Mr. Wells: Mr. Speaker, I will have to take that as notice. I have not had time to find out that answer.

Mr. Speaker: The hon. member for Thunder Bay.

Mr. J. E. Stokes (Thunder Bay): Thank you, Mr. Speaker. I have a question of the Minister of Energy and Resources Management:

What prompted the joint survey of water resources which has been under way for the past four or five years in northern Ontario?

Has this survey been undertaken to determine the feasibility of diverting and holding water for export and sale to the United States?

Hon. Mr. Kerr: Mr. Speaker, in answer to part one, the survey of water resources in northern Ontario was initiated by the OWRC in 1965 in recognition of the fact that adequate factual data was not available in the quantity and quality of the waters flowing northward to Hudson Bay and James Bay.

This study was undertaken by the OWRC as an extension of its water assessment programme being carried out in other parts of the province. The interest in this water resource data was heightened by the low lake levels which had occured the previous year in the Great Lakes, and the publicity given to the scarcity of water in other areas of North America.

It was apparent that Ontario must have this basic water resources data in the development of northern Ontario.

Concurrently, the federal government indicated an interest in undertaking and engineering a feasibility study of diversion possibilities. Agreement was reached by the two governments that these studies while separate, would be co-ordinated to take full advantage of the data collected.

In answer to part two, Mr. Speaker, the survey was not undertaken by the province to determine the feasibility of diverting and holding water for export and sale to the United States. I must emphasize that the interest of Ontario and Canada must come first.

As I said, the main objective of this study is to assess the quantity and quality of our water resources in relation to our future needs.

Mr. Stokes: If I might ask a supplementary. Does this mean that there will be no decision reached with regard to diversion without complete consultation with all those that might be affected?

Hon. Mr. Kerr: Mr. Speaker, as I have indicated this whole matter is still in the study stage. We are still acquiring data and certainly, any decision would have to be made by those governments involved, and

that would involve this Legislature as far as this province is concerned.

Mr. Speaker: The hon. member for Kitchener has a question.

Mr. J. R. Breithaupt (Kitchener): Question of the Minister of Labour, Mr. Speaker.

Is the Minister aware of the hardships being suffered by secondary manufacturing concerns and electro-plating businesses due to the quota impositions on their supplies of nickel by the International Nickel Company? If so, will this knowledge be imparted to those negotiating a settlement of the present strike? If not, will he acquire this information?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, the answer to the question is yes. I am advised that both parties at the bargaining table are well aware of the situation.

Mr. Speaker: The hon. member for Scarborough West made it first.

Mr. S. Lewis (Scarborough West): Yes, Mr. Speaker, I have an almost identical question for both the Ministers of Education and Trade and Development. I almost apologize for asking it except that I would appreciate the reply on the record.

To the Minister of Education: Trustee William Ross, at a public meeting held in Regent Park to discuss the contentious proposed Oak Street School site, stated that the Toronto Board of Education had been advised by "the government" that its meeting on September 11 which decided to go ahead with the construction of a new school at Oak, Cornwall and River Streets had to be held in secret.

Did the Minister's department advise the board of education that this decision had to be made at a secret meeting? If so, why?

Hon. Mr. Davis: Mr. Speaker, I think perhaps it is logical that the hon. members assume that if such a statement was made and it was said by the government that one might relate it to The Department of Education.

I can only speak for myself, the Deputy Minister and those he was able to contact from about 1.40 until 2 o'clock. All those contacted who might be in a position to have this question asked of them made it abundantly clear that not only is this not departmental policy but we have never made such a point to any board. In fact, I have publicly, on many occasions, suggested that all board business should be done in public.

Mr. Lewis: I appreciate that answer, Mr. Speaker. The same question I put to the Minister of Trade and Development in regard to the Ontario Housing Corporation, question 2081.

Hon. Mr. Randall: Mr. Speaker, when the chairman and members of the Toronto Board of Education met with officials of Ontario Housing Corporation on August 26, they were presented with designs of a potential school including community facilities in a North Regent Park area. During the course of this preliminary design work, architectural staff of OHC had consulted with the professional staff of the Board of Education to determine the body's precise requirements. However, this was the first time the designs had been seen by the chairman and members of the board. After some discussion the Board of Education asked that they be provided with copies of the plans as they wished to have them reviewed by their staff.

At no time were they requested to hold any meetings of the board in secret. They were however, advised that OHC wished, in the event of their approval in principle of the plans, to present them to its tenants in the Regent Park area in accordance with an undertaking which had previously been given prior to there being any public statements by the Board of Education or approaches by the Board of Education to these OHC tenants.

I think, if there is any misunderstanding, it was the fact that we wanted to make sure the tenants knew about it before everybody else.

Mr. Lewis: I am sorry, Mr. Speaker, might the Minister send that statement over to me? I would appreciate a copy now.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: Yes, Mr. Speaker, I have some questions.

My first question to the Minister of Financial and Commercial Affairs.

When does the Minister intend to release the report on Pyrotex Mining and Exploration Company Limited, which he said in the House on June 12, 1969, that he would release as soon as he got back to his office? Has the Minister been back to his office since June 12, 1969?

Hon. Mr. Rowntree: I can answer the question. I enquired as to the status of the matter and I think what the hon. member is really

interested in are the proceedings in connection with and arising from the investigation. Charges were laid, the prosecution proceeded with, cases were held in August of this year and certain convictions were secured. I have asked for the details of those convictions and the circumstances and I think I will have that tomorrow, together with the report. I have not seen the report but I gather the report itself contains the evidence on which the prosecutions were to proceed.

Mr. Shulman: Is the Minister going to release the report tomorrow as well?

Hon. Mr. Rowntree: That is my hope.

Mr. Shulman: I have a question for the Minister of Trade and Development, Mr. Speaker.

In view of the complaints by many approved mortgage lenders, as reported on the front page of the current *Financial Post*, that his recent statement about the cost of first mortgages could drive such costs to 12 per cent by year end, does the Minister intend to take remedial action?

Is the Minister aware that his statement may be responsible for all persons buying new homes paying substantially more for their mortgages?

Hon. Mr. Randall: Mr. Speaker, in answer to the remedial action—the member's first question—we have offered $50 million for secondary financing and if first mortgage funds are not forthcoming from the traditional sources I would anticipate that our fund could be used for this purpose, as I stated this afternoon. We are in consultation with the CMHC officials and the Minister, Mr. Andras, to formulate a programme for mortgage financing which I hope eventually will be announced.

In answer to the second question: I do not accept this inference that my comments had any bearing whatsoever on the interest rate increase or those that may perhaps follow. The day before I made that announcement, I know of a trust company in Toronto that was charging 11 per cent and I was informed when I was in Timmins that a company up there was charging 12 per cent. I think I am in complete agreement with the Economic Council of Canada when I say that I do not know how you are going to cure inflation by raising interest rates, increasing reserves and throwing thousands of people out of work.

I do not think any comments I made had any bearing whatsoever on interest rates increasing. In fact, in the jargon of the west I was trying to head them off at the pass. I think the publicity it got may have had something to do with keeping them below 12 per cent.

Mr. Shulman: Would the Minister accept a supplementary question?

Hon. Mr. Randall: Sure.

Mr. Shulman: In view of the belief by the mortgage lenders that his speech did cause this likelihood of a rise in interest rates in future, instead of pouring out this huge amount of money, might it not be cheaper to make fewer speeches?

Hon. Mr. Randall: No, I do not think so. Perhaps I could ask the member a question and maybe he could answer this. He can answer his own question. Last June he asked the Minister of Financial and Commercial Affairs some pertinent questions with regard to Revenue Properties Limited. The stock plummeted right after the questions. It is rumoured on Bay Street that millions of dollars was lost and the short sellers made millions of dollars. Does the member think he is responsible for that?

Mr. Shulman: I would like to claim the responsibility but I cannot because that stock had been vastly overinflated and pushed up by a number of people—

Hon. Mr. Randall: It is all right. He asked the question.

Mr. Shulman: —a number of people, some of whom are in this House.

Hon. Mr. Randall: He asked the question.

Mr. Shulman: But I cannot claim the responsibility.

Hon. Mr. Randall: The member asked the question.

Mr. Shulman: I answered it.

Hon. Mr. Rowntree: Mr. Speaker, I have the answer to a question which was posed yesterday, may I answer it?

Mr. Speaker: Yes, by all means.

Hon. Mr. Rowntree: It is in answer to a question from the hon. member for York Centre (Mr. Deacon).

The answer to part one of the question is: Section 137 (2) of The Securities Act, 1966, which is identical in substance with section 65 (2) of the previous Act under which the proceedings were instituted, provides that no

proceedings shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the commission.

As I detailed in my statement in this House yesterday, the limitation period expired on November 10, 1967. The proceedings held subsequently to the annullity were instituted on November 2, 1967, through the laying of the charges. It is not now possible to institute new proceedings for these alleged contravention of The Securities Act. Neither was it possible when Provincial Judge Graham made his finding on October 23, 1968.

Secondly, the evidence obtained in the investigation has been reviewed by senior members of the Attorney General's staff. I am informed that they did not feel it would support criminal charges.

As to the questions flowing from Mr. Justice Osler's decision of January 23, 1969, the question of an appeal from that decision was also discussed with members of the Attorney General's staff, who advised that no further appeal ought to be taken.

Thirdly, Clarkson, Gordon and Company were consulted on a continuing basis by the investigation team following their report of March, 1967. Investigation was directed to the pursuit of assets which might be considered to have been diverted to the use or benefit of parties who should now be considered insiders. This study was conducted by the investigators with the assistance of the Clarkson, Gordon and Company staff.

I am informed that the facts are all known to the trustee in bankruptcy, who has pursued and is still in the course of pursuing certain of these assets. The evidence developed was all considered as well, with a view to determining whether it should be the subject of additional criminal charges against any of the parties.

Fourthly, the letter referred to was acknowledged and copies of the report as requested in that letter was forwarded to Mr. Westlake and eight others. At this particular time, Mr. Westlake was in direct contact with Mr. H. E. Langford, the then chairman of the Ontario Securities Commission, who in turn was in contact with the trustee in bankruptcy, and assisting where possible, as stated earlier, in the pursuit of the assets of the company.

Fifthly, I have not met recently with the creditors or their representatives. The trustee in bankruptcy is charged with the responsibility of pursuing the assets on behalf of the creditors in accordance with The Bankruptcy Act. He appears to have done so with diligence.

In addition, we retained and provided them with the opinion of Messrs. Osler, Hoskin and Harcourt on October 2, 1967.

As to preventive action there have been several steps taken to avoid a repetition of these events. They are:

One, enactments of The Securities Act, 1966, and the more sophisticated kinds of disclosure it provides;

Two, the finance company regulations enacted in 1968 directed to sophisticated types of disclosure for bona fide finance companies. This was directed to the Atlantic Acceptance situation as well as Prudential;

Three, again through regulations passed in the first part of 1968, the commission may not accept for filing the prospectus of a company such as Prudential Finance, which, while holding itself out as a finance company through its corporate name, is not in fact a finance company;

Four, the reorganization of the commission staff which not only tripled the numbers of people reviewing prospectuses, but provided for their review by teams of lawyers and chartered accountants, assisted—as required—by independent, technical consultants.

I am of the view that all reasonable steps to avoid a repetition have been taken. The more sophisticated developments resulting from the merger fever of the past year or two are currently under active study by the commission in the study which has been reported upon and about to this House, and the report about which and on which I have requested to be made available to me by not later than the end of the year.

Mr. D. M. Deacon (York Centre): Mr. Speaker, if I could ask the Minister a supplementary question?

First of all, I was surprised at the limitation period being one year from commencement of action because of the Osler, Hoskin letter of—

Mr. Speaker: The hon. member is making a speech, he is not asking a question.

Mr. Deacon: —September 22. Is the Minister suggesting that the six years from date of acquisition of securities is not the basis of deciding limitation period for actions under section 69 of The Securities Act?

Hon. Mr. Rowntree: The limitation period with respect to matters such as this is governed by sections of The Securities Act which

state clearly—as I have stated in my answers —"one year from the information coming to the attention of the commission."

Mr. Deacon: A supplementary question to the Minister. Has he been requested by the committee to meet with them? I understand their concern is mostly the fact that many of the people responsible for the catastrophe are still unpunished. I am wondering what further things could be done to see that these people are brought to justice. It is a matter of—

Mr. Speaker: Once again the hon. member is engaging in a speech. I think he is entitled to direct a supplementary question.

Mr. Deacon: Has the Minister received a request from these people to meet with them and refused to meet with them?

Hon. Mr. Rowntree: I have not refused to meet with these people. I have made it possible for them to meet with the technical people on certain points. They have been represented at meetings with Mr. Langford. The member for Riverdale (Mr. J. A. Renwick) has been acting as he describes himself as "their upaid solicitor." He has attended meetings.

Mr. Lewis: Unofficial legal advisor.

Hon. Mr. Rowntree: Unofficial legal advisor. In any event, I have had numerous discussions with various Prudential people in which various opinions have been expressed as to what was to be done. I will give you an example of one. One group wanted pressure to be brought to bear on the trustee in bankruptcy to liquidate all the assets at the earliest possible time so that they could have the dividend at once.

Another group, including the member for Cochrane South (Mr. Ferrier) wanted pressure brought to bear on the trustee to take certain assets and preserve them, operate them, and maintain the ownership interest in them, so that the creditors would benefit from any appreciation in the capital value even if it took a period of a number of years. I give you that type of difference of view in the group itself.

Mr. Deacon: Mr. Speaker, did the Minister have the assurance that the legal opinions provided by The Attorney General's Department covered all the information that Clarkson, Gordon said was missing—that is the examination of records of third parties to ascertain whether the costs recorded in the company's records contained any amount paid or assets delivered to insiders—did he have a thorough examination of that item that Clarkson, Gordon said was missing from its examination?

Hon. Mr. Rowntree: My understanding is that there is a difference between the two. The member must bear in mind the fact that legislation and the rules pertaining to insiders at the time of the Prudential situation are substantially different than the present rules which apply with respect to insiders. I am also informed by those in the commission, who were connected with this matter, that continuing investigation has been conducted by the Clarkson Company and by the investigating staff of the commission with respect to assets which might have been diverted in an improper way. Tracing procedures have been and are currently being continued in that connection.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: Mr. Speaker, I am not sure how I lost the floor but during this time the Minister of Correctional Services has fled the House so we will save that until tomorrow.

I have one for the Minister of Agriculture and Food, Mr. Speaker.

Did farmers who sold hogs to the now bankrupt First Co-Operative Packers of Ontario Limited pay 50 cents per hog to the Ontario Hog Producers' Marketing Board for insurance?

Will these farmers be reimbursed for their losses?

Hon. W. A. Stewart (Minister of Agriculture and Food). Mr. Speaker, in reply to the question, first of all the hon. member seems to be misinformed.

To my knowledge there were no 50-cent fees paid to anybody for hogs marketed in Ontario. It would not be for insurance only if it were. I have no idea what the hog producers' marketing board service fee covers. It covers various services provided by the hog producers' marketing board. As to whether or not these farmers will be reimbursed for their losses is a matter to be determined later.

Mr. Shulman: Will the Minister accept a supplementary?

Hon. Mr. Stewart: I will listen to it.

Mr. Shulman: If I send over the details proving that it is not I, but perhaps he who is misinformed, would he look into the matter for me?

Hon. Mr. Stewart: Well, all I can say, Mr. Speaker, is that the wording of the question clearly indicates that the member is misinformed in the asking of the question.

Mr. P. D. Lawlor (Lakeshore): The Minister does not want to know the details.

Mr. Shulman: If the Minister does not want the details we will bring them up in the estimates.

Mr. Lewis: Tell us about co-op insurance.

Mr. Speaker: The hon. member for High Park has the floor.

Interjection by an hon. member.

Mr. Lewis: Yes, we will get to that, we should thank you publicly for that. We should extend the thanks of the party for Middlesex South.

Mr. Speaker: The hon. member for High Park has the floor.

Mr. Shulman: A question to the Minister of Labour, Mr. Speaker.

Did 80 claims adjudication personnel at the workmen's compensation board submit a signed declaration this past summer threatening a mass withdrawal? What was the reason and what is being done about it?

Hon. Mr. Bales: Mr. Speaker, I am informed by the workmen's compensation board that no such declaration was received, but I might add that certain claims personnel did request a review of salaries. The practice of the board is that salaries are reviewed annually. This has been done, recommendations for adjustments became effective on September 26.

Mr. Shulman: I am sorry, became effective when?

Hon. Mr. Bales: September 26 last.

Mr. Lewis: Just made it, though.

Mr. Speaker: That completes all the questions I have. The hon. Minister of Health.

Hon. Mr. Wells: Mr. Speaker, I have several questions left from yesterday. Could I answer them at this time?

Mr. Speaker: Perhaps the hon. Minister would just wait a moment until I get yesterday's questions. I would like to pick them out of the file and mark them answered.

Hon. Mr. Wells: While you are doing that, Mr. Speaker, perhaps I could also reassure the hon. member for Scarborough East that Canada Premier Life is a designated agent under Healthco in this province, and therefore he is covered. Any notification that went out to him from an office in Winnipeg must have been a clerical error at the Winnipeg office.

Mr. T. Reid: I do not know what the procedure is, Mr. Speaker, but I would just assure the Minister that a copy of their letter to me was sent with my request for an application under this province's plan, and I would like to know from the Minister what legal action I can take from an arbitrary cancellation of my medical health insurance scheme by this company.

Mr. Sopha: I do not think I would take that case.

Hon. Mr. Wells: I would say, as I suggested, Mr. Speaker, it is probably a clerical error.

Mr. Speaker: Perhaps the hon. Minister would identify the questions for which he wishes to now provide answers from yesterday's list.

Hon. Mr. Wells: Yes, Mr. Speaker; question 2057 from the hon. member for York South. Do you want me to read the questions or shall I just give the answers?

Mr. Speaker: No, I think it is identified sufficiently by number.

Hon. Mr. Wells: The jurisdiction for pesticide residue tolerance in imported grapes, Mr. Speaker, is the responsibility of the Food and Drug Directorate, which is a division of the federal Department of National Health and Welfare.

We are not aware of any excessive pesticide tolerance being reported on any grapes in Ontario but we are going to discuss this matter with the federal Food and Drug Directorate.

I see I have outlasted most of the questioners—no, there is the hon. member for Humber, Mr. Speaker. His question 2052 concerns the 250 civil servants. This question properly belongs in the jurisdiction of the hon. Provincial Secretary (Mr. Welch) and I have given him the question and he will undertake to give a report to the hon. member.

Mr. G. Ben (Humber): The Minister learned to pass the buck in a hurry.

Hon. Mr. Wells: The leader of the Opposition is away, as I say. We seem to have outlasted most of the members.

On the hon. member from York South's question 2041, Mr. Speaker, the original figure of six per cent of total claims paid was a cost benchmark used at the start of our negotiations. It was recognized that it was imperfect, and it would probably have—

Mr. Ben: Mr. Speaker, on a point of order. I would just have the annals record that the Opposition members outnumber the governments two to one.

Hon. Mr. Wells: That is not a point of order.

Mr. Speaker: There is no point of order. The hon. Minister has the floor.

Mr. L. M. Reilly (Eglinton): Does the member wants us to remind him when he is away all the time?

Interjections by hon. members.

An hon. member: The Minister started it.

Hon. Mr. Wells: Who started it? All I said was that I have very patiently—

Interjections by hon. members.

Hon. Mr. Wells: Mr. Speaker, I have very patiently waited here to answer every question that I said I would take as notice yesterday, and I seem to have outlasted most of the askers. That is all I said.

On question 2041: It was recognized that it was imperfect, and that it would have to be modified. It was finally abandoned during negotiations because there was no way of determining its appropriateness as a gauge of efficiency, and the carriers could not satisfactorily assess in advance their costs in implementing and administering the government plan.

The provincial authority, therefore, has undertaken to pay the agents, the designated agents, actual administrative costs attributed to the plan on a no-profit, no-loss basis.

The expenses must be reasonable in the circumstances and determined in accordance with generally accepted accounting principles. A certificate supporting the proprietory and dollar value of the expenses claimed by each agent is also to be obtained from an auditor or auditors acceptable to the provincial auditor.

Part two, no, it has no relevance at the present time.

Part three, while the government has not enforced a six per cent ceiling on administrative costs, it is certainly felt that a ceiling approximating this level is a reasonable objective after the introductory and initial operating stages are past.

Part four, the agreement with the designated agents is subject to cancellation by the Minister where the agent is unable or unwilling to fulfil the terms of the agreement in an efficient and economic manner. Comparative levels of administrative costs among the carriers will be a useful criteria of efficiency and economy after operations have been stabilized. Administrative expenses incurred by the agents will vary with the amount of service demanded by the government. A prior determination of cost levels is therefore impossible to definitely fix at this time.

Mr. MacDonald: Mr. Speaker, before the Minister proceeds I wonder if I might ask him some supplementary questions. Since the experience of PSI and other public agencies has indicated that below a six per cent level is achievable with the economies of size, why did that benchmark have to be forsaken?

Hon. Mr. Wells: As I say, Mr. Speaker, we are sort of talking semantics. We have not stated it definitely, but we are hopeful that it will be about six per cent. Now PSI, we do not have the definite figure. They say it was about six per cent. Associated Medical Services, however, came in to us, and it is a non-profit doctors' plan too, and it told us its operating costs were 7.5 per cent.

Mr. MacDonald: Yes, because they are small and did not have the economy of size —but PSI did.

Hon. Mr. Wells: I have the assurance from these people that they are going to do it, as I say, on a no-profit, no-lot basis. And they are going to beat the government's rate. That is their plan. They are going to try and show us that they can do it more economically than the government, and there are some of us around who think that they just might be right.

Mr. MacDonald: I would be more persuaded of the validity of their challenge if they had accepted the six per cent in advance. However, Mr. Speaker, that authoritative journal the London *Free Press*, during the course of a recent political contest known as the Middlesex South byelection, stated, and nobody to my knowledge has denied it,

that the administrative costs are going to be in the range of 12 per cent. Can I solicit a denial or confirmation at this point, three weeks after it was originally written?

Hon. Mr. Wells: Well, I would think most definitely that they will not be 12 per cent. I have certainly never said that figure. I would say to this House now, if any of our agents claimed 12 per cent administrative costs, I am sure we would cancel the contract.

Mr. MacDonald: I wonder why that statement was not made three weeks ago when it was published?

Hon. Mr. Wells: I never heard it.

Mr. MacDonald: The London *Free Press*, I guess, is not read in the Minister's office.

I have a final question with regard to another angle in this whole health Act that has intrigued me at the outset. The Minister said that at some point they may take away the "designated agency" from a company if they are not fulfilling the obligations within certain limits of administrative costs. What, if any, compensation will have to be paid at that stage, because I understand that they cannot have the business taken away from them without compensation, or is that only if the government were to move out *en masse* from the use of all of the agencies?

Hon. Mr. Wells: It is very difficult to answer that without a specific instance. I think that if we were to cancel a contract for cause I am not so sure that there would be any compensation payable. If we were to want to cancel it without cause except that we wanted to make the change and they were not doing it inefficiently then perhaps we would have to consider this. But certainly I could not give you a definite answer.

Mr. MacDonald: Mr. Speaker, the Minister's uncertainty in not saying now there would be no compensation, if it was for cause, seems to me is something that the government should take a second look at.

Hon. Mr. Wells: Mr. Speaker, I have still got more answers here. The hon. member for Wentworth (Mr. Deans), question 2039:

Where under an agreement with his employees an employer was making contributions to a plan, premiums of which were higher than OHSIP, then the employer's obligation to continue the same monetary benefit to his employees continues.

The monetary cost of the employer's obligation should be calculated and that amount should be applied to OHSIP premiums and any surplus returned to the employees in the form of benefit or cash.

Any dispute concerning a collective bargaining agreement as to the provisions of section 10 of the Act, can be dealt with under section 34 of The Labour Relations Act—that is if the employees and the employer do not agree. But certainly the intent of section 10 is to protect the employees.

Mr. Speaker: Anything further?

Hon. Mr. Wells: Yes, Mr. Speaker, a question from the hon. member for Scarborough West (Mr. Lewis), No. 2037. I must apologize to the House. I had in my haste yesterday told him that there were nine regional co-ordinators and chief claims officers. There are actually 13, I find in checking now, and there are three assistant plan auditors.

In answer to question No. 2035: The administrative arrangements for controlling the assessment and payment of claims from subscribers enrolled by the designated agents and sub-agents of the plan were decided upon in the course of negotiations conducted during July and August, 1969, with representatives of the private carriers. The co-operation and assistance of the private carriers was regarded as of great importance in ensuring coverage by October 1 of more than 90 per cent of the population of Ontario, which of course we require to be eligible for the federal plan.

Two, to secure the protection of these public funds and ensure that they are spent only for the legitimate purposes, the following arrangements have been made:

(a) Claims will be processed and paid by designated agents only after assessment and approval by the provincial authorities and in amounts determined by the provincial authority as represented by a resident officer assigned to each company. The resident officer in each case will be a provincial employee.

(b) Designated agents have contracted to maintain signature plates under effective security control and to indemnify the provincial authority for losses that could result from any theft or misuse thereof.

(c) All accounts and financial transactions relating to the plan will be made available by designated agents for inspection in an audit by the Provincial Auditor.

Mr. Lewis: A supplementary question then, Mr. Speaker. Am I to understand, then, that the immediate coming into effect of the plan

requires 13 regional co-ordinators and chief claims officers, three assistant plan auditors, 41 resident officers, and all the security provisions attached? This is the bureaucracy the government has erected rather than to do it through one government agency?

Hon. Mr. Wells: Those are the people necessary to do this, Mr. Speaker. It probably would have taken a lot more and been an impossible job to do if we had to do it through one government agency.

Mr. Shulman: He means for this government.

Hon. Mr. Wells: I just draw your attention, Mr. Speaker, to the fact that there is no plan in Canada of the magnitude of the one that we brought in at midnight last night—over seven million people.

Mr. Shulman: It is the biggest province.

Hon. Mr. Wells: The biggest plan ever brought in in this country.

Mr. Lewis: It tends to happen when you have the largest population.

Hon. Mr. Wells: It is also the best in Canada.

Mr. MacDonald: Tell that to the people of Middlesex South.

Hon. Mr. Wells: We will, we will tell it to all the people.

Mr. Speaker, in answer to question No. 2020 from the hon. member for Wentworth:

One, the present provisions under collective agreements should continue until they are terminated by the parties. If the employer had the right of selecting a carrier under a collective agreement that right should remain. If both parties to the collective agreements selected the carrier then both parties should mutually select their OHSIP agent.

Two, if the employer had the right of selecting a carrier under a collective agreement, this right continues, and the employer is entitled to select the OHSIP agent. All agents are administrators of the plan and subject to the provincial authority in respect of their administration.

Mr. Speaker: Orders of the day.

Mr. Deans: Mr. Speaker, can you furnish me with a copy of the Minister's answers to my question so that I might read it now? Thank you.

Clerk of the House: The House in committee of supply, Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF FINANCIAL AND COMMERCIAL AFFAIRS

(Continued)

Mr. Chairman: On vote 703:

Mr. E. W. Sopha (Sudbury): At the close last night, Mr. Chairman, I was making some comments upon what I alleged to be the inequities of The Insurance Act and I was alleging that The Insurance Act is weighted in favour of the insurance companies and is an instrument that is used against those who make legitimate claims for coverage under the risk that is purported to be insured.

I say to you, sir—under the umbrella of a general observation—that the trouble with insurance law in this province is that it has never been rationalized. It seems that no one in recent years, at least the last two decades, has ever taken a look at it—let alone the office of the Superintendent of Insurance—to determine whether the insurance law of Ontario operates fairly, and one cannot ask for anything more than fairness.

I speak from the point of view of having been a plaintiff's lawyer for 15 years. I have more knowledge on the field of automobile risk and the claims of persons injured on our highways than I do in other aspects of insurance law. I have never wanted to be an insurance lawyer. It is a personal reason that I have never wanted to work for a corporation on a continuing basis.

Furthermore, these insurance companies—I observe, if you take on their cases—send out too many form letters that require an immediate answer. They want too much attention. I do not find that irritation in acting for plaintiffs. The plaintiff drops in to the office and you have a little discussion with the client about how the case is going. The companies are more demanding.

Firstly, before I return to a definitive treatment of what I think is wrong with the insurance law from the point of view of litigation involving people injured on our highways, I want to say that it has been a matter of great puzzlement to me that the idea has never occurred to any superintendent of insurance, or any Minister of the Crown responsible, that insurance policies might become more simple, that they might become more comprehensive. I am safe in saying that I

defy any lay member of the House to have a look at his fire insurance policy, spend two or three hours studying the technical terminology, and to come away from it and say with a straight face that he understands what the policy says.

The fact is, of course, that they are not meant to be understood, they are written deliberately to obfuscate and to confuse. Every exemption, for example, for coverage you can be assured, contains two or three qualifications and further exemptions. I make so bold as to say a good many lawyers would not be able—without the deepest attention to the ordinary fire insurance policy or casualty policy—be able to give a definitive dissertation on the precise meaning of the policy.

I want to illustrate in another way. My children, all three of them, just recently brought home a policy from their school, a casualty policy. I rather resent my children being turned into hucksters. I rather resent the 11-year-old, seven-year-old and the five-year-old, being made agents of any insurance company to peddle their insurance to their ever-loving-father and to try to divest him of $5 each for coverage under the policy.

I took the trouble to read the policy. Out of mercy to that company, I have not got it with me. All the policy insured upon examination, was medical payments. The Minister of Health (Mr. Wells), now departing from his seat, tells us that 97.2 per cent of people in the province are covered for medical payments. Why the regional school councils would permit a company to sell coverage for something that 97 per cent of the population is already covered, is beyond my comprehension.

Mr. M. Shulman (High Park): School insurance covers lots of other things.

Mr. Sopha: But then in addition—just stop your yapping for a moment—in addition it offered coverage of up to $10,000 for total blindness in both eyes, or the loss of one hand and one foot, it had to be both. The payments were scaled in that way to offer financial reward for unlikely eventualities. It was very interesting to note that for the most likely eventuality—the most tragic eventuality to happen—that is to say death, which does occur unfortunately—encouragingly occur only in a very limited number of occasions at our schools or on the way home—the payment was $1,000. So there, for $5, is coverage for $1,000 for accidental death and then coverage for medical payments which I am told were already covered.

There were 14 exemptions numbered on the policy and they got embarrassed about listing the exemptions. Then they turned them into a, b, c, d and e—there were five more. If they had put 19 down then it would have looked rather startling so they stopped at 14 and then they listed five more exemptions. Well, really one questions the judgment of the school authorities. One questions more the judgment of the superintendent of insurance. One wonders aloud whether before a company is able to use our schools in this fashion and indeed to use the children as agents on their behalf, whether they are required to approach the superintendent of insurance to get his permission.

Are they required to ask the Minister of Financial and Commercial Affairs (Mr. Rowntree)? Does he give his approval? Are there steps taken to ascertain if value is being given for the money? Now if the Minister likes, when I go home I will get hold of that policy—which I did not contract for since I already have medical coverage—and I will send it to him. I will leave it to the member for High Park to insure himself and his children for a list of eventualities which are about the equal of being hit by a one-eyed Tanzanian driving a pink Jaguar. That was about the coverage that was offered. The possibilities are so remote but it is $5 a wallop for every parent who sends the $5 back through the agency of his child to the school.

There are many other ways in which children are employed but I will take those up with the Minister of Education (Mr. Davis). I will just comment that if we politicians ever employed children in our schools to deliver some literature for us to their parents, the *Globe and Mail* would develop the biblical palsy, the *Telegram* would go into fits of rage and there would be a veritable Niagara of editorial comments about our sinister and nefarious devices. But, it is all right in the business community.

I want to return to the third party procedure in The Insurance Act. This is a perennial matter with me but I want to go back over this business of the limits of liability in respect of people injured on our highways. This is a very worrisome part of our social pattern considering the many thousands of people who meet their death or sustain grievous injury while operating motor vehicles in this province.

Most of our citizens are aware that to travel on a highway you take the risk of being struck by an uninsured driver. Fifteen years

of litigation in the courts have taught me that it is remarkable the number of times that uninsured drivers are involved in accidents. There really is a built-in irresponsibility; they are irresponsible enough not to get insurance, and they are irresponsible in the way they operate their cars. The numbers you see that are sued are far out of proportion to their numbers actually on the highway.

Again we are told that something approaching 98 per cent of our drivers are insured, but this two per cent are really involved in a bewildering number of accidents. All right, most people who drive realize the risk of being hit by an uninsured driver. All the occupants of the car—let us assume that they are innocent and blameless—are going to be limited to $50,000. What the people of this province are not aware of is that if you are involved with an insured motorist the chances are very real that the occupants of the car—be they innocent in the happening of the accident—are also going to be limited to $50,000. Let me tell you, Mr. Chairman, that has happened in my practice on a tragic number of occasions.

You can be hit by the drunken motorist—an act of volition, if you are involved with the motorist who fails to report to his company. Did you know that in that act of involition if he fails to report the accident to his company and you, Mr. Chairman, sustain injury, that you and the occupants of your car might be limited to splitting up $50,000? What have you to do with that; what had you to do with this failure to report?

If he gives them misleading information, if he is using the vehicle for a purpose not named in the contract, a whole host and variety of matters might limit your liability to $50,000. I have seen it on many occasions where people whose damages were far greater that the limits to which the company might hold themselves had to pro-rate their claims.

I have two or at least three cases now where deaths occurred in one car, and when there is a death of the bread-winner that claim eats up most of the limits in itself. The widow of a productive wage earner will take most of the claim thus scaling down the benefits to those who are left with injuries but who survive. We are a society that believes that losses should be shifted—that is to say from the shoulders of those unable to pay—to society as a whole. Neither the insurance companies nor the Superintendent of Insurance nor the Minister of Financial and Commercial Affairs believes that. And the testimony to that is the wording of The Insurance Act. I say that system ought to be entirely expunged from our statute books as being unworthy of a civilized society.

If the rates have to go up, then, amen, world without end, let them go up, so that as far as money can compensate for loss incurred, adequate sums of money will be paid to those who sustain injury as a result of operating a motor vehicle or being on our highways. There is no rationality, there is no justification for this other principle.

Now I leave that and I turn to the nefarious practices. The people of the province do not know, of course, that automobile insurance is a unique area of the law. If you sustain injury and go to a lawyer and you feel that you have a good case against the guilty party—and they know through experience who is at fault, they are able to tell the lawyer—they do not know that by the operation of The Insurance Act that there is a very real likelihood that when they take their case into the courts they will be confronted by two sets of lawyers.

Only in this area of the law does the law permit two separate sets of lawyers to defend the plaintiff's claim, because the company is able to set up a defence. That is the first thing that happens on the issue of the writ, the company sets up a defence against its insured. They do not have to justify the defence, conceivably because they do not like the colour of his tie. They can say that they do not intend to defend him on the risk.

The affidavit that is filed in the third party proceedings is seldom ever challenged nor do they have to show justification for refusing to defend their insured. Now, mind you, because I am speaking to laymen, the policy says that they have an obligation to defend—that is what your policy says, get it out and look at it. But under The Insurance Act, if they are alleging a violation of the policy, they may refuse to defend and come in as a third party.

When they come in as a third party an order is issued permitting them to act in the capacity of defendant with all the rights of participation in the litigation and the trial of the action that the defendant himself has. So what happens? The defendant goes and hires a lawyer because the company is not going to defend. The insurance company hires lawyers.

Each of them put in a set of pleadings—each of them, the two sets of lawyers, unique in the law. You never meet this anywhere else. In any other area of the law you meet his lawyer; in insurance litigation you meet two. They have the right to participate in examinations for discovery, they have the right to put in pleadings and they have a right to come to the trial.

You should see it, Mr. Chairman, when some of the judges want to effect a settlement—and Ontario is blessed with a bevy of settling judges. Many of them do not want to try actions, they want to settle. They hold the judicial chamber conference. The plaintiff's lawyer is invited in, he meets the two sets—the insurance company's lawyer and the defendant's lawyer. He is overwhelmed by numbers at that point, overwhelmed. He has two against him, a positive advantage in the defence.

Then, at the trial, of course, the defendant's lawyer gets up and cross-examines the plaintiff who is told how the accident happened. In case he forgot something, up gets the insurance company's lawyer and he is able to, of course, fill in the gaps. Now that is a unique system. When I have some time I must look and see where that came into the law, because in no other branch of the law do you have that right, except that accorded to the privileged insurance companies of this province. Of course, I know why it is there, it is there because the insurance companies wanted it to be there. And some superintendent of insurance, some Attorney General under whose department this used to be in yesteryear, obligingly put it there. The Insurance Act in its every part, not only in this part, is exactly what the insurance companies want it to be. They are completely satisfied with it.

And I say to you, Mr. Chairman, it wreaks terrific injustice, tremendous injustice. Long have I railed against the practice permitted to insurance companies to pay into court moneys to satisfy the claims of infants. That is an unworthy practice that should be expunged from the law. Putting the infant around whom we endow the special umbrella of protection of persons of tender years unable to fend for themselves, putting such a person—the special category of the law—in an invidious position of risk that if his next friend—through whom he sues—does not accept the amount of money paid into court, he risks having to pay an onerous burden of costs, if he should get less by way of judgment. This is another item of privilege to the insurance companies.

I do not know. I raise this matter perennially, some day I am going to be successful. Some day the Law Reform Commission, the head of the Superintendent of Insurance, is going to get around to an examination of these inequities and to make that Insurance Act accommodate itself to our concepts of justice.

Now, there are other areas, I do not run out of examples. There is a provision in The Insurance Act that if you secure a judgment for damages for injuries sustained as a result of an accident on a highway and the insurance company does not pay the judgment, then the successful plaintiff judgment creditor may bring an action against the company. And that is proper, that arose out of a case decided in the House of Lords which held that there was no privity of contract between the company and the injured person, the judgment creditor. Good contract law. We changed that by statute a long time ago.

But it never occurred to the Superintendent of Insurance or successive ones that they might do the same thing in respect of the medical payment feature. Most policies nowadays contain a medical payment feature up to $1,000. And yet, say I am driving with the Minister of Revenue (Mr. White), or he offers me a lift and he has the medical payment feature, and I sustain an injury in his automobile and hospital expense. Let us say, I am covered for doctors, but let us say I am in a private room and I have nursing attention and a few hundred dollars is expended.

I sustain that expense and I am liable for it and I turn around to the Minister of Revenue and I say: Look, John, how about that medical payment feature in your policy? The Minister of Revenue in a bad mood that day says: To hell with you, you are a Grit, I am not going to give it to you.

I cannot sue his company, I have not that same right that is endowed against me if I brought an action against him for damages. Why? Why the irrationality? Why not make available the general principle of casualty insurance that any person within the ambit of the risk might bring an action against the insuring company? Why not a simple principle like that?

And yet I tried it. I am not speaking off the top of my head, I brought such an action against Allstate to get the medical payment and I lost. Medical payment of $1,000. We had to pay the costs.

Mr. Shulman: They picked the wrong lawyer.

Mr. Sopha: Yes, they picked the wrong lawyer. But the principle stands. We had to pay the costs. We did not get the $1,000, we had to pay $300 or $400 costs. I do not understand it. I drew this to the attention of the Superintendent of Insurance several years ago, drew it to the attention of the responsible Minister.

Why not a simple amendment? I asked for a simple amendment last night, ruling out once and for all this defence in respect of the use of the automobile. What does a person on Highway 400, travelling on his own side of the road, modestly and prudently and at a reasonable rate of speed, as we say in the pleadings, Mr. Chairman—why should he accept the risk that the slob coming down the other side in a half drunken condition is carrying a passenger to the Toronto International Airport for a reward? Why should he accept that risk? Is it not fair that the insurance company accept that risk? They have the right to choose their insured, the right to do business with them. They have the right to impinge on him the ungodly premiums that they do nowadays. Lots of people are charged $400 or $500, even more, for insurance. Why let them escape because of some act of volition on the part of their insured, over which the innocent injured party has no control at all?

I have so often asked, as the great Caesar Wright asked, the late great Caesar Wright, what has the widow to do at home making supper for the husband, what has she got to do with the fact that the drunken motorist kills her husband crossing with the green light at an intersection?

She's perfectly innocent, minding her own business, tending the family home, why should she be limited to $50,000 because the insurance company which insures him for $250,000 has the singular good fortune that he went and got gassed up before he got in the car? That is giving them a benefit. That is conferring a benefit on the insurance companies. That is the way they like it. They like that. They wrote the insurance law. It is their verbiage, the principles contained in it are in accord with the way they want to do business.

Well, I do not see a sensible system of insurance as being one based on narrow content. Our system of insurance is based on warfare. It is based on the adversary system. It is based upon using every device, whether proper—one that is approved in civilized society—or using any other ruthless and unethical device in order to lessen the amount that innocent people will require as a result of injury sustained on our highways. It is not worthy of us. Some such system is not worthy of a civilized society.

My friend from Downsview (Mr. Singer), of course is right in his perennial plea ever since he sat on that committee with the former Provincial Treasurer many years ago. We must, at the earliest time, inaugurate in this province a system of compensation without fault. That is the only civilized way to deal with this grave social problem and get rid, once and for all, of the activities of lawyers in the courts defending actions against people who are entitled to just compensation.

I am not ruling out, of course, the plaintiffs are often at fault themselves. The courts deal with that. But I am dealing with the many that I have met who are completely blameless. Completely. Minding their own business, driving on their own side of the road they are involved in motor accidents the culpability of which can be attributed 100 per cent to the defendant motorist.

Of course, there are many other aspects to it. It would take half an afternoon to tell how the insurance companies have got into the habit of employing the skilful doctor, the medical detective, the medical report and its use. How some of the doctors are employed —my goodness, I hope the medical association does not descend upon me when I tell that some of the doctors even become detectives into the happening of the accident. They question the patient, he is a patient at that point, they question him as to how the accident happened and then reveal in court his answers. Medical detectives, way outside their Hippocratic oath.

But you see insurance companies are so respectable—so respectable. They own such fine buildings, amass such great amounts of wealth, that they are able to get away with it. They have tremendous influence and prestige upon The Department of Insurance, always have had, they have always had.

I noticed recently an article in *Atlantic* or *Harpers*—I forget which as I subscribe to both—telling about the fraud that insurance companies practise in respect of losing money on automobile insurance. The writer, who says he made a deep study in California, showed how they amass great profits out of the investment of the premiums. But when they

publish their financial statements, the financial statements are relative only to the collection of premiums and the payment of claims. Nothing about their investment income at all. He said their chief business is the investment of money, as well as life insurers.

Only the most naive, and the most obtuse, believe that life insurance companies are in the business of insuring lives. That is the advertisement on the television. They are not in that business at all. Any fool can do that. All you need is an actuary, even a legislator if he had an actuary, could start such a company insuring lives. The real business they are in, is the investment of money, the premiums, mortgages, bonds, debentures and so on. That is the nature of their business. But we live in a world of mythology. We need the rational because we are rational beings, we need to be surrounded by the irrational. We have to see things irrationally.

I just wish somebody in this government, some government, the law reform commission and its chief emissary—who is so often in the galleries, he is not today—would look into The Insurance Act and look at that third party procedure that is in it and tear it out, root and branch, cast it into the waste basket. Put insurance companies in the same position.

As a plaintiff's lawyer, I never enjoyed confronting two lawyers on the other side. I have gone into chambers and I have suggested to the trial judge, sometimes with success and sometimes not, I have said "M'lord, one of them cross-examines, only one of them, not two." Sometimes the trial judge has agreed with me and one of them has to do the cross-examining. Other trial judges will not limit it and give them both a free rein. A free rein. After all, they have the rights of The Insurance Act, the Legislature has said so. They are entitled to the full rights of party defendants.

Well, I say to my good friend the Minister of Financial and Commercial Affairs, before the snow falls again, before the return of the Arctic monsoon, next year, what do you say? That we attempt to change, that we attempt to rationalize that part of the statute and put these people on the same basis as anybody else in the law, and to forward the principle of paying claims, compensating people who are injured.

If we are not going to have compensation without fault, then at least let us try to give adequate amounts so far as money can compensate, to people injured, with costs, of course. Let us not forget the costs. As the lawyer says, let us not forget adequate costs. He believes in the plaintiffs paying. As the lawyer says, "Give us this day our daily bread, and the reasonable costs thereof." That is also an important principle that will warm the hearts of the legal profession.

All those things are important, but I do want to say, as a counsel, that I am sick and tired of this warfare in the courts. Fifteen years has been too much of the adversary system and acting for these people and trying to explain to them, why they got what they feel is a niggardly amount for all the anguish, pain and suffering that they went through.

I have great sympathy for them. I have great sympathy for people in that position because they are so often people who have never had any involvement with the law or lawyers at any time in their lives. They come within the ambit of the law as a result of being in a motor vehicle accident and it often sours them. It often sours them when the judge does not see their case, their injuries, in quite the same quantum as they see them. And often he does not see it because of the skilful activities of the insurance lawyers. Believe you me, there is a law for the rich and a law for the poor—there's not a soul in the press gallery, it is safe to say that.

If you have money you can employ better lawyers. If you have not got money you have to put up with types such as I am. But the more money you have, the better the lawyer. The insurance companies have the best. They employ the very best. I can take you on a tour downtown and show you the temples on University avenue, King street—that magnificent new Toronto Dominion Bank—and Bay street. I could show you the temples wherein reside the stellar ornaments of the bar who work for the insurance companies, who work for automobile insurers.

They are the very best of the profession, and I do not like a concept of the law where the innocent type—my paragon—is up against the best of the lot. That does not make for justice.

I am all for the best of the lawyers defending the white collar criminals, and only envy the amount that they get paid for it. That is all right, because that is the state that is after the white collar criminal, and the state has many resources. They can have the best lawyer to defend them—but I do not like a system of law where skill is on the side of

wealth and influence, and has that dreadful insurance Act on its own side.

Well, if anybody does not believe what I say take a little look at The Insurance Act, starting about section 195, and read through that part about the third party proceedings. You will see what you are up against. And drive your car more carefully in the future, because you might get hit by one of those motorists who is protected, or whose company is protected, by that part of The Insurance Act.

My plea is, after many years of making the same speech, let us change it. Let us get the law reform commission to have a look at it. Let the Superintendent of Insurance employ somebody.

Years and years ago, I went before that committee that my friend from Downsview was on. My brief was against those insidious provisions at that time, and when I presented that brief complaining about those third party provisions—that All-Canada Insurance Federation about which my friend spoke—they were there; and they never uttered a word of protest. Not a word of disagreement or contradiction of what I had to say. Because they know very well they have the dice loaded in their favour in those sections.

They cannot deny that when they come into court they have two strikes on the batter to start off with. Well, that is not our ideal system of justice. When the judge gets on the bench, and the sheriff cries that the court opens, everybody is supposed to be in the same position and have an equal shot from then on in the dreadful adversary system which we employ. Which in itself is wrong, which in itself is unworthy of a civilized society. But as long as I sit here, I am going to use my privilege of speaking to cry out against these unjust procedures that are part and parcel of the insurance laws of this province.

Now if the Minister wants to compute that let him get up and I will give him the same patience of audience that he bestowed upon me. I am satisfied after 15 years of practice that that is the way it is, that that is the way it actually operates. And I say to him, as I have said before, that it is totally unworthy of us.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Chairman, rather than compute what the hon. member for Sudbury has said I think I would be less than honest if I did not say that there is a very great deal of what he has said today with which I agree, and I have no hesitation in saying so in this House.

There can be no doubt that The Insurance Act is overdue for revision and rewriting firstly.

Secondly, within that revision and in that rewriting, there must be included considerations of new concepts—and I am speaking in the total picture of the situation, because certainly there is nothing in this industry that remains static. Things change in this industry. Just like the examples which have been given in the House today of how some of the health and accident policies at low and attractive premiums involving schoolchildren—that, I think, was the example—as the vehicle of communication to the family and the parents.

There is no obligation in the Act, on that subject, requiring any school board to either secure the permission of the superintendent for embarking on such a scale, or programme of sale, nor as to the nature of the sale. But, on that, let me say this: that the question of health and accident insurance and the sale of some of these policies by some companies —I think we have to be fair and put it in those words, by some companies and some policies—has left a lot to be desired, and I have got to say that a lot of these policies are not even worth buying because the coverage that is offered and that which is, in fact, actually effective, is meaningless.

What is effective is so remote a possibility of ever being called upon to become a legitimate claim that the coverage offered, or the protection offered, really rates a very low priority.

Now, it may be said, and it has been said, that the premiums are low and you get exactly what you pay for. I do not think that is where the debate or the matter can be left. The fact is that insurance and insurance policies are a highly complicated piece of business. It is a highly complicated document.

I am not so sure that all of the small print in documents of insurance, or of the policies containing small print—which are so impossible to read and handle on onion skin paper —in some instances, create a physical impossibility for the average person to even read or decipher what is printed thereon without the aid of a magnifying glass.

Mr. D. C. MacDonald (York South): Why do you tolerate it?

Hon. Mr. Rowntree: I am coming along to that. I am trying to tell you what my views on this subject are. In fact I am not so sure that the whole thing should not be in full size

print even if it was a book that had to be prepared.

Mr. Shulman: How many years have you been Minister? Why have you not done anything?

Hon. Mr. Rowntree: I am talking. Would you mind just listening to me a little bit for a moment? I admit you know a lot, but just listen for a moment.

I am talking about the procedures that exist. Now how are we going to get at these things? Firstly, these matters have not been given first priority in our department. I tell you that—everything cannot be given the first priority.

But what is required in this department, and in this branch of insurance, are additional funds to provide us with the ability and the capacity to hire appropriate and competent staffs so that we in the department and those under the Superintendent of Insurance are in no less a position to deal with the subject matter than the experts with whom we have to deal in the insurance business—or anyone else who comes before the department to do business or put their positions before the department. And this strengthening and improving of the department in that fashion is presently under way; and I hope that that could be speeded up.

But the revision of the Act itself now becomes a matter of immediacy. Nothing is going to be able to be produced in six weeks, you understand that. But the next project—and I might as well announce it now—will be the revision of The Insurance Act. As a side remark, there are revisions to The Loan and Trust Act, which are required. But having in mind certain changes which can affect the whole industry and with which we are all connected, and the relationships almost intimately interwoven with the federal field and the pending federal legislation—which we expected would have been completed by last December, and is now still in the processing stage—it is doubtful, at the rate legislation is going through, if the federal amendments to their Loan and Trust Act will be completed and accomplished even by the end of this year. And this must come first.

Even there, there is revision required in our own Loan and Trust Act.

With respect to the insurance matters, and the court procedures, I think the only saving grace that can be pointed out is that our court systems and the system of law under which we operate are a little more equitable with respect to costs and the awarding of costs than the system which prevails in the United States, where a successful litigant could lose 50 per cent or 40 per cent of the damages awarded by agreement with the solicitor who took the case on his behalf.

Now, the things that have been said today have not fallen on deaf ears. I endorse a good deal of what the hon. member for Sudbury has said. And I would hope that in the course of getting this revision and study of a new Insurance Act for Ontario under way the member for Sudbury would make his views known as he has on other occasions, because I would welcome the benefit of his comments and suggestions.

I mentioned the federal amendments, amendments to the federal Loan and Trust Act. There are amendments pending, too, with respect to the federal Insurance Act. I think that in the name of common sense and understanding that there should be a fairly high degree of uniformity, if for no other reason, so that the public would not be confused by different kinds of legislation regardless of where the company was incorporated and what jurisdiction it came under.

Points have been brought out with respect to the general subject of liability without fault and with the procedures that ensue and seem to be inherent and follow the matter of course in the courts out of the general arrangement of the insurance business. I would have to heartily agree that a plaintiff's lawyer can be surrounded by at least two persons on the other side who can toss the ball back and forth, and certainly load the dice—I do not think there is any other phrase for it—as has been pointed out in remarks by the hon. member for Sudbury.

There are many reasons which to date have been accepted as valid for sections of The Insurance Act. I think the question that has to be faced squarely now is: Are those conditions valid in today's society? And, from that point of view? I think then we have to approach such a revision with that thinking in mind.

The question of limitation of liability and the total coverage in the phrase which is used at present, as amended last year or earlier this session is $50,000 inclusive. I remember well having a major part to play in this when it was something like $5,000, $10,000 and $1,000, when I was the Minister of Transport. When you analyze the situation, you find that $1,000 or $2,000 property damage cover just would not go anywhere in today's society.

Certainly even in the rural areas, sir, it would not fix up much of a gate or the entrance to a presentable farm, much less any other property damage. I remember and I remind this House—that when I advanced the proposal that we deal with an all-inclusive cover at $35,000 when we abandoned the old Unsatisfied Judgment Fund Act and introduced the new Motor Accident Claims Fund, that people in the industry and others came to me and laughed at me.

They said: What are you doing, trying to introduce $35,000 inclusive? It won't work. And I said: Well, I have been buying inclusive insurance for years myself and if it works for me in a pretty satisfactory way, I think it is good for the rest of the people. Don't tell me that it can't work.

Of course it can work, and that all-inclusive thing has worked, because it made available and did not limit, in any particular area, the face value or the limits of the proceeds of the policy.

It would seem to me that in listening to the remarks made today that we are almost talking and edging up to the question of whether the limits should be $50,000 or not. Should they be more?

I put this question to the hon. member for Sudbury by way of clarification. Did he have that in mind in his remarks? Did he have that in mind in his remarks that the total limits at $50,000 were too low?

Mr. Sopha: They are too low.

Hon. Mr. Rowntree: In today's society.

Mr. Sopha: Should be $100,000.

Hon. Mr. Rowntree: $100,000. Well, it would not take me very long to ascertain the number of claims and judgments that exceed $50,000.

Mr. V. M. Singer (Downsview): You will find they are very few.

Hon. Mr. Rowntree: I think that would be true. But it is in those cases where it does happen—

Mr. Singer: Where the hardship occurs.

Hon. Mr. Rowntree: Where the hardship occurs. Well, we are not in disagreement on the broad views in this matter. I do not want to see our department expanded in the sense of building up any bureaucracy but also I have to guard against not having sufficient staff to deal with the needs of the day. Part of the needs of the day, obviously, are a continuing study with respect to insurance.

While we have been talking about automobile insurance, with some references to health and accident, it is the whole subject of insurance that we are really talking about. We are not running down the validity or the desirability of insurance, that is not the point before us. It is the need to keep up to date with handling the kind of insurance that is available and the costs that are involved.

I intended to make some reference to British Columbia where the question of a revised type of policy and coverage has been announced. The actual details have not come forward as to what this is going to look like or what it might contain. I am sorry that I am just unable to comment on this subject at all because there is not sufficient information from the British Columbia proposals to even talk about it intelligently. Frankly, I do not think they have been formulated yet.

Mr. Singer: Did they not have a white paper?

Hon. Mr. Rowntree: Yes, they had a white paper and I think they had amendments to legislation in broad terms but my information about the matter is that they have had some difficulty in actually working it out, and getting it into some final legislative or regulatory form.

There would appear to be some movement in the automobile field at least in Alberta. What those moves are, I do not know at the moment. I would hope that within a week or so I will have some information as to just what is developing there.

Of course, we have the statement of Mr. Schreyer to the business community in Manitoba that he intends to follow the free enterprise system. What that involves, I have no knowledge at the moment nor can I comment on that situation.

I have tried to make clear my views with respect to The Insurance Act itself and the intended revision of it which would automatically involve a reconsideration of many concepts presently contained in the Act.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Chairman, this has been a most useful and illuminating exchange on this subject and, as a matter of fact, I have recalled the last three years the Minister taking part in this aspect of the debate in a similar vein, assuring us of his sincerity, which goes without question, I might say, and we are always very

much heartened, to say the least, that some changes are in the offing.

I do not think it is right to say that no changes have taken place because some have taken place. The debate began with the suggestion or the information from the hon. member for Downsview that, because of the changes in the statutes last year, most citizens now have this compensation without fault addition to their coverage. But I felt that we are expecting real moves in this particular area, and the assurances the Minister has given us, I accept, and we look for these changes.

One thing that was mentioned by the hon. member for Sudbury which certainly rang a bell with me was the school insurance. I wonder if there is something more specific the Minister might tell the House about this. I have four kids in school and, believe me, when they bring those envelopes home, it is almost a disgrace if they do not go back with the money that will provide them with the insurance.

I never take it because I agree with the views that have been expressed, at least by some members, that we are adequately covered already, and the fact that it does include nursing care and caps on their teeth or something, is fine, but I am prepared to accept that aspect of the risk myself. The thing I really object to is that it is necessary for them to take those envelopes back to school and I have to, as a parent, sign it and I have to indicate that I do not want the coverage. I have to give my phone number and address and everything else.

Maybe I am just dealing with very persistent agents in the form of my children but it does seem strange that the superintendent of insurance would approve this particular way of selling coverage which, to my way of thinking, in agreement with the member for Sudbury, is really unnecessary.

There is also the feeling when you sign that paper that in fact you are saying that if anything happens, I accept total responsibility. The school board has offered this insurance and I am not taking it, so if anything happens, look out. Essentially, that is not the case and I would say that there is rather unfair pressure on parents across the province to put their $5 in and send their kids back to school with the loot.

Hon. Mr. Rowntree: Let me say this. I think that that request, in the circumstances you describe, of being asked by the school board to send back the envelope if you do not purchase the coverage they are insisting on offering, and that you must sign a release, is a wholly improper and unacceptable procedure.

Mr. MacDonald: Why is something not done about this?

Hon. Mr. Rowntree: I am just learning about this.

Mr. MacDonald: We have raised this in the House.

Hon. Mr. Rowntree: Oh, I do not know, not that way.

Mr. Nixon: Might I be permitted? It is not a release and anyone who reads it knows it is not a release but it says, "I do not want this coverage for my child," and it requires your signature. I know it is not a release. If the child is injured and there is any reason to suppose that the board or any person associated with the board is in any way responsible, then they can be sued. But, I can think of many people, and I have the same feeling myself, that when I sign that, somehow or other that goes back into the board's file and they have my signature saying I do not want this insurance. Much like the Minister of Agriculture (Mr. Stewart) in crop insurance: if you do not take insurance, heaven help you, because this is your chance and you have neglected to take advantage of it. That is an unfair conclusion but still these are some of the pressures we have.

Being a former teacher, I can well remember when we were instructed to keep a list of these things which were sent out, and to check them off as they came in, saying, "Here is the money" or "Here is the form saying I do not want it." They are all put in alphabetical order, wrapped with a big elastic, and down to the office it goes. If the kid does not bring it in the next day, you say, "Where is that form? Speak to your parents. We have not had that form back."

Mr. Shulman: Mr. Chairman, apparently I am the only one who has read this policy. I have a copy of it here. I never thought I would have to rise in the House and defend an insurance company but obviously the member for Sudbury has not read the insurance plan.

First of all, it is not $5. It used to be $5 when it covered doctor bills but since we have this new OHSIP plan, there are three plans available, $1, $2 or $3. The maximum cost is $3 which covers the students 24 hours

a day, 12 months a year, including summer vacation.

For the amount of $5, the member for Sudbury said you got $1,000 of life insurance, actually for $3 you get $2,000 worth of life insurance. So, as usual, he is half correct. No, one quarter correct.

Secondly, this happens to be one of the rare bargains in the insurance field. It is a rare thing to get a bargain from an insurance company. This happens to be cheap insurance, where, for as low as $1 you can have $2,000 life insurance for a year which is at the rate of 50 cents per $1,000 which is unheard of on any insurance plan. At the most expensive rate, you pay $3 for $2,000 worth of coverage which is $1.50 per $1,000, in addition to which, there are numerous other benefits. Obviously none of the members have read this plan. It covers among other things—

Mr. Chairman: We are not discussing a plan, we are discussing a principle.

Mr. Shulman: Well, with all the details we have here, it was my impression that you were discussing the plan and it seems to me that for once, the insurance companies are giving you something worthwhile and, as usual, the member for Sudbury jumps on the wrong end of the stick and is criticizing one of the few good things about insurance companies.

There is a long list of benefits here, and when he said there is a long list of exceptions I presumed he read the line wrong. The line does not read "these are exceptions" but rather "these are covered and are not excepted", so he did not quite understand it, and now I understand a little better why he lost the case against Allstate. The other unfortunate thing is that now he has left the House. He makes his great speech and he does not even hear the Minister give the reply. What kind of legislator is that?

What is covered under this plan? Tuition fees, if a student is injured it pays for a private teacher to come to his home and teach him. Dental damage, it pays up to $500, which goes up to 17 years.

I happen to know because my boy was injured, not at school, in the backyard, carrying this very same plan. He had two of his teeth knocked out and the insurance company paid for all the dental care and, in addition, for further care that he may have to have ten years hence.

It pays for any private nursing, it pays for accidents, it pays for the difference in hospitalization being public and semi-private. If there is a loss of hearing, it pays for a prosthetic appliance, it pays for artificial eyes, it pays for a long list of other materials here and it also pays for rehabilitation benefits. This is the bargain of the century and we have the member for Sudbury getting up and saying, is that not terrible? Well, we will leave that nonsense aside, he does not know what he is talking about again.

Let us come back to someone else who does not know too much what he is talking about.

An hon. member: Who is that, himself?

Mr. Shulman: The Minister of something or other.

Mr. Nixon: Well, Mr. Chairman, if the hon. member is going to go on to another subject I for one, would like to hear the views expressed by the Minister about this. Because the principle of the matter that the hon. member for Sudbury and myself have been referring to, is the sale of this policy in the method that I have described, and I would like the Minister's views on it.

Mr. Singer: Just let me insert one phrase here. I am not sure whether the all-knowing member for High Park is aware that each school board makes its own arrangements and there are a multiplicity of companies that work this way, depending on which company has been able to sell their package.

Now I am quite sure that the member for Sudbury, who is always well informed, was talking about what happens in Sudbury, while the member for High Park apparently thought he could talk for the whole of the province on the basis of one policy he has.

I would suggest he can only be informed about the particular school board which allowed this particular company to offer this kind of policy. In North York there is a different kind of policy, but it is the principle of the thing. I would have thought, Mr. Chairman, that the ordinary observant and listening member would have understood that.

Mr. MacDonald: Mr. Chairman, I wonder if the hon. member for Downsview can assure us that the policy in Sudbury is different, or has he delivered a sort of vagary?

Mr. J. A. Renwick (Riverdale): That is right, just a vagary.

Mr. MacDonald: He does not know, he has just unburdened himself. I hope he feels better now.

Mr. Nixon: Mr. Chairman, if I may speak further. We are talking about the method of selling this kind of insurance which is covered, surely by the direction of the Minister's department. This is what we are enquiring about, and I, for one, would like to hear what he has to say.

Hon. Mr. Rowntree: The method of selling is obviously one of cheap insurance, and I do not like to use the phrase. Low cost insurance might be the correct phrase. And low cost insurance certainly does not permit any major commissions to be paid, nor does the size of the premium interest the average agent I would assume, to tempt a broad selling programme. And, once the local board of education or the chairman says that this is what should be offered, rather than have them pay their own liability policy on a broad basis, the selling effort is directed by distributing these letters with the information brochures to the parents through the children. Other than that, the cost of the insurance would be substantially increased. That is the only explanation that I can think of at the moment.

The question of liability with respect to schools has been, during the past year, increased. The interest in the matter has increased at a very rapid rate, due to the expanded activities of various schools.

Sometimes they are taken to extra-curricular activities which are still under the responsibility of, and direction of, the school board, or school principal where liability might attach. There may be construction sites to see this or that in certain areas of the province.

Mr. Nixon: The Legislature.

Hon. Mr. Rowntree: I think we had better look at that too. But, in any event, these extended activities have produced an increased interest in coverage for school children whilst engaged in outside activities. Of course, the earliest one would be the activities in sports, and if there was any injury involved there, on any of these side trips, and visits to Toronto and all of that kind of thing. Out of all these came various offers of insurance coverage; certainly, as far as I am concerned as the Minister, they have stepped up in their activity in the past year or ten months.

Mr. Shulman: Mr. Chairman, to proceed to another subject. I would like to refer the Minister to an article about the superintendent of insurance which appeared in the Toronto *Star* of October 10 last, in which it states that a scheme by a handful of insurance companies to profit through accepted insurance premiums was quietly nipped in the bud by Ontario's superintendent of insurance last spring.

It was a fairly lengthy article. I do not wish to read it all. But what I really want to know is what is the name of the one insurance company which the superintendent of insurance states at that time was the major company in this particular scheme to defraud? I am curious as to whether it is one of the two or three with whom we have had other bad experiences.

Hon. Mr. Rowntree: The superintendent informs me that he does not recall the reference.

Mr. Shulman: Well, then I shall refresh his memory. The article is headed:

AUTHORITIES NIPPED INFLATED LOAN INSURANCE

A scheme by a handful of insurance companies and automobile dealers to profit through accepted insurance premiums and premium rebates was quietly nipped in the bud by Ontario's superintendent of insurance last spring. The unpublished end of the plan, already in operation and threatening to spread through the industry, came with a letter sent by superintendent G. E. Grundy to all insurance companies operating in Ontario.

It said in effect, cut it out now. Officials declined to name the firms involved. His order ended a make money deal involving creditors' group insurance, the insurance that guarantees a loan will be paid off if the borrower dies or becomes too sick or injured. This is the form of insurance used by banks, trust companies, dealers selling on credit and the friendly finance companies down the street.

It protects the lender by assuring that he will get his money back and protects the borrower from having his company seized.

Normally the policy is paid by the lender who holds a group policy for all his borrowers. As with most group insurance policies, premium rates can only be estimated at the beginning of each year. The insurance group is always changing, so the risk of the insurance company keeps changing. The insurance company sets its premium rate high enough to pay claims and still make a profit.

In a very good year of few claims, there is a lot of money left over after claims are paid. The excess premium, or so-called experienced rating refund is kicked back to the lender. Normally a bank or other lender would seek the lowest premiums possible. That would bring down its overall lending costs and allow it to set a lower interest rate, but a few auto dealers found they could make extra profit on the insurance. They collect high premiums from the car buyers, turn them over to the insurance companies, and pocket the fat experienced rating refunds that come rolling back. It was just a gimmick for raising financing costs and dealers profits, not a necessary insurance premium.

Instead of seeking low insurance premiums, these dealers—the superintendent's office found four of them—would look for the highest rates offered. Kick-backs were as high as 40 per cent of premiums. What is worse, said Stephen Sexton, deputy superintendent of insurance, was that these auto dealers were not taking any risk of any kind.

The loan contracts were sold to finance companies as standard procedure. Four insurance companies were involved, says Sexton. One of them was large and well known. The practice did not spread to other firms but I think it could have.

I ask the Minister what is the name of the insurance company involved?

Hon. Mr. Rowntree: Well, firstly this general subject has to do with creditors' group insurance—that is the subject matter—and the subject was dealt with in principle by the superintendent. Guide line and instructions were sent out to those involved, and to the insurance industry as a whole. Communication was also made, as I recall the matter, with the automobile dealers' association as well. Because the whole set up was offending the principle of an agent selling insurance, and carrying on another occupation at the same time.

The basis of the direction had to do then with automobile dealers receiving refunds improperly, as you pointed out the article said, and steps were taken through these guide lines to stop it. The superintendent informs me that he dealt with the matter entirely on a matter of principle, and my own recollection is that he had discussions with me about the matter, and in his discussions with me it was dealt with purely on a matter of principle.

Mr. Shulman: My question was what is the name of the insurance company involved?

Hon. Mr. Rowntree: I do not have the name. What you are quoting from is a newspaper article which—

Mr. Shulman: Come on now, do not be shy. We are going to get it out of you sooner or later. You might as well tell us now. It will save a lot of time and effort.

Hon. Mr. Rowntree: I do not have it.

Mr. Shulman: The superintendent is sitting in front of you, ask him.

Hon. Mr. Rowntree: I did—he does not have it.

Mr. Shulman: He does not have it? Does he not know what letters he sends out? Do you not keep copies of your letters?

Hon. Mr. Rowntree: No, because it was dealt with on an industry basis.

Mr. Shulman: This is ridiculous. Do you mean to say that a scandal like this can come up, your superintendent of insurance can investigate it, and one year later—or less than a year—he cannot remember the name of the insurance companies involved? You do not expect us to believe that nonsense?

Hon. Mr. Rowntree: Oh no; there were many companies involved.

Mr. Shulman: There were four involved—four.

Hon. Mr. Rowntree: I think there would be more than four.

Mr. Shulman: How many were involved?

Hon. Mr. Rowntree: I do not know how many.

Mr. Shulman: Ask him.

Hon. Mr. Rowntree: Just listen. Let me have a word here for a moment. It is a practice that has developed—and I regard it as a bad practice myself. But probably there are numerous small insurance companies that are related to finance companies, and it applied to all of them. And probably any others, whether they were finance companies or not.

Mr. S. Lewis (Scarborough West): You were asked a specific question.

Hon. Mr. Rowntree: What is the name of the large American company, I take it, that

the article refers to. Do you have any idea what the name of the company is?

Mr. Lewis: Can the superintendent of insurance scratch through the vagaries of his mind?

Mr. Shulman: Now I presume that the estimates will not be finished today. I have an inkling perhaps we will not be through, so I will ask tomorrow. The Minister will have had time to consult with the superintendent and give us the name of this insurance company which skips everybody's mind.

Hon. Mr. Rowntree: There is nothing to hide as far as I am concerned. You heard my discussion with the superintendent right there. You heard me ask him to get the name.

Mr. Shulman: Right, thank you. Tomorrow we will have the name.

Mr. Lewis: We will submit our prediction in a sealed envelope.

Mr. Shulman: I would like to go on to the problem of fire insurance.

Mr. Sopha: There goes a spy into the office of the superintendent.

Mr. Lewis: No, he has been there for some time. On supplementary payroll.

Mr. Shulman: Last year, at some length, I dealt with the way that some rapacious insurance companies in the health insurance field avoid paying off legitimate claims. Unfortunately this is not restricted to the health insurance field and I would now like to turn to the problem of fire insurance, but more specifically to the problem of the attitude of the superintendent of insurance who again is supposed to protect the small policy holder.

I refer you to the Dominion Insurance Corporation and a policy which they issued on September 20, 1968, to Mary Lucia Barrio Angela Giordano, and her husband Luigi Giordano, who live at 2563 Dundas Street West, Toronto, Ontario, and run a lunch counter at that address, and have an apartment above and behind.

Hon. Mr. Rowntree: Giordano?

Mr. Shulman: G-i-o-r-d-a-n-o. Your superintendent of insurance already has a letter from me. I have written him and he has written me back and he tells me "too bad."

The Giordanos took out a fire insurance policy because naturally they were prudent people. They wanted to protect themselves and, unfortunately, on July 8 last a fire took place in the garage attached to this building.

The garage burned down completely, there was damage of $2,500, and the Giordanos made a claim the very same day to have their damages covered.

A gentleman came from A. I. McFarland Company, the insurance adjuster, and he looked at the claim, at the fire, and said: "Well that is too bad, we are not going to be able to pay you." Mr. Giordano said: "Why should you not pay us, we have the policy here?" I have the policy in front of me, incidentally, and it covers everything apparently.

Under the subsection "buildings" it reads:

> Wherever the word buildings is used it shall include and cover any additions and extensions attached thereto and communicating therewith, and if insurance is granted hereunder on buildings, such insurance shall apply also to all permanent fittings, pictures, frescoes, etc, etc.

It would appear to me that when I am taking insurance on my home it would not enter my mind—unless there was an exception written into the policy—that I must take a separate insurance policy out to cover the garage, particularly in the light of the subsection here under buildings, and particularly in the light that, under exceptions, there is nothing about garages being excepted.

The insurance company said: "Yes, it is true. We cover buildings that are attached, but your garage is only attached to the building by a fence. And when we mean attached we mean really attached, closely attached. Attached by a fence is not attached enough. Therefore too bad about you—we are not going to pay your claim."

Well I was sure that it had been a mistake, a misunderstanding, so I wrote to the Superintendent of Insurance and I asked if he would please look into this and get these terrible insurance people in and make sure the people collected their claim—because it is another example of an insurance company that is trying to get out of its responsibilities.

Well I got an answer on September 16th from the Superintendent of Insurance. He is one of the people in the department that answers his mail, I am pleased to say, better than some of the others. He wrote to me:

> Dear Dr. Shulman,
>
> I have now heard from the insurance company regarding the claim arising from the unfortunate fire on July 8. I am informed that Mr. Giordano's building at 2653

> Dundas Street was occupied as a lunch counter and dwelling apartments—

Which is exactly what it said in the policy may I interject:

> —and is a commercial building and was insured under a composite mercantile policy.
>
> This policy form provides insurance only on the buildings described in the contract, and does not give any protection on any out buildings such as the garage, unless they are included in the schedule of insured buildings.

It does not say that in the policy, but that is what it says in the letter.

> In this case the garage was not included in the schedule. It might be that Mr. Giordano was under the impression that his contract was a composite dwelling policy which would have provided ten per cent extension to unscheduled outbuildings such as the garage. Unfortunately there is no such extension in the mercantile form.
>
> I trust this letter explains the reason that Mr. and Mrs. Giordano's claim for damages to the garage is denied. I regret I am unable to help them.
>
> Yours sincerely,
> G. E. Grundy,
> Superintendent of Insurance

This technical language is all very interesting but that is not even written in small print in the policy. I have gone through this policy from beginning to end. Even the little tiny stuff you need the microscope to read—and there is not a word about this.

How can they come afterwards and say: "Too bad about you. We call this a mercantile policy. Mercantile policies are different. They do not cover attached buildings even if it says they do."

But more important the insurance company is trying to get out of paying a legitimate $2,500 claim. All right, I can understand insurance companies. They want to make money. What I do not understand is the Superintendent of Insurance. Where does his responsibility end? Is he acting only for the insurance company?

I have heard from the insurance company, he says. He should not be hearing from the insurance company, they should be hearing from him. And it is this Minister's responsibility in his department to intersperse himself always between the insurance company and the small policy-holders. Surely in a case of misunderstanding, if this is a misunderstanding, particularly where it is not spelled out in the policy, the benefit of the doubt should go to the policy holder.

If there is a tremendous amount of doubt at least there should be a compromise. They should receive something. The Superintendent of Insurance should not just roll it off and say: "Well, too bad about them, they did not understand the technicalities of insurance".

This is why we are so critical of your department, because case after case comes up like this where you do not show your muscle against the insurance companies.

Will the Minister make some comment? Will the Minister intervene?

Hon. Mr. Rowntree: The hon. member for High Park throws in a number of gratuitous remarks, which really have no bearing on the matter, and which are unfounded with respect to the department not exercising its muscle.

The department is doing its very best and has, in the past three years, established a policy of its own investigation as to the facts. And I would have to say that there is a difference between a mercantile policy and the residential policy. There is just as much difference between the two as there is between a Ford truck and a Jaguar sedan. There are different policies and different situations. Now whether or not the Giordanos understand that, I do not know. I would want to look into it and find out who the agent was who sold them the policy. This I will do.

The hon. member asked me if I was interested in it myself. I would like to find out who the agent was and I would like to have him in and see just what the circumstances were about him selling this particular policy. Now he is an experienced agent and should know that there is a schedule required for out-building on a mercantile policy. There is a provision usually—if my recollection serves me correctly—with respect to residential fire policies having to do with extended coverage and 10 per cent or some percentage factor. And I will have this man in and be present when we find out exactly what the agent represented to the Giordanos and what the circumstances were.

Mr. Shulman: Mr. Chairman, the name of the agent is Stephen B. Sobel of the A. I. McFarland Company. But I would like to point out this was not cheap insurance these people bought.

Hon. Mr. Rowntree: I thought the member said earlier McFarland was the adjustor.

Mr. Shulman: Oh, I am sorry. This is the man from the adjustors, it may not be the agent.

Hon. Mr. Rowntree: Well, it is the agent I am concerned with.

Mr. Shulman: I guess the agent's name would be on the policy. Yes, here is the agent. Lee J. Bourgon of 1255 Yonge Street.

Now, I would like to point out this was not cheap insurance, these people paid $750 net for their insurance policy. What disturbs me is the Minister apparently understands the difference between these two types of policies. The Giordanos did not. I certainly do not. There is nothing in the policy that spells this out.

Hon. Mr. Rowntree: But the agent should.

Mr. Shulman: But should it not be in the policy?

Hon. Mr. Rowntree: The agent should.

Mr. Shulman: All right. Now we are going to pass the responsibility to an agent. Whether be did or did not, I think is irrelevant at this point, it is not in the policy. Surely they should be able to believe the policy they receive regardless of what the agent told them. This is what the disturbing thing is. The fact that you put something across the top there that says "composite mercantile" how can anyone ever know that that means that if you have a garage, you have to say you have a garage. It just does not make sense, particularly where it is spelled right out in the policy that if a building is attached it is covered, and if it is attached by a fence, common sense says to me it is attached. All right, if the Minister will look into that, we will leave it for a moment.

Hon. Mr. Rowntree: I am somewhat familiar with that district and I have forgotten the address the member gave.

Mr. Shulman: 2563 Dundas.

Hon. Mr. Rowntree: 2563 Dundas Street sounds like about the corner of Dupont and Dundas, Humberside and Dundas, in that area.

Mr. Lewis: The Minister can stop there on the way home.

Hon. Mr. Rowntree: I will stop by there and just have a look at it myself on my way home.

Mr. Shulman: Thank you.

Now, briefly I would like to deal with a matter which came up yesterday and had to do with the Wentworth Fire Insurance Company which went bankrupt, particularly the Craig family and the Smith family. I wrote to the Minister about them and we have had considerable discussion about them and the fact that the Minister was hoping the Supreme Court would give him funds to pay them. Now, I have a disturbing matter to raise. I have given this some consideration and went back over the file last night.

The Minister has expressed himself here in this House as having said this was an injustice and it was wrong and something should be done for these people. I am aware and he is aware that there is a fund which could be tapped for this, the unsatisfied judgment fund. I am aware that the Minister has approached the Minister of Transport and he has refused to allow that fund to be tapped. I am speaking on a broader basis now, I am speaking on a matter of Ministerial responsibility.

When a Minister is aware that an injustice has occurred in his own department, and he has gone to his fellow Cabinet Ministers and they have refused to do anything about it, at what point does that Minister feel impelled to take some stronger personal action to show that he really believes an injustice has been done? Is it possible today for an injustice to occur within a department—a Minister to know that injustice has taken place and to admit it publicly—to go to his Cabinet members and have them refuse to back him up and that Minister still not resign? This is what intrigues me now.

Hon. Mr. Rowntree: I will repeat. Obviously the hon. member did not listen to or understand what I said yesterday. I said that there was one other avenue available to me —and I tried to choose my words advisedly— which I was pursuing and had already initiated steps to pursue. I am hoping against hope that I may be successful in those endeavors. At this stage of the game, that is all that I think I am privileged to say in this House. I asked the hon. member, and he is a very wise and intelligent person, and I do not think he would expect me to say more than I have said last night and have repeated today.

Mr. Shulman: I am not asking the Minister to say anything more at this moment. What I am saying to him is that I have enquired from a contact in The Department of Transport, and I am informed that the Minister of Transport has refused to consider using that fund. What I am saying to the Minister—and I presume he is going to have to make a decision in the next few days—is, if his Cabinet does not back him up in this matter, he is in a very invidious position to continue as the Minister.

Mr. Lewis: Sounds like a Trenton hospital strike, I think.

Mr. E. R. Good (Waterloo North): I would like to ask a question of the Minister regarding the area of concern of the Superintendent of Insurance. This has to do with a constituent, whose name I will not mention, who had a very distressing experience with a large insurance company. When he enquired of me what action he should take I referred him to the Superintendent of Insurance.

He then referred back to me that he not only wrote the Superintendent of Insurance but also the Attorney General (Mr. Wishart), who stated—I am speaking now of the Superintendent of Insurance—that his department has no jurisdiction over insurance companies. It was a most serious disappointment to me. He asked me then where he could turn.

I took it as a fact he had the correct information, so I referred him to the committee of investigation, also the federal Superintendent of Insurance. Now, is this correct or has he received misinformation from the letter he received back from the office of the Superintendent of Insurance?

Hon. Mr. Rowntree: There is no secret about the name of the assured, others give their names here now in the House. If the member would like to give it to me privately, I would be glad to run it out for him. And if he would give me the name of the assured and the name of the company. The fact of the matter is that all insurance companies, whether they are federal or provincial incorporations, are required to register in the province in which they are doing business. So we do have an interest in an insurance company in Ontario whether it is federal or provincial.

Mr. D. A. Paterson (Essex South): Mr. Chairman, might I ask the Minister as to how many insurance salesmen or agencies have had their licenses revoked in the past year because of malpractice? Have there been any?

Hon. Mr. Rowntree: I do not think we have the exact figures here, but I believe there have been some licenses that have been, if not revoked, suspended.

Mr. Paterson: I wonder if the Minister could comment on the nature or the reason why these persons would have their licences revoked. Is it because of failing to remit their clients' funds say to the parent company? Or probably giving misinformation to their clients? Is there any specific area that is more—

Hon. Mr. Rowntree: That is a very blunt question to put to me, and we are therefore dealing in hypothetical terms. But failure to remit, or improper conduct with respect to trust funds, are matters which always concern us—as it does in other areas of business where licences are issued by the department.

I can think of a specific case where an insured man had claims against this insurance company, and the insurance company sent the cheque in full settlement to the agent because he was the agent involved. They said, here is the cheque payable to Mr. A. V. C. and I suppose, as a matter of good public relations, expected him to attend and deliver the cheque personally.

Instead of that, the man forged the endorsement of the cheque, put the money in his pocket; and, of course, it was only a matter of time until the assured wanted to know why the money had not been paid. So the whole story came to light. That man's licence was lifted.

Now with respect to a specific case, if you would care to speak to me about it, I will look at the matter myself and discuss it with you and look at the facts of it.

Mr. J. E. Bullbrook (Sarnia): Mr. Chairman, what I wish to refer to has nothing to do with insurance—

Hon. Mr. Rowntree: Glad to hear it.

Mr. Bullbrook: It is in connection with The Loan and Trust Corporations Act. Should I proceed now?

Mr. Chairman: Proceed.

Mr. Bullbrook: Since the last estimates of this department, in the riding I represent two companies, although they have not lost their corporate life—have in effect lost their corporate life. As you might be aware, Mr. Chairman, the Industrial Mortgage and Trust Company, an old and established company in our area, has been taken over by the Royal Trust Company, the largest in our

nation. Now the oldest loan and trust company in the province of Ontario which is the Lambton Loan and Investment Company, I believe I am correct in that—

Hon. Mr. Rowntree: Yes, you are.

Mr. Bullbrook: The shareholders of Victoria and Grey have approved a takeover bid, if it has not been consummated already. I am not sure of this Mr. Chairman. The concern I want to express, as well as query, must come to you from a person not knowledgeable in the financial field.

The first expression of concern is perhaps one of naivete, but it would seem to me that this whole question of takeovers of small companies by larger companies tends to lessen competition. Maybe my naivete is that I feel that perhaps competition in any industry—and perhaps especially in the financial industry—is a good thing. It benefits the people at large. So the first question I want to direct to the Minister is:

What is your general policy in connection with this? Does the government consider interference—recognizing that the question of interference in the free enterprise system must be somewhat repugnant, and I agree with it—but does the Minister and the government have any concern in this connection?

I want to say, if I might, that dealing with these companies, as I have in the past, I find that the fact that they are small makes them more attractive. That has been my experience as a lawyer, and my experience with the Industrial Mortgage and Trust Company, basically since the time of their take over, is that we do not really have that personal equation that existed before.

However, that is not very important, the most important aspect of my query, is the question of competition. It is all well and good to give us numbers here as to the gross of the industry, now it is a total gross growth as far as dollars and cents are concerned.

I am very much interested in the question of, essentially, whether there is a growth in the industry as far as corporate vehicles are concerned. By that I mean recognizing that the Industrial Mortgage and Trust Company, by way of example, retains its own charter position. Let us recognize also that it really is the Royal Trust Company now. I wonder if you might comment on that, Mr. Minister?

Hon. Mr. Rowntree: I can understand this question being raised, and it is something that I will try to deal with as well as I can in the few minutes that are left. It is not a small subject.

The small trust companies—not having any notice of this question, I will have to deal with this as I see the point—invariably in today's market, and certainly those that have existed in the past three or four years, have largely had a local colour attached to them. There has been local pride involved. In some cases they have been companies incorporated many many years ago and they are part of the community, and part of the district, and everybody feels that whether they have any shares or ownership in them that they are part of the community, and they are happy that it is that way.

Now I can tell you that this exists because sometimes that feeling of pride overrides and obscures some of the other considerations that must be given to certain of these situations. You mentioned one or two companies in particular, I am not talking about one or two in particular, I am talking about the whole spectrum of smaller companies.

Trust companies have two main functions and one is the fiduciary aspect of their operation which arises from the deposit of wills, trusts and that general area of business. These are similar to the old established law firms that accumulate a large file of wills. They become a valuable asset and commodity, but that only comes in that side of the business, with time. There is no instant growth or creation of that type of business.

The other part of trust company operations has to do with the assembly of money through deposit, which, added to their capital and any surplus funds which are there, provide a repository or fund or money which they can then invest. I now stop here and say that in the case of York Trust against a rising market, York Trust ended up being stuck with not a large portfolio but it was $55 million at an average yield of about 6¾ per cent or somewhere in that order, when the market interest rate had already gone up to something in the mark of 7.5 per cent or 7.75 per cent, and was rapidly on the climb.

At that interest rate, the low yield of the York portfolio and the difference between the current yield, became apparent. The capital value of that portfolio fell, so whatever the current market on interest yield was, and what an investor would expect to get if he were to buy that portfolio, he would buy it at a discount.

In the case of York there was no party with $55 million to buy the portfolio. Had there

been, I doubt if anyone would have bought because anyone with that amount of money would have invested the money himself, directly, through his own trust company, or their own facilities and have made, through public relations, an asset in dealing directly with the client, the customer.

But the best information available was that that portfolio would have been subject to about a 20 per cent discount, and it was due to that discount that the equity was down to about $4 million in the company.

If they had to liquidate that portfolio on the market, not only would the remaining equity of the company have been eliminated but there would have been perhaps six or seven million dollars deficit.

I tell you the story in just those terms to make the point that the portfolio investment feature of trust companies is a matter which is going to be done on a very conservative basis, with a modest yield and a well balanced portfolio within the limits of the legal investments with which a trust company is permitted to operate. But it is in a dangerous position if the managerial talent is not there. This would apply to all small companies unless they were content to stay at this small, lower level.

There was a period about 1962, or 1963, when there were a number of small trust companies incorporated in Ontario and chartered for issue partially on a local pride basis. Now, the next factor that took place was that there was an amendment to The Bank Act at Ottawa. The amendment permitted the banks to get into the business that traditionally and customarily had been handled by the trust companies, or large parts of it. So now the banks got this. But there was to be a *quid pro quo*. Their Trust Act legislation at Ottawa was to be amended to give a pro for the quid. That never developed and it is still on the way, my deputy says.

It sure is still on the way. It is questionable. I made some reference a little earlier about amendments to insurance and loan and trust Acts. We are mighty interested in what these amendments in their final form will be. We do not know. We will not know until that bill receives its third reading.

Mr. Bullbrook: Well, if I might just say, some of their banking activities have been extended by the trust corporations over the last five or six years. I think the hon. Minister would agree with that.

Hon. Mr. Rowntree: Some of them. But the trust companies as a group never did get the *quid pro quo* to balance them off against the extra privileges granted the banks. I think this is reflected in their profit and loss statements of the bank.

On the question of management, some of these companies were of a size so the profit factor was not sufficient in today's inflated salary conditions, and economic times, to pay an adequate salary sufficient to hold—shall we call him a financial man—in that job to give adequate managerial supervision to the company. It is out of that situation that comes these amalgamations and mergers.

The question of giving stability where no permanent stability could be assured, in spite of deposit insurance, is something which we in this House can take a lot of credit for. I will not mention any of the larger ones that have taken over some of these companies, but there are moves under foot at the moment and there have been no charters in the last three years for new trust companies issued in Ontario.

There is one company that had an outstanding charter that commenced business by opening an active branch within the last six or eight months in downtown Toronto. There was a change of ownership in Kent Savings and Trust at Chatham which had some branches in Toronto. But, even in the case of Kent—and it is now public—Metropolitan has made a purchase. The one I refer to, Metropolitan and Kent, is a transactions that is submitted to the registrar of loan and trust companies.

They require approval by order in council but they also are all transactions which have been privately negotiated by the principals involved, namely the shareholders of the various companies. That is the case as far as Kent goes, and it is the case for Industrial in Sarnia, Lambton Loan and Savings and the other one. The sad part of it is that traditional names disappeared. On balance, I would have to tell you that in my own considered opinion, while all business at some stage has to start in a small way, stability is important in the field of financial institutions and a degree of size helps stability and outweighs a few local considerations. I do not know whether that answers your question or not.

Mr. Bullbrook: It is a very full and fine answer indeed, and is unfortunate that it is two minutes to six. I wanted to carry this on further. Basically there are some responses to

your comments, which I accept, because I think they are a reasonable foundation for the general attitude that the Minister has, if I might say, Mr. Chairman. However, when one sees the profit picture of Canada Permanent elevating 28 per cent, I think, in the first quarter of this year; and when one sees the growth of the Royal Trust Company in the province of Ontario, notwithstanding the validity of the remarks that you made, I want to get to the question of the attitude of the department in connection with perhaps too much control vested in too few of these corporations in this industry. I think to do this it is almost impossible at fifteen seconds to six.

Hon. Mr. Rowntree: Well, when we continue this we will have an opportunity.

Mr. Bullbrook: Yes, we will have a go at it again.

Hon. Mr. Rowntree: I think the subject is the subject of the day which is worth debating.

Hon. R. S. Welch (Provincial Secretary) moves the committee rise and report.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, tomorrow we will carry on with the estimates of this department and on their conclusion start the estimates of The Department of Trade and Development.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 6 o'clock, p.m.

No. 169

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 2, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, October 2, 1969

Presenting reports, Mr. Welch 6523
Protection of personal privacy, bill to provide for, Mr. Kennedy, first reading 6523
Public Schools Act, bill to amend, Mr. Pitman, first reading 6523
Department of Education Act, bill to amend, Mr. Pitman, first reading 6523
Rules committee report, questions to Mr. Robarts, Mr. Nixon and Mr. Peacock 6524
West German loan, questions to Mr. Robarts, Mr. Nixon 6525
Takeover of Union Gas Company of Chatham, questions to Mr. Kerr, Mr. Nixon 6525
Premium structure for OHSIP, questions to Mr. Wells, Mr. Nixon 6525
Coverage by OHSIP without membership cards, questions to Mr. Wells, Mr. Nixon 6526
Premium level resulting in surplus of OHSIP funds, question to Mr. Wells, Mr. Nixon 6526
Metro Toronto waterfront plan, questions to Mr. Robarts, Mr. MacDonald 6528
Restocked salmon in Humber River, questions to Mr. Kerr, Mr. MacDonald and Mr. Ben 6528
Principals of companies as candidates for municipal office, questions to Mr. McKeough, Mr. MacDonald 6529
Strike at INCO and Falconbridge, questions to Mr. Robarts, Mr. Sopha 6529
Shirley Hunter case, questions to Mr. Wishart, Mr. Singer 6530
Sandwich, Windsor and Amherstburg bus fares, question to Mr. McKeough, Mr. Peacock 6531
Mills Court Construction Company, questions to Mr. Wishart, Mr. T. Reid 6531
OHSIP agents and blank government cheques, questions to Mr. Wells, Mr. Ben 6532
Checkup of OPP cruisers, questions to Mr. Wishart, Mr. Trotter 6533
Telephone service at OMSIP office in Hamilton, questions to Mr. Wells, Mr. Davison 6533
Ceilings on ODC forgivable loans, questions to Mr. Randall, Mr. Peacock 6533
Legislation re driving school industry, questions to Mr. Haskett, Mr. Burr and Mr. Shulman 6534
Geared-to-income housing for single persons, questions to Mr. Randall, Mr. Breithaupt 6535
Land study in Waterloo township, questions to Mr. Randall, Mr. Good 6535
Transfers of prisoner, questions to Mr. Grossman, Mr. Shulman 6536
Visits by MPPs to Ontario mental hospitals, questions to Mr. Wells, Mr. Lawlor 6537
Licensing of off-track betting, questions to Mr. Wishart, Mr. Lawlor 6537
Prudential Finance creditors' association, questions to Mr. Rowntree, Mr. Deacon 6538
Mills Court Construction Company, questions to Mr. Rowntree, Mr. T. Reid 6538
OHSIP coverage of employees on strike, question to Mr. Wells, Mr. Gisborn 6538
Pyrotex Mining and Exploration Company Ltd., question to Mr. Rowntree, Mr. Shulman 6538
Estimates, Department of Financial and Commercial Affairs, Mr. Rowntree, continued 6540
Recess, 6 o'clock 6565

LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, OCTOBER 2, 1969

The House met at 2 o'clock p.m.

Prayers.

Mr. Speaker: According to my information, in the west gallery, we have students from the Northern Secondary School of Toronto. I am sure we would want to welcome these students.

Petitions.

Presenting reports.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, I beg leave to present to the House the following reports. First, the Ontario Research Foundation annual report for 1968; secondly the Sheridan Park Corporation auditors report 1969; thirdly, the Ontario Development Corporation auditors report for 1969; and fourthly, the Ontario Housing Corporation and Ontario Student Housing Corporation auditors report 1968.

Mr. Speaker: Presenting reports.

Motions.

Introduction of bills.

The hon. member for Peel South.

PROTECTION OF PERSONAL PRIVACY

Mr. R. D. Kennedy (Peel South) moves first reading of bill intituled, An Act to provide for the protection of personal privacy.

Motion agreed to; first reading of the bill.

Mr. Kennedy: Mr. Speaker, this bill prohibits the violation of privacy including electronic eavesdropping and the collection and use of economic commercial and social data without consent. It also provides for the machinery for supervision and control.

Mr. Speaker: The hon. member for Peterborough.

THE PUBLIC SCHOOLS ACT

Mr. W. G. Pitman (Peterborough) moves first reading of bill intituled, An Act to amend The Public Schools Act.

Motion agreed to; first reading of the bill.

Mr. Pitman: The concept that schools are "closed to the visitation of the larger community except in the cases of "Judges, members of the assembly and members of municipal councils" and "every clergyman where he has pastoral charge", is both anachronistic and ridiculous. Essentially it provides free access to those who have little business to be there and blocks the visitation of those most concerned—parents, ratepayers and school board members.

Obviously, no institution can operate on the "open house" principle every day, but certainly increasing opportunities for the community to "visit" must be made possible if there is not to be increasing alienation between the schools and the community it serves. In conclusion, in any age of sharp educational change, the community must have easier access to information about, and the observation of, those things going on behind the walls of the school. Only then, can debate and dialogue of trustees, parents, students and teachers be meaningful and helpful.

Mr. Speaker: The hon. member for Peterborough.

THE DEPARTMENT OF EDUCATION ACT

Mr. Pitman moves first reading of bill intituled, An Act to amend The Department of Education Act.

Motion agreed to; first reading of the bill.

Mr. Pitman: Mr. Speaker, this bill deletes those sections of the Act which state that the Minister of Education may describe the manner in which students attending schools for the deaf and blind should be dressed and authorizes superintendents to specify the minimum amount of clothing that a parent must provide for a pupil.

It is surely inappropriate that the Minister of Education should, in the year 1969, be responsible for making such decisions. It is reprehensible that such a provision should remain, whether operative or not.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, on a point of order, I think that in these two bills the explanation given by the hon. member goes far beyond what is in the bill. He is calling action by the Minister reprehensible. I do not know that that is a fact. I consider it to be completely out of order.

The procedure is that one may state what is in the bill, but one cannot add a lot of editorial comment.

Mr. Pitman: On the point of order, Mr. Speaker, I do not think at any point, I suggested that the Minister was acting in a represensible manner. I was suggesting that these are anachronistic positions which remain in the bills and should be removed if we are going to have a modern system of education in Ontario.

Mr. Speaker: I might say that the practice has been in recent years when private members introduce private members' bills, that a very brief explanation of the bill is permitted but it must be very brief and to the point without any additional comments thereto.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, I have a couple of questions for the Premier and the first one has to do with the rules committee report.

Since I have put the question in, he has communicated with me on this matter, but perhaps it would be helpful if he were to comment on the question anyway.

In light of the procedural problems experienced in the House in the last few days will the Premier give consideration to the immediate implementation of the report of the select committee on rules and procedures dealing with the question period and motions for adjournment to discuss matters of urgent public importance.

Hon. Mr. Robarts: I would like to discuss more than that if we are going to look at some of these recommendations, Mr. Speaker. There are others that I might like to—

Mr. Nixon: I did not say discuss, I said immediate acceptance.

Hon. Mr. Robarts: I have some other matters that are just as immediate to me as those may be to the hon. leader.

I will be ready or someone from this side of the House will be ready to sit down with the two other party leaders or their nominees, I would think about Wednesday of next week. Let us see if we cannot find out what is in those rules that we might accept very quickly and perhaps apply to the balance of this session in order that we may operate this House more efficiently.

I suppose everybody realizes that this is a report of a committee and I suppose everything in it may not necessarily be acceptable to everybody in the House. However, there must be some areas that are acceptable and what I am suggesting is that next week we might explore those areas and see if we cannot do something about them.

Mr. Speaker: The hon. member for Windsor West has a very similar question.

Mr. H. Peacock (Windsor West): Mr. Speaker, I have a question along the same lines and I believe the Prime Minister has replied to it. May I ask him a supplementary along these lines: having received a consensus report, or a unanimously supported report, is he not now in a position to say which of the recommendations he himself is prepared to move for adoption in this House?

Hon. Mr. Robarts: I would point out to the hon. member that the report itself has two sets of recommendations, one a series of things that might be done immediately, and some others, with a pious hope that they might be done in the session starting in 1970. I do not take that as neccessarily gospel that it should be precisely that way.

There may be some other things we can do immediately that are recommended in the report that will expedite the business of the House between now and the end of this session. So that once again, whether it is a unanimous report or not, it is nothing more than a report of the Legislature and is subject to examination and discussion, I presume, by each of the three caucuses.

I am not trying to put any road blocks in the way; in fact I am trying to do precisely the opposite. No one is more anxious than I to reform some of the action and behaviour in this House. And I am suggesting by the middle of next week we will be ready to sit down and start talking about it. I trust the hon. member will be the same.

Mr. Pitman: Including petulance about supplementary questions.

Hon. Mr. Robarts: Well, I do not think the member has ever found me petulant about any question in this House. Perhaps there have been a few times, but I had good cause to be anyway.

Mr. Speaker: The hon. leader of the Opposition.

Mr. Nixon: A question of the Premier:

What will the additional costs be to Ontario in repaying the interest and principal on its $140-million West German loans as a result of the freeing of the value of the mark in relation to world currency and the resulting decline from 4 marks to 3.78 marks in relation to the United States dollar?

Hon. Mr. Robarts: Mr. Speaker, I do not recognize the question and I do not think I have an answer.

Mr. Nixon: Well, I had a feeling your chief financial advisor would be absent and he is.

Hon. Mr. Robarts: You know, when we get into questions without notice, this is the kind of question that automatically will have to be taken as notice, because no man alive could be expected to answer this question without a little notice.

The answer I have here, as you might expect—since there has not been time since I received the question to work out an answer to this very complex problem—the experts tell me that since the value of the mark has been freed we can expect some continuous fluctuation in its value in relation to the United States dollar, upon which the proceeds of the loan were based. So it really will boil down to this: whether it will be a practical matter to pick any point in time, because as the value fluctuates the answer to this question is going to fluctuate too. And as to the value of the mark being free—now we can take it as any one day, I suppose, and go through the computation and tell you, but the answer might not be valid three days from now if the value of the mark varies.

Mr. Nixon: But, in any event our loan is getting more expensive by the day?

Hon. Mr. Robarts: In that regard, I think I would be safe in saying, even though it may become more valuable, it still will prove to be much cheaper than we could have borrowed money from any other place.

Mr. Nixon: Mr. Speaker, I have a question for the Minister of Energy and Resources Management:

Does the Minister have the power to approve or prevent the proposed takeover of Union Gas Company of Chatham by Consumers Gas Company of Toronto, and is the Minister studying the effects on the economy of Ontario, and to the gas consumers, if such a takeover occurs?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, the answer to the first part of the question is no. On the second part, I have asked the chairman of the Ontario Energy Board to look into this matter informally and to let me have a report as soon as possible.

Mr. Nixon: Did the Minister give those instructions today or has he been working on it for some time?

Hon. Mr. Kerr: All this week.

Mr. Nixon: Thank you, Mr. Speaker, I have some questions for the Minister of Health:

How does the Minister justify an OHSIP family rate of premium of $14.75 charged to widows with families, which is the same as the rate charged for two-parent families, when obviously the risk must be considerably different?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, in answer to that question, I would say that the premium structure for OHSIP is worked out on a basis of single person, one person plus one dependent, two people plus dependents, so that if a widow has one child she would be eligible for the $11.80 premium. If the person has two or more children, then it would be the $14.75 premium. They are not based on a man and wife family situation.

Mr. Nixon: On a matter of clarification, supplementary to the first question, we are to understand, then, that while the number of children is irrelevant as far as the premium costs for a family under normal circumstances is concerned, that these costs would be the same even though the male partner is either dead or not living at home. Is that so, and is there no way that the premium can be adjusted to take account for the reduced risk under those circumstances?

Hon. Mr. Wells: Well, of course, Mr. Speaker, to say reduced risk—you cannot really prove this. In some cases it might be; in other cases it would not be. The premiums are based on one person, two people or more than two people; if there are more than two people, indeed, with a family of children, the risks could be greater than they were with the man and wife and one child.

Mr. Nixon: I would hope the Minister would agree that there is an apparent inequity

when a widow who is working and supporting a family has to pay the same large premium as a man, wife and family must pay under similar circumstances? I would hope that he would look into it more thoroughly.

Hon. Mr. Wells: There is premium assistance, Mr. Speaker, very generous premium assistance is available.

Mr. Nixon: I would like to ask further, how can the Minister ensure that citizens who expect to be covered by OHSIP but have no membership card will be accepted for treatment by doctors?

Hon. Mr. Wells: What is the number of that question, Mr. Speaker?

Mr. Speaker: 2125.

Mr. E. W. Sopha (Sudbury): Do they have to have a number now, for the computer, to come in here? Pretty soon we will have the computer in here to answer them.

Hon. A. F. Lawrence (Minister of Mines): Well the numbers help when one Minister gets 20 questions a day.

Hon. Mr. Wells: When you have ten or 12 you need the numbers.

Mr. Nixon: I think these are very important matters.

Hon. A. F. Lawrence: Sure. Who is crabbing? You are crabbing not us.

Hon. Mr. Wells: They are very important matters, Mr. Speaker, and I apologize for asking for the number but I have ten or 12 questions here and it is impossible to keep track of them without the numbers.

I would like to assure the hon. member, Mr. Speaker, that the medical profession I know in this province hold as their primary responsibility the care of the sick and they are not in any way going to obviate this responsibility because someone has or has not got a registration card. But just to assure him, we are going to send out to the medical profession a letter outlining exactly what should be done in all cases where cards are available and where they are not available. I can assure the hon. member that they will be fully informed so that everyone will be able to be properly covered and their claims handled.

Mr. Nixon: And doctors should assume that the people who come to them for treatment will have proper coverage?

Hon. Mr. Wells: Right!

Mr. Nixon: This is 2124, Mr. Speaker. Will the Minister explain to the House why the premium level is set to result in a surplus of OHSIP funds for the next fiscal period?

Hon. Mr. Wells: Mr. Speaker, the premium level is not set to result in a surplus. The excess that is shown in the figure that I am sure the hon. member is talking about is a premium stabilization factor which goes towards stabilizing the premium over a greater period than one year. If he would look at the figures that were quoted in that statement—

Mr. Nixon: If they had been quoted in the House instead of somewhere else we might have had an opportunity to look at them.

Hon. Mr. Wells: Mr. Speaker, no one in this House asked that those figures be quoted. I have been asked—

Mr. Nixon: On a point of order, this is surely information that should have been presented to the House and not given to the Press somewhere else.

Mr. Speaker: Order.

Mr. D. C. MacDonald (York South): Mr. Speaker, on a point of order, I put that question to the Prime Minister yesterday. The Prime Minister did not reply to it and the Minister went outside the House and gave information which was denied the House.

Hon. Mr. Wells: Mr. Speaker, I was never asked this question in this House and—in an interview with several reporters—in order to amplify certain statements I indicated to them some figures which we had available. Now—

Mr. Nixon: Well let us just have the same material. Let us amplify it to the members of the House.

Hon. Mr. Wells: Do the members want the material right now?

Mr. Nixon: Why have you budgeted for this surplus? The premiums are already ridiculously high.

Hon. Mr. Wells: I am sure that my leader is very aware of these figures and the—

Mr. V. M. Singer (Downsview): He was not when he was asked the question.

Mr. S. Lewis (Scarborough West): Why is the Minister reading from the press clipping?

Hon. Mr. Wells: If the member wants to know, I am reading from the press clippings because I thought Geoff Stevens did a very good job of explaining it.

Interjections by hon. members.

Hon. Mr. Wells: Oh, do not keep worrying about Middlesex South! I must say, Mr. Speaker, our friends opposite are much more concerned with jockeying for political position than serving the people of Ontario.

Mr. Nixon: Mr. Speaker, we are quite prepared to take the jibes from the hon. Minister but we are also interested in the information associated with this programme, for which he is completely responsible. Now let us have some information.

Mr. Speaker: Order. Perhaps the hon. Minister would answer the question.

Hon. A. F. Lawrence: Will they give him a chance?

Hon. Mr. Wells: I should point out, Mr. Speaker, that I have answered the question that the hon. member asked in the normal manner. But you know we are very happy to accommodate them. And I will give them these figures now.

Mr. Nixon: As I recall, you said there was no surplus associated with premiums.

Hon. Mr. Wells: That is right according to the financial estimates that our people have worked out for the full year—1970-71. Let me assure the House we have no $176 million. I think somebody expected that Ottawa was going to dump that money on our doorstep here on October 1. We have not got that money here at this time.

Hon. A. Grossman (Minister of Correctional Services): How much has the Minister got so far?

Hon. Mr. Wells: We have not got any money so far.

Mr. Nixon: How much has been paid out since October 1?

Mr. Speaker: Order!

Hon. Mr. Wells: The cost of insured health services for the full year will be $401,003,-889.

These are the estimated costs. The administrative costs. The administrative cost will be about $27,917,000 and the Ontario Health Resources Development Plan, $65 million, for a total expenditure for the plan of $493,-920,889.

On the revenue side we estimate from premiums, $295,848,423; federal contribution, $176,441,711; and the contribution from the general revenues of this province, which are in the estimates of this year and we hope would be put in next year's estimate, of $40 million. A total of $512,290,134. This allows for an excess of revenue over cost of $18,369,245 which will apply to premium stabilization in the succeeding years.

Now I am sure the hon. member can quite easily see from this that if the provincial contribution from general revenue were cut from $40 million to $22 million the plan would be exactly balanced. But in fairness we are stating the figures exactly this way, because we think this presents the true and accurate picture.

Mr. Nixon: I suppose it would be true to say as a supplementary question to the Minister that in fact this stabilization fund is one way to explain the inaccuracies in the predictions made by the Minister's advisors in establishing the premium level in the first place. Certainly he was not prepared to change the budgetary contributions from the consolidated revenue fund.

Mr. Speaker: Is this a supplementary question?

Hon. Mr. Grossman: A supplementary speech.

Mr. Nixon: Yes. It looks like a very strange way inded to explain what has been poor management and certainly associated with the high premiums.

Mr. Singer: Is that not true!

Hon. Mr. Wells: I would take great exception to those remarks towards the members of my staff, because they have not certainly tried to present this to me in this way.

Mr. Nixon: The Minister is presenting it to us in this way.

Hon. Mr. Wells: I am just saying that if you look at these figures, you will see that these are pretty fair premiums, worked out—

Mr. Nixon: I see that the premiums are too high.

Hon. Mr. Wells: The member says they are too high. We are merely saying, Mr. Speaker—

Hon. Mr. Grossman: Everybody is in favour of motherhood.

Hon. Mr. Wells: Mr. Speaker, in one year's operation, we are showing members the amount of money that will come in from premium revenue and the amount that is going to go out in straight payment of claims. Let the members just consider those figures.

Hon. Mr. Grossman: Now the Minister confuses them with the facts.

Mr. MacDonald: I have a question of the Prime Minister:

What is the government's reaction to the request of Metropolitan Toronto, submitted by Chairman Allen two years or more ago, and supported August 19, 1968 by the board of trade, for the establishment of an appropriate single agency to implement the Metropolitan Toronto waterfront plan?

Hon. Mr. Robarts: Mr. Speaker, our reaction to this is that this administrative question is very closely entwined with the whole question of the development of the waterfront, and with our plans for development in this area, plus the work being done on the proposals put forward in MTARTS.

So while we have not acceded to this request, it is not a question that we have refused it either. As members know, it is an ongoing examination, and everyone is aware that there are a great many different organizations and bodies involved in the waterfront situation. I think the suggestion made by Mr. Allen two years ago was to attempt to bring some order out of the great number of people who had interest in this matter.

During these intervening two years, there has been a great number of developments and, at the moment, we are trying to put the whole thing together into some form so that we may get action now that all the planning, or a good deal of the planning has been done.

That is where it stands. We have come to no conclusion as yet as to whether this is in fact the best answer we can find. I can only assure the member that it is not a question of the report just lying there and not being considered, because it is in the total planning of what is being done.

Mr. MacDonald: Mr. Speaker, I wonder if the Prime Minister can indicate when they might come to a conclusion? My reason for asking it is that the board of trade said this was very urgent 15 months ago, and all of the people involved feel it is urgent. Why, if the government has not reached a decision, do they not at least sit down with them and talk the thing through rather than working in isolation?

Hon. Mr. Robarts: We are in continual discussion with a whole group of people, but we have to get agreements from all of them, too.

So the decision simply does not rest with us, unless we want to proceed in a completely unilateral way and make an arbitrary decision that this is being done.

Now, I can assure the member there is continuous consultation and study between people from this government and all the other bodies involved in this. We hope to get an answer, but it simply is not there yet.

Mr. MacDonald: I have a question of the Minister of Energy and Resources Management:

Have the sources of pollution that resulted in the killing of restocked salmon in the Humber River been isolated?

And second, what are they, and what action has been taken?

Hon. Mr. Kerr: Mr. Speaker, the hon. member—

Mr. G. Ben (Humber): Mr. Speaker, I have a question similar to this:

Has the Minister's staff, or the Ontario Water Resources Commission, traced the source of the cyanide which is being discharged periodically into the Humber River in the areas of Dundas Street and Scarlett Road killing the fish life, as reported to the Minister by this member on June 10 last?

If the answer to the foregoing is no, will the Minister solicit the assistance of the public, as suggested in a memorandum to me?

Has the river been restocked with Cohoe salmon and, if not, is the Minister's department co-operating with The Department of Lands and Forests to see that this is done as soon as possible?

Hon. Mr. Kerr: Mr. Speaker, I think my answer will cover questions from both the hon. members.

Subsequent to the fish kill in the Humber River on June 10, the staff of OWRC, The Department of Lands and Forests and the Metro Toronto works department jointly conducted an intensive investigation of possible sources of contamination.

Two suspected sources of contamination have been located: one source in the borough

of North York has now been eliminated. In the case of the other, the industry located in the borough of York has been directed to discharge its waste to the sanitary system and not to the storm sewers.

It should be stated that the complexity of storm sewers discharging in the Humber River makes the detection of waste sources very difficult. We have no conclusive evidence to tie in these fish kills with any particular industry.

The second part of the question: In addition to the regular surveillance programme now being carried on, private citizens have been supplied with sample bottles and requested to report immediately any evidence of pollution in the river.

Part three: Although this question should be directed to The Department of Lands and Forests, the staff of OWRC has been working closely with the said department and with Metro Toronto works department in this investigation.

Mr. Speaker: The hon. member for Sudbury has a question of the Prime Minister.

Mr. MacDonald: I have a question of the hon. Minister of Municipal Affairs, if I can catch his eye. A two-part question:

Does the non-payment of taxes by a limited company disqualify principals of that company from being candidates for municipal office in the municipality where the company is located?

Would an elected official who is a principal of such a company be in violation of the law with reference to conflict of interest if he were to vote on a by-law waiving taxes of the company?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, I always like to accommodate the leader of the New Democratic Party in trying to give an answer to a question. But I think he will realize that I am not a lawyer.

These are essentially legal questions, and I think they should be referred to a legal person for an opinion. I do not think it is the function of my department to give answers to questions such as that, which can only be decided by the courts.

Mr. Sopha: I have a question of the Premier:

In the light of the fact that the strike at the International Nickel Company of Canada Limited, at Sudbury and Port Colborne, is now in its 85th day, and the strike at Falconbridge Nickel Mines at Sudbury is now in its 42nd day, has the Premier considered that he might engage personally in a course of action using the good offices of his position as head of the government of Ontario to call the parties together at a meeting with him to ascertain personally the issues that separate them, and to express his concern to them about the far-reaching effects of these strikes on the economy of Ontario and upon the welfare of the workers and their families who are directly concerned in the strikes?

Hon. Mr. Robarts: Mr. Speaker, I can only assure the hon. member of my personal concern. If I had my own way there would not be any strikes at any time in the province.

The member asks have I considered that I might personally engage in a course of action: Yes, I have considered it. I can only say that our system is one of free collective bargaining and the intervention of a third party is a matter of delicacy at best. One has to pick one's moment, and has to be—well, it is a question of judgment as to whether it will be effective or not.

I remember one strike into which I interjected myself and shortly thereafter I removed myself with the expression of opinion to both parties that I would not be back until they asked. They subsequently asked me and we managed to settle it.

But I only use that as an illustration to point out at any given moment in time regardless of what one's personal concern may be, it is a very fine question of judgment as to what course of action one should follow.

Mr. MacDonald: Maybe he wants the Prime Minister to act like Joey Smallwood; just move in.

Hon. Mr. Robarts: I can only assure you that my concern is great. I think the strikes presently in progress in the province are, in my humble opinion, such that I do not think anybody will ultimately benefit. Nonetheless, they arise because of the system we have. And when the time comes when I think I can help, I can assure you, I certainly will.

Mr. Sopha: I have a supplementary question —and the name I am not going to use is Joey Smallwood. The name I am going to use in my supplementary question is Bryce Mackasey. I am going to ask the Prime Minister whether he has observed the conduct of Mr. Mackasey and the apparent success that has apparently attended upon his efforts which have resulted from thrusting himself into the issues he has described, at the very earliest time after they occurred.

Hon. Mr. Grossman: He does not happen to be the Prime Minister.

Hon. Mr. Robarts: Yes I have examined, and I know what Mr. Mackasey has done. As I pointed out to you I am not entirely without experience in this area myself.

Mr. Ben: Mr. Speaker, as I understand that the Minister of Energy and Resources Management wishes to leave, would you permit me to put my question to him now?

Mr. Speaker: Yes, that would be in order.

Mr. Ben: Questions 2093 and 2094.

What is the average sulphur content of the fuel used by (a) the Richard L. Hearn Generating Plant, and (b) the Lakeview Generating Plant during the six month period ending March 31, 1969?

2. How many tons of coal were used by each of those plants during the said six months?

3. Does the Minister intend to introduce legislation this session prohibiting the use of fossil fuel containing more than 0.37 per cent sulphur? And I imagine, while I am on my feet, with your permission, Mr. Speaker, I will put the other question, which is 2094, again addressed to the Minister of Energy and Resources Management.

1. How many tons of (a) anthracite coal, (b) bituminous coal were delivered to Toronto docks during the year ended December 31, 1968, or during the last full year for which records are available?

2. Has the Minister's department been keeping a record of the sulphur content of the fossil fuels used in industrial areas?

3. Why not?

Hon. Mr. Kerr: Mr. Speaker, it is obvious that for the most part I would have to take those questions as notice, and I think possibly I would answer them all at that time.

Mr. Nixon: Mr. Speaker, the Minister of Trade and Development is now in the House, and I have a question for him if I might put it at this time.

Will the Minister explain why Mr. and Mrs. Alan Krusky of 32 Mohawk Street, Guelph, and their family of nine children, and Mrs. Violet Douglas of 19 Ferndale Avenue, Guelph, have received eviction notices from Ontario Housing Corporation geared-to-income properties in that city?

Hon. S. J. Randall (Minister of Trade and Development): Mr. Speaker, I received notice of the question. I am having the details checked out, and I will give the information as soon as I get it.

Mr. Singer: Mr. Speaker, I have a question of the Attorney General. Question 2113.

What action, if any, is the Attorney General prepared to take in the case of Shirley Hunter? Will he conduct a public enquiry as requested by the Metropolitan Toronto Police Commission?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I have had meetings and correspondence with the chairman of the Metropolitan Board of Police Commissioners shortly after the incident happened. The board indicated it was going to conduct an enquiry, and in writing I expressed to the board my view that that was proper and it was the responsibility of the board and I was glad to see they were doing this. Now there has been a suggestion, although I have had no formal request, that this enquiry might be conducted by the Ontario Police Commission. But I have informed the board, again in writing, and again after meeting the chairman of the Metro board, that I feel it is the responsibility of that board of police commissioners, and I understand the enquiry is going forward by them.

Mr. Singer: Mr. Speaker, by way of a supplementary question. The Attorney General tells us all the time how important it is to keep the administration away from the police, to keep them separate. In view of that, would he review that opinion and see if he cannot conduct that investigation apart from the people who might be responsible for the wrong procedures that took place there?

Hon. Mr. Wishart: Well, Mr. Speaker, we have a Board of Police Commissioners of Metropolitan Toronto, as we have for practically every municipality in this province, consisting in the general municipalities under The Police Act of the head of the council representing the citizens, a judge who is an independent person, and another citizen. In Metro, the board is set up under The Metropolitan Toronto Act; it consists of the head of the municipality—and one reason for the delay here was the fact of the retirement of the chairman, William Allen. Now we have a new chairman. We have a citizen representative, who is there by virtue of an amendment we passed the year before last, I believe. Then we have a representative of council, and a judge, and the chairman. In

my view, this is a body which represents the citizens. This is local government. This is not the police passing on their own conduct; this is the government of the police force reviewing the conduct of a police member. And I would have to have a lot of persuasion to think that that is a wrongful way to approach it.

Mr. Singer: Well, Mr. Speaker, we will have to get at this in greater length in the Attorney General's estimates, but in view of the fact, by way of further supplementary question, that this case not only involves police actions but also actions in the jail, how can the police commission possibly stray into the field of your hon. colleague, the Minister of Correctional Services?

Hon. Mr. Wishart: I think the hon. member first asked if I would review the decision that might be come to by the board. I would certainly look at it—

Mr. Singer: No, I did not ask if the Minister would review. I asked what action is he going to take and would he conduct an enquiry?

Hon. Mr. Wishart: The member is looking at his original question, but I am talking about his first supplementary. I am prepared to admit that perhaps this may stray into the actions of persons outside the police force. If that is apparent, I am sure we will direct our attention to that and the proper Minister who should take charge of it. But my knowledge of this matter, as I observed it from what I got from the press indicated it was largely police attitude and police action, and this is what I think is the proper responsibility of the government of the Metropolitan Toronto police force.

Mr. Speaker: There is one question for the Prime Minister. The hon. member for High Park.

Mr. M. Shulman (High Park): Does the Prime Minister intend to answer my letter of August 11, 1969, concerning Mrs. Helen Smith?

Hon. Mr. Robarts: Yes, I do, Mr. Speaker. I will answer it shortly.

Mr. Shulman: Could I finish my questions?

Mr. Speaker: The hon. member for Windsor West is next and I think the hon. Minister is about to leave.

Mr. Peacock: That is right, Mr. Speaker. May I ask the Minister of Municipal Affairs:

Has the Minister replied to the request of the council of the city of Windsor for provincial assistance in rolling back the recent SWA bus fare increase to the highest transit cost in Ontario?

Hon. Mr. McKeough: Mr. Speaker, up until noon today I had not received the request to which the hon. member refers.

Mr. Speaker: The hon. member for Scarborough East. I do not have his question. What is the question number?

Mr. T. Reid (Scarborough East): Number 2130.

In what ways can the Minister prevent Mills Court Construction Company, the owners of the apartment building in the provincial riding of Scarborough East, located at 3400 Eglinton Avenue East, from attempting to get Mr. Ross Helmkay and his family, in Suite 306, to vacate the premises under a clause in the two-year lease which has been sent to the Minister?

Does Mills Court Construction Company have to state, in its official notice to vacate the premises—on two days notice—the reason for eviction, or is it sufficient for Mills Court Construction Company to say in writing simply that they find the tenant's behaviour objectionable?

Hon. Mr. Wishart: Mr. Speaker, no matter where my sympathies might lie in this matter, it is a matter which must be resolved between the parties. The Attorney General has no authority and no status to intervene in this civil matter. I have no right to go about giving opinions to the parties engaged in a civil dispute, and to do so would be, I think, unfair to the parties. It is a position which I could not get myself into: advising parties on civil matters of contract as to what I think their rights are. And I observed in this matter—and the hon. member has been good enough to send me the background material including the lease—the opinion of the solicitor who is advising the tenant as to his rights pursuant to this notice of eviction. I think he is being well cared for by his solicitor. I may say that, but certainly I have no right to intervene, and I must not get in the position of offering legal opinions to persons engaged in contractual matters, such as a landlord and tenant matter on a lease.

Mr. T. Reid: A supplementary, Mr. Speaker. I would just take it for granted then that that type of clause—a two-day notice clause—is something that you are going to deal with

when you bring in that new Landlord and Tenant Act? That is basic.

Hon. Mr. Wishart: Perhaps I might say the member is anticipating, but I should like to say this: No matter what law one might set forth in the sections of an Act—an Act dealing with any subject; we are referring here to The Landlord and Tenant Act—there would always be, or perhaps there might often be, the question of interpretations as to what one party or the other might do, how far his rights might extend. We can make the language as precise, concise and clear as is possible. This is the situation we have here. They have written a clause into the lease about eviction and the grounds upon which a tenant must give up possession. But at that point the Attorney General must not say to either party, you are right or you are wrong. It is not for the Attorney General to pass an opinion to either party.

Mr. T. Reid: A supplementary then. The Minister is stating that it is not his function to interpret law, and I quite understand that —but the point here is simply that that section of the lease is very unclear and very arbitrary, and I had hoped that the Minister's future laws will be much clearer. Well, of course, they will be.

Hon. Mr. Wishart: I am bound to advise this House of the content of any legislation I may present. The proper way, I think the hon. member will agree—and some of his colleagues have occasionally complained if I revealed the content of the legislation before I introduced it. I can say this to him: there will be sections and there will be provisions in the legislation which I hope to present very shortly, which will deal with the question of eviction and the taking of possession.

Mr. Speaker: The hon. member for Humber.

Mr. Ben: Mr. Speaker, I have a number of questions of the hon. Minister of Health. The first one is 2092.

In what circumstances are designated agents in possession of blank government of Ontario cheques?

Hon. Mr. Wells: Mr. Speaker, this question is, of course, very similar to the one asked by an hon. member yesterday and answered.

I would say that designated agents who have contracted with the public authority to process claims have custody of a supply of unissued cheques. These agents have entered into agreements with the Minister of Health to pay claims from subscribers who were enrolled by them after assessments and approval of the claims by the provincial authority, as represented by a resident officer assigned to each agent. The resident officer in each case will be a provincial employee.

When approved for signature by the resident officer, cheques will be signed in the agent's office under effective security control. The designated agents are contracted to indemnify the provincial authorities for losses resulting from any theft or misuse of the signature plates. All accounts and financial transactions relating to the plan, including custody, separation and distribution of cheques, are subject to review and audit by the provincial auditor.

Mr. Ben: A supplementary question, if the Minister accepts. By what authority or regulation have the people he has mentioned been authorized to remove the plates—the signature plate of the Provincial Secretary (Mr. Welch) —from the government complex and to carry them around from place to place and use them in the manner that the Minister has indicated?

Hon. Mr. Wells: Mr. Speaker, my legal people tell me that everything is legal in this arrangement.

Mr. Ben: Will the Minister accept another supplementary question? I take it then the Minister does not know if there is any authority to permit this quite out of the ordinary practice?

Hon. Mr. Wells: I would imagine there is nothing to prevent it, but I certainly must take the advice of my legal people in this regard. They have said this is all right. That is what we pay lawyers for.

Mr. Ben: Does the Minister ever check up on them?

Hon. Mr. Wells: The member is a lawyer.

Mr. Ben: Mr. Speaker, the next question is 2095.

What designated agents in fields other than The Department of Health are authorized to issue pre-signed government of Ontario cheques?

Mr. Speaker: Order. Question 2095 is directed to the Treasurer of Ontario.

Mr. Ben: Oh, I am sorry. The next question is 2108.

Can the Minister indicate if members of the Canadian Armed Forces residing in Ontario, who have families, are required to pay the full family premium of $14.75 per month for OHSIP?

If so, does this not seem inequitable since servicemen receive their medical and dental services through the armed forces?

Hon. Mr. Wells: Mr. Speaker, I did not receive this question in the office in time to check this out completely. I would like to take it as notice and answer it tomorrow.

Mr. Speaker: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, I have a question for the Attorney General.

In view of the fact that Hamilton Judge Robin Shea quashed a speeding conviction because the police cruiser speedometer was checked only once a year, will the Attorney General instruct Ontario police forces to have speedometers of police cruisers examined regularly?

How often are police cruisers in Ontario examined for roadworthiness?

Hon. Mr. Wishart: Mr. Speaker, I am not fully aware of the circumstances that surround this case in Hamilton, but I have made enquiries. In the city of Toronto, the police cruisers are checked frequently, by radar, for accuracy and I am advised that the routine orders to all police departments in the province are, that any malfunction of a police cruiser is to be reported immediately to a superior officer. He would then take the cruiser off the road until it is corrected.

There is also the fact that police cruisers are frequently in garages and checked generally. However, this would not extend necessarily to a speedometer, but I believe that these arrangements are generally the same across the province.

Perhaps there is an area here where we should direct some particular attention to the speedometer. The fact that this situation has come to light in Hamilton, I would think, the local police government there, or the police commission, will certainly check it. Most of the requests I get are to find some way of proving that the speedometer is faulty. I throw that in just as an addition, but I am concerned that these shall be accurate and I shall make some further enquiries.

Mr. Trotter: I was wondering, Mr. Speaker, if the hon. Minister would accept a supplementary question? Is there no way you can have set rules for all of the police departments or some guidelines? There is no question that the Metro police are fairly strict, but it is pretty obvious in Hamilton—and probably other places—that they are not. Is there no way to have guidelines or to set rules?

Hon. Mr. Wishart: I think we can find guidelines but, as I say, I feel if it comes to the attention of the police, as it has now in Hamilton, that they cannot get a conviction or establish the fact that there was speeding by virtue of some defect in the speedometer, they will certainly, I am sure, move to check that. But, as I said, I will look into it to see if we can find some general rule to go out in routine police orders to this effect.

Mr. Speaker: The hon. member for Hamilton Centre.

Mr. N. Davison (Hamilton Centre): Mr. Speaker, a question to the Minister of Health.

In view of the fact that great numbers of Hamilton citizens are complaining of the difficulties in telephoning the Ontario Medical Services Insurance office at 135 James Street South in Hamilton for information regarding hospital and medical services, would the Minister arrange for additional phone lines for this office? Would the Minister also consider adding additional staff to this office so that people in Hamilton can get the type of service they should?

Hon. Mr. Wells: In answer to that question, I thank the hon. member for drawing it to my attention again. The hon. member for Hamilton West has drawn it to my attention over the last week and we are well aware that there have been some communication problems. The phones have been busy in all our offices and we are looking into it to do what we can. We are also looking at the staff situation.

Mr. Speaker: The hon. member for Windsor West.

Mr. Peacock: A question of the Minister of Trade and Development:

How does the Minister's announced policy of limiting ODC forgivable loans to $100,000 since July 1, except in northern Ontario and certain counties of eastern Ontario, permit the granting of forgivable loans of $250,000 to Winchester-Western (Canada) in Cobourg and to Jespersen-Kay System Limited in Aurora?

When was Aurora declared a municipality eligible for forgivable loans?

Hon. Mr. Randall: Mr. Speaker, in answer to the hon. member's first question. A ceiling of $100,000 in southern Ontario for ODC forgivable loans applies to applications received on or after July 1, 1969. Those applications which had been received prior to that date, and which had been approved in principle, are subject to the former maximum of $250,000. The forgivable loans to Winchester-Western (Canada) in Cobourg and Jespersen-Kay Systems Ltd. in Whitchurch township were received and approved in principle prior to July 1, 1969.

Aurora's application for inclusion under the programme was declined in January, 1968. Aurora was never designated and has not been designated since July 1. It is not in the programme.

Mr. Peacock: Mr. Speaker, may I ask the Minister a supplementary question? Why would it have required the length of time between approval in principle prior to July 1 before making the announcement the last day or so?

Hon. Mr. Randall: At the present time there are about 100 applications in there now for manufacturers who wish to take advantage of the incentive programme. We can only process so many a week. We also ask for a great deal of information in regard to the company's background, its directors and so on, before we grant these loans. So there may be a number of loans coming through between now and the end of the year, applications for which were made prior to the end of June but which have not been approved as yet.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. Peacock: May I ask the Minister if I am correct in saying that he said the approval in principle in respect to these two firms was given prior to July 1 although not all the information had been obtained?

Hon. Mr. Randall: That is right.

Mr. Lewis: Is Winchester-Western an armament industry?

Hon. Mr. Randall: I would not know.

Mr. Lewis: He would not know; Colt 45 and such things.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): A question for the Minister of Transport:

When is the Minister planning to introduce legislation to protect the public interest by upgrading and regulating adequately the driving school industry?

Hon. I. Haskett (Minister of Transport): Mr. Speaker, I am not considering such legislation at this session.

Mr. Burr: Mr. Speaker, a supplementary question: Is the Minister not aware that there have been numerous examples of unethical behaviour, especially in the Toronto area?

Hon. Mr. Haskett: I will not deny this.

Mr. Speaker: The hon. member for Kitchener.

Mr. Shulman: I have a similar question to ask.

Mr. Speaker: A similar question of the same Minister—very good.

Mr. Shulman: To the Minister of Transport:

In view of the accident which occurred a week ago Friday at the department's Dufferin Plaza examination centre, resulting in injuries to three persons and damages of over $2,000, and which occurred because the dual control brakes had been disconnected, will the Minister reconsider his ruling that dual control brakes must be disconnected during driver examinations?

Is the Minister aware that a major disaster nearly occurred in this accident, inasmuch as a large group of school children were forced to jump to safety out of the path of this uncontrolled car?

Is the Minister aware that the driving instructor involved in this case, Mr. Paris Rezakis, operates as an unlicensed driving instructor?

Has the owner of the driving school involved been charged on previous occasions for allowing unlicensed instructors to teach his students?

And, finally, in view of this and similar cases brought out in your previous estimates, will the Minister bring in legislation to adequately regulate and upgrade the driving school industry in the interest of public safety?

Hon. Mr. Haskett: Mr. Speaker, my answer to the five questions just asked are respectively:

Question 1: The effect of the prohibition of the use of dual controls at the time of examination is under continuous review. My information does not indicate that the collision

mentioned was caused by a disconnection of the dual controls.

I would like to refer to the matter raised by the hon. member when my estimates were before the House. This was dealt with on Thursday, May 22, on page 4716 of debates. The member referred to my "ill-chosen decision" and I said I did not have to reconsider an ill-chosen decision; it was a right decision whether the hon. member was opposed to it or not, and the records have proved it.

Since the ruling a year ago that vehicles equipped with dual controls could not be used during driver road tests unless such equipment was first made inoperative, there has been an 18 per cent decrease in the frequency of collisions occuring during driving tests. Furthermore, there has been a noticeable improvement in the calibre of applicants presenting themselves for driver tests during 1968, indicating that greater care is being taken by novice drivers in preparing themselves for their tests.

Question 2: No.

Question 3: I am not aware the named person is operating as a driving instructor. I do know that he was refused a driving instructor licence on November 14, 1968.

Question 4: The licensing authority in this respect is with the Metro Licensing Commission, to which the member can refer.

I have already answered question No. 5.

Mr. Shulman: Will the Minister accept a supplementary question? In view of his answer of "no" to the second question and obvious lack of information on three and four, would he look into these matters and take whatever action he feels is necessary or is obviously necessary?

Hon. Mr. Haskett: Mr. Speaker, my answer was predicated on an examination of the situation and the report to me by our officials.

Mr. Speaker: The hon. member for Kitchener.

Mr. J. R. Breithaupt (Kitchener): I have a question of the Minister of Trade and Development:

What plans does the Ontario Housing Corporation have for the provision of geared-to-income housing for single persons in the Kitchener-Waterloo area, who at present cannot be accommodated in either family units or in senior citizens' units?

Hon. Mr. Randall: Mr. Speaker, at the request of the municipal council of the city of Kitchener, by resolution of June 26, 1967, Ontario Housing Corporation undertook a housing market analysis which was commenced in July, 1967. The report was completed and presented to council in April, 1968. The analysis took into consideration the housing needs of the Kitchener urban area and the Kitchener census metropolitan area which included the municipalities of Kitchener, Waterloo and Bridgeport.

The corporation's recommendation to council suggested the following phased programme to provide the city of Kitchener with 1,000 Ontario Housing units by the end of 1971.

1968 — existing and under development, family units, 195; senior citizens, 85: total, 280. 1968, family units, 150; senior citizens, nil; total 150. 1969, family units, 100; senior citizens, 90; total, 190. 1970, family units, 100; senior citizens, 90; total, 190. 1971, family units, 100; senior citizens, 90; total, 190. Totals, family units, 645; senior citizens, 355. Grand total 1,000.

Resolutions have been received from the municipality covering the years 1968, 1969 and 1970.

While Ontario Housing Corporation is able to provide geared-to-income housing for single persons, this is only undertaken upon the specific request of the municipality concerned, and to date no such request has been received from the city of Kitchener.

Ontario Housing Corporation is currently meeting the expressed needs of the city of Kitchener in accordance with the resolutions received to date from that municipality.

Mr. Speaker: The hon. member for Waterloo North.

Mr. E. R. Good (Waterloo North): Mr. Speaker, a question of the Minister of Trade and Development.

What will be the cost of the land study of the 3,000 acres of land in Waterloo township undertaken by Canadian Systems/TRW Limited for the provincial government?

Hon. Mr. Randall: Mr. Speaker, in answer to the hon. member, the contract between Canadian Systems/TRW Limited and Ontario Housing Corporation is in an amount of $719,000. It is a condition of the contract that Canadian Systems/TRW Limited retain and bear the cost of all sub-consultants required for this planning study.

Mr. Good: A supplementary. Is this in addition to the $800,000 Waterloo-South Wellington land survey cost?

Hon. Mr. Randall: Yes, this would be in addition to that study.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: A question for the Minister of Correctional Services, Mr. Speaker:

Was Eric C. transferred from Stoney Mountain Penitentiary to the Kenora District Jail on May 16, 1969? Was the same prisoner transferred to the Port Arthur District Jail on approximately June 1, 1969? Was the same prisoner transferred to the Fort William Industrial Farm on approximately June 4, 1969? Was the same prisoner transferred to the Port Arthur District Jail on approximately June 9, 1969? Was the same prisoner transferred to the Sault Ste. Marie District Jail on approximately July 1, 1969? Was the same prisoner transferred to the Sudbury District Jail on approximately July 10, 1969? Was the same prisoner transferred to the North Bay District Jail on approximately July 11, 1969? Was the same prisoner transferred to Millbrook Reformatory on approximately July 12, 1969?

Is all of this travelling by prisoner Eric C. an effort by your department to put into practice The Department of Tourism and Information's slogan "See Ontario"?

Hon. Mr. Grossman: Mr. Speaker, the answer to the first eight questions is yes.

As far as the last portion of the question is concerned I really should not dignify it with a reply, except to say that it is indicative of a sort of macabre sense of humour on a subject which the hon. member always professes is a very, very serious matter. And because I deem it to be—

Interjections by hon. members.

Hon. Mr. Grossman: Well, if hon. members will shut up, I will give him an answer. Be quiet and—

Mr. J. A. Renwick (Riverdale): Editorial comment!

Hon. Mr. Grossman: He gave me some editorial comment about seeing Ontario. You do not mind me having the same privilege do you?

This inmate was returned to Ontario from a federal institution to serve a six months' sentence. He was returned to our system and he was put into the Kenora Jail. He was given the opportunity of serving his sentence in a medium-security institution. However, very shortly after his admission, he was involved with several other inmates in inciting a disturbance, and was transferred to the jail to await transport to Millbrook Reformatory.

The particular security measures taken in effecting this transfer were in accordance with our evaluation of the need to protect staff and public during the disturbance. Each time we move an inmate we endeavour to do so in the most efficient manner in accordance with needed security.

The hon. member, of course, made quite a thing about the fact that he was transferred from Port Arthur to Fort William—as if he had been transferred miles away. The fact remains that Fort William is the training centre for the Port Arthur section, and he did not have to go miles. And he was put there for that purpose. He did not behave himself, he was a behavioural problem, and it was decided to send him to Millbrook Reformatory.

Now the question then is: why did he not go directly to Millbrook Reformatory? The fact remains that we do not run a special bus service for each inmate every time he has to be transferred.

Obviously this would be a tremendous cost to the taxpayer, so he was moved from Port Arthur to Fort William again, and from Fort William to Port Arthur, which is actually the same area.

The fact remains that on his way to Millbrook he was sent to the nearest jail where our bus would be calling to pick up prisoners, so that we would not have to make a special call for him. He was moved from that jail to the next jail where the bus could pick him up when that bus was going to be there. And this we will have to continue to do or we would be running a bus service all across the province at a cost of millions of dollars to the taxpayers to transfer individual inmates from one jail to another when the classification system indicates that he should be transferred.

Mr. Shulman: Will the Minister accept a supplementary question?

Hon. Mr. Grossman: Yes, Mr. Speaker.

Mr. Shulman: In light of his answer, can the Minister explain why it took so many weeks to get him from Port Arthur down to Millbrook? Is the bus service very bad between these various jails?

Hon. Mr. Grossman: Well, it is not the kind of service you give to downtown Toronto where people have to get to work every day—let me put it that way.

Mr. Speaker: The hon. member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Thank you, Mr. Speaker. A question to the Minister of Health.

Will the hon. Minister reconsider the decision of his predecessor excluding members of the Legislature from visits to Ontario mental hospitals without his permission and restore our ancient privileges?

Hon. Mr. Wells: Mr. Speaker, in answer to this question, I think I have already indicated at some other time that this is a matter that I am looking into, and I am not prepared to make any statement on it now, except to say that I certainly do not feel that it was ever suggested in any previous ruling that you had to have my permission as Minister to visit these institutions.

I think that the arrangement was that you could arrange with anyone in our department such as the director of the mental hospitals division, and they would be most happy to have you see any institution at any time, just as I have been touring the hospitals.

I would just like to add that I respect very much the hon. member who asked the question's legal ability, and I sincerely say that, as I consider the whole matter, I would appreciate having his documentation of where he finds this as an ancient privilege of this Legislature. I would like to have that if he could supply it.

Mr. Lawlor: May I ask a supplementary question, Mr. Speaker?

Is, in effect, what the Minister is saying then that he is considering withdrawing the departmental directive that has gone out to these various hospitals?

Hon. Mr. Wells: I just said, Mr. Speaker, that I am considering this whole matter in the light of all the things I have to look at as I come into a new department. But I am just saying also that I did not understand that any member needed my permission to visit any of these hospitals.

Mr. Lawlor: May I continue, Mr. Speaker, I have another question, to the Minister of Justice.

Having spent the summer perusing the turnstiles, can or will the hon. Minister give us some indication of his present thinking and intentions about licensing off-track betting in Ontario for purely mercenary motives?

Hon. Mr. Wishart: Mr. Speaker, the way this question is worded—"having spent the summer perusing the turnstiles, can the hon. Minister give us some indication"—I do not know if that means whether this hon. member has been there at the race track all summer, or whether I have.

Mr. Speaker: May I say, sir, I too was confused when the question came in. I thought it would be interesting to find out.

Hon. Mr. Wishart: Well I could answer that part, Mr. Speaker. I have not been at the races this summer. I wonder if the hon. member would tell us now what success he had there?

Mr. Lawlor: Neither have I, Mr. Speaker.

Hon. Mr. Wishart: Mr. Speaker, seriously I think I have to advise the hon. member that our attitude is the same as has been expressed before: that we have to observe the gaming laws as they presently exist in this province as established by the federal Parliament.

I think we have made our views known to the federal Minister of Justice as to the position of Ontario and, whatever authority he might see fit to give us under the law, we would accept that responsibility and carry it out. At the present time we have no authority to do other than enforce the laws against off-track betting.

Mr. Lawlor: Mr. Speaker, a supplementary, if the Minister will?

Does that mean that at the present time the Minister is making overtures or is in the throes of negotiations to bring about the possibility of licensing?

Hon. Mr. Wishart: No, I have not made any recent overtures to the Minister of Justice on this subject. I think I made my position very clear to him—

Mr. E. Sargent (Grey-Bruce): But there is action in the hopper now, is there not?

Hon. Mr. Wishart: Well, it may be. It is a federal matter. Let us be clear, this is a matter of federal jurisdiction.

Mr. Sargent: Well, the Minister is working with him.

Hon. Mr. Wishart: I have made my position clear to him some time ago. He is aware

of that. Now I am not making any present overtures to him.

Mr. Speaker: The hon. member for York Centre.

Mr. D. M. Deacon (York Centre): Mr. Speaker, I have a question for the Minister of Financial and Commercial Affairs.

As neither Mr. Harry Westlake, nor any member of the executive of the Prudential Finance Creditors' Association, past or present, received the reply the Minister claims to have made to his letter to him dated January 15, 1968, would he table a copy of his reply?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Yes, I will table a copy of my reply to Mr. Westlake, together with copies of the replies to some eight other letters to other persons to whom Mr. Westlake asked me to send copies. I also have in my records—there was a bound report sent to them; those reports are numbered in the office, and I have the numbers of the reports which were sent to each of those persons.

Mr. Speaker: The hon. member for Scarborough East to the same Minister.

Mr. T. Reid: What immediate action can the consumer division of the Minister's department take to ensure that Mr. Ross Helmkay and his family, who reside in suite 306, 3400 Eglinton Avenue East, in the riding I represent, will not be harassed by phone calls and visits by the owners of the apartment building or the agents of the owners, the owners being Mills Court Construction Company?

Could the Minister instruct his consumer protection division to investigate the landlord-tenant dispute between Mills Court Construction Company and Mr. Helmkay to ensure that the Helmkays' rights are not being infringed upon?

Hon. Mr. Rowntree: Mr. Speaker, in answer to the first question: Technically, the department does not have supervision over The Landlord and Tenants Act, but we are concerned in many matters involving landlord and tenant relationships. With respect to the second part of the question, "Would the Minister instruct the consumer protection division to investigate the landlord-tenant dispute between the landlord and tenant?"—the answer is yes. I would say, however, that at the moment it is impossible for us, as we have already tried to contact Mr. Helmkay today; he has an unpublished phone number, and therefore we have no way of obtaining the number except from Mr. Helmkay. If I might suggest to the hon. member that if he would contact my deputy Minister with further details that would assist the consumer branch in pursuing this matter, we would proceed with that further investigation.

Mr. MacDonald: Is the Minister prepared to investigate all landlord and tenant disputes?

Hon. Mr. Rowntree: No, but we do look into matters which are brought to our attention.

Mr. T. Reid: Mr. Speaker, to supplement the question, could the Minister give me his deputy's phone number?

Hon. Mr. Rowntree: His name is Mr. Pillgrem and he is sitting there.

Mr. Speaker: That completes all the questions I have today. There may be some answer to questions previously taken as notice.

Hon. Mr. Wells: I have an answer to question 2066, asked yesterday by the member for Hamilton East (Mr. Gisborn). Will the Minister clarify the position regarding enrolment and coverage of mandatory group employees who are at present on legal strike and may be on legal strike for some time in the future?

The answer, Mr. Speaker, is that employees do not cease to be employees by reason of their ceasing to work for an employer as a result of a lockout or strike. And because the employer of a mandatory group is required, under The Health Services Insurance Act, to enroll his mandatory group employees, the mandatory group employees are therefore covered by OHSIP. This procedure, we understand, is being followed at the present time for groups in this province who are presently on strike.

Mr. Speaker: The hon. Minister of Financial and Commercial Affairs.

Hon. Mr. Rowntree: Mr. Speaker, yesterday the hon. member for High Park enquired about Pyrotex and I gave him a partial answer and undertook to complete the answer today, which I will now do. The question was first raised by the member for High Park on July 2, 1968, in *Hansard* at page 4969, at which time I advised the House that the Ontario Securities Commission was currently investigating trading in the stock of Pyrotex Mining and Exploration Company Limited. I noted

that the action they might take would depend on the information brought forth as a result of their pending investigation. In response to a supplementary question posed—and in the context of the reply I had given—I stated that I would inform the House as to the results of the investigation.

On February 6, 1969, the member for High Park, as recorded in *Hansard* on page 1025, attempted to extract an undertaking that I would release the report. Well, no such undertaking was given. I did inform this House as to the action which had flowed from the investigation to that date. The matter was pursued by the hon. member during the course of the debate on the estimates as recorded at page 5633 of *Hansard*. Since the trials have now been concluded, I am now able to furnish the member, as promised on July 2, 1968, with the results which flowed from that investigation.

On July 11 and 12, 1968, the commission held a hearing with a view to determining whether an order should issue under the newly enacted provisions of Section 141(c) of The Securities Act, 1966, banning all trading in the securities of Pyrotex Mining and Exploration Company Limited. This was an open hearing. On July 12, for reasons which appear, commencing at page 143 of the Ontario Securities Bulletin for 1968, after reviewing the facts, concluded that no purpose would be served by banning the trading in Pyrotex. Notice as to this decision appeared in the commission's weekly summary for the week ending July 12, 1968.

On July 12, 1968, the commission concluded that the evidence they had heard was sufficient to warrant their taking immediate action by way of temporary orders under Section 19, subsection 5, of The Securities Act, 1966, denied the right to trade in Pyrotex under certain exemptions in that statute to the three individuals involved in the market activity, Guy Maurice LaMarshe, John Canie and Lawrence Baratz. On July 17, 1968, the three individuals consented to the commission making these orders permanent without the necessity of further hearings. The facts of the interim orders were set out in the commission's summary for the week ending July 12, 1968. The facts of the subsequent orders were in the next week's summary—that was the week ending July 19.

During the fall and winter of 1968, the commission convened a series of hearings pursuant to section 8 of their Act into the alleged misconduct of registered brokers and salesmen in connection with the Pyrotex trading. On December 13, 1968, the salesmen's registration of Frederick David Lipman was suspended for the year 1969. On December 19, 1968, the registration of William James Caries was suspended for six months from January 1, 1969. On February 13, 1969, on appeal, this sentence was reduced to the time he already had spend under suspension. The registration of another salesman, John Edward Cullen, was suspended from December 17, 1968, to February 28, 1969.

These hearings involved the consideration as to the responsibility of four dealers and other individuals against whom no disciplinary action was taken. On April 3, 1969, pursuant to my direction, a charge of unlawful trading related pursuant to The Securities Act, 1966, against Sicron Financial Limited, Guy Maurice LaMarshe and Ray Patrick Bradley. On September 18, 1969, provincial Judge Crawford Guest sentenced Sicron to a fine of $50, LaMarshe to a fine of $50 and Bradley to a fine of $50, on two counts. This, I am informed, completes the proceedings which flowed from the Pyrotex investigation.

Mr. Shulman: Mr. Speaker, on a point of order, I have asked the Minister if he would release the report. He has recited a large list of events, all of which were public knowledge. He has said to us here in the House that he never promised to release the report. I refer you to page 5633 of *Hansard*, dated June 12, 1969. I asked him at that time,

> A report was made—the Minister promised a year ago that he would be delighted to release it to this House, so I am asking him now, will he release the report.

And the hon. Minister of Financial and Commercial Affairs replied:

> I will, at the conclusion of my estimates, when I can get free and get back to my office. I will immediately secure a copy of that report and act accordingly.

We still have not got that report.

Hon. Mr. Rowntree: We now have the report and all the information which I have from the securities commission on this subject. On this point, I might say that all reports from the securities commission are not necessarily available to be made public.

Mr. Shulman: But the Minister promised—

Hon. Mr. Rowntree: This, what I have read into the record constitutes the report from the securities commission to me.

Mr. Speaker: Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF FINANCIAL AND COMMERCIAL AFFAIRS
(continued)

On vote 703:

Mr. Chairman: We are still on vote 703, I believe.

The member for High Park.

Mr. M. Shulman (High Park): Mr. Chairman, before I proceed on this matter of fire insurance. When we last met, the Minister had promised he was going to get us the name of the insurance company that was involved in the fraud in which his superintendent of insurance had forgotten the name. I wonder if he would give me that name now?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Chairman, indeed I did pursue the matter and I have just been handed a report. I would ask if this matter could be delayed a matter of an hour or so until I have an opportunity of considering the report—which I have just received pursuant to the debate which took place last night between us?

Mr. Shulman: Certainly, but all I want is the name of the insurance company.

Hon. Mr. Rowntree: I might say the point I want to consider has to do with the fact that there was no illegality involved with respect to the insurance company involved. I want to look at this report, which I have not read.

Mr. Shulman: Mr. Chairman, let me stress, no one suggests that there was illegality. What was suggested was there was extreme impropriety. However, let us proceed on another matter for the moment. Perhaps I should clear up a couple of other loose ends.

The Minister suggested that we wait until today on the matter of the mortgage brokers in towns under a certain population. He suggested he would reply to that today also.

Hon. Mr. Rowntree: This is a matter of real estate and mortgage brokers, which is consumer protection.

Mr. Shulman: Very well, let us continue then with the insurance. What about the problem the Minister also said he would clear up today on the matter of people who wish to write insurance and split commissions with foreign realtors?

Hon. Mr. Rowntree: That is real estate as well. It has to do with international or interprovincial transactions, where agents in different jurisdictions are involved. I would be pleased to deal with it.

Mr. Shulman: All right. Well, let us come back to fire insurance. Yesterday we were discussing the problem of the superintendent of insurance not acting for individuals who became involved with insurance companies that refused to pay off in fire insurance.

I would like to give another glaring example, because this is an entirely different type. Yet it spells it out so very well, that where an insurance company in this province—

Hon. Mr. Rowntree: Before the hon. member departs on a new file, would he desire me to make some comments on the Farrugia case which was raised yesterday? I would like to inform the hon. member for High Park—with respect to correspondence—I think this was a matter that was raised by him in the last day or so.

All correspondence addressed to my office is immediately recorded and is immediately followed up. And the followup procedures are maintained as to the disposition and answering of that correspondence. I wish to state to the House that a careful check of these records has been made. I can assure the hon. member that no record of this correspondence can be located in my office.

Now that the matter has been brought to my attention, however, an investigation has been commenced by us with respect to Mr. Farrugia's claim.

We have ascertained—and this will be an interim report as far as I have been able to conduct it since the matter was raised yesterday—that Mr. Farrugia was insured with Allstate Insurance Company under a non-occupational accident and sickness policy. This type of policy excludes claims arising out of the insured's employment.

Mr. Farrugia had been insured with Allstate for several years. I think this was pointed out in the debate yesterday. And the policy was in force at the date of the accident on April 19, 1968.

Allstate's records indicate that Mr. Farrugia submitted a claim to the workmen's compensation board and was turned down. The basis of the board's refusal is not disclosed. He then submitted a claim to Allstate on August 9, 1968, setting out the nature of the injury as being—"a strain on my back when

chain attached to material broke at place of employment".

On receipt of the report, the company advised Mr. Farrugia that his policy was a non-occupational policy and did not cover injuries received at work. The company itself discussed their position with Mr. Farrugia in person in order that their refusal would not be misunderstood.

This takes us then to the question of the workmen's compensation board—and I have already spoken to the Minister of Labour, and have confirmed my request for a report on this refusal of the compensation board in this matter, in writing. As soon as that is available, I shall be in a position to continue the information further with the hon. member.

Mr. Shulman: I have that here. I have a statement in writing from the compensation board. It is very clear. They said: "We took x-rays of your back; we found your back was full of arthritis. Therefore this trouble really didn't arise at work. It arose at home."

So their position is very clear. "You may have first noticed it at work. But your trouble arose at home."

Allstate's position is very clear—"You first noticed it at work". It is really a ridiculous situation. All I am wondering is—

Hon. Mr. Rowntree: Well now, the facts the member states are quite accurate. I have a copy of the claim form which Mr. Farrugia completed in his own handwriting and submitted to the company. I do not think we can do the matter justice, or even comment on it intelligently, until I hear back from the compensation board—which I am now trying to do.

Because, under the circumstances, as the member states, I would be the first to admit it is simply a matter of tossing the ball back and forth, which is an unsatisfactory situation.

Mr. Shulman: I would like to make one other comment, Mr. Chairman, in reference to the correspondence. I will send a copy of the correspondence over to the Minister because, unfortunately for his explanation, there were two matters mentioned in the letter. And he replied to one of them in another letter. So I am afraid he has not searched his records quite as well as he might. But I will send copies of it all over to him, and he may suffer with his staff on that matter.

Well, to come back to fire insurance. On October 3, 1968, I received a letter from Brockville, from a Mr. Richard Kerton. In fact, I received two letters from Brockville that day, but this one has not been brought up in the Legislature before.

This particular letter is not from the hospital; it is from a Rural Route No. 3. It is from a gentleman who owns a farmhouse there. He took out fire insurance back in April, 1968, from the General Security Insurance Company of Canada. He was so unfortunate on May 23 as to have a fire in a home.

Hon. Mr. Rowntree: May 23 of what year?

Mr. Shulman: 1968—May 23, 1968. And the name of the insurance company is General Security Insurance Company of Canada. The home which he owned, or where he had lived before, was in Sault Ste. Marie. He had rented the home out, but had continued, of course, to have his fire insurance.

The insurance company refused to pay the policy—they refused to pay a penny. And the excuse they gave, the reason they gave when they wrote back to him, was: "It says in the small print in the policy that if the house is vacant for more than 30 days prior to the fire we do not have to pay." That is a legitimate excuse; it is quite obviously written in the policy. And if this were true, they would have a legitimate out, because of course I can understand that if a house is abandoned, chance of fire is much greater.

The only trouble was this is not true. The house had not been abandoned and it was occupied, in fact just a day or two before the fire. Perhaps I should read the letter from Mr. Kerton. It is brief and it sums it up very well.

> Our house burned down on May 23 this year. The claim was being handled by McBurnie Adjusters, Sault Ste. Marie, and after we put in a claim for loss, they informed us they were not going to pay the claim as the house was vacant over 30 days before the fire.
>
> I made a trip to Saut Ste. Marie, and I showed McBurnie the rent cheques the tenant had paid to me through my brother and he was still occupying the house until the latter part of April. In fact, the weekend of April 28, a gentleman from Brockville—by the name of Carmen Lee—and I had been in the Sault, so he returned with me and he signed a statement the people were still in the house that weekend.

Well, I will not go on with the letter. It was quite obvious that there was good proof here in more than one way that this house had been occupied two days before the fire. So I wrote to the insurance adjusters, William G. McBurnie, Insurance Adjusters, 169 East Street, in Sault Ste. Marie, and I informed them of the fact that the house had not been vacant and that the insurance company had made an error and would they straighten it out. They wrote back to me on October 22 last as follows:

> We hereby acknowledge your letter of October 8, for which we thank you, and your comments therein have been duly noted.
>
> We are presently awaiting further instructions from our insuring principals, and as soon as this information is in our possession, we will again be in contact with you.

Well, quite a while went by and I did not hear any more from them. So at the end of November I wrote these people again and I said, "What is going on?" and "Have you heard from your principals yet?" and "What about these poor people who have not received any money?"

They wrote me back a very brief letter on December 18 as follows:

> Dear Sir: Re: Richard Kerton
>
> The results of our investigation have been placed into our principals' hands some time ago, and after reviewing this file in its entirety, I have been instructed to maintain my original position on this matter.
>
> Yours very truly,
> (signed) William J. McBurnie

In other words, "Go jump in the lake; we are not going to pay him whether it is a legitimate claim or not".

Unfortunately this is not isolated. The insurance companies—and this applies in the fields of health and fire—they cannot quibble in life insurance because, if you are dead, they cannot quibble on that very much. But certainly in these other fields, wherever they have an excuse, legitimate or otherwise, they will refuse to pay if they think the person involved is small, has no influence and has not got the ear of the press or someone in authority. Something is rotten in there, and something has to be done.

Now we come to the superintendent of insurance. I am not sure whether Mr. Kerton wrote to the superintendent of insurance in this particular case, but in this type of case we have approached him before and we cannot get any action.

I am asking the Minister to lay the law down to these insurance companies, and particularly in reference to the Kertons. Something has to be done. This type of thing should not occur in future, and when it does come to the superintendent of insurance, I am asking him if he will in future make efforts to ensure that the superintendent of insurance exerts whatever pressure he has, not to discourage the person coming to him, but to put pressure on the insurance company, which is really what his function is.

Hon. Mr. Rowntree: We shall immediately assign someone to make our own investigation of the facts and to proceed with the matter from there.

Mr. Shulman: One other matter. Under insurance last year, the Minister allowed us to discuss self-insurance under this particular estimate. Is this his intention again this year?

Fine!

Well, as a result of last year's estimates, I got in touch with the *Journal of Insurance Information*. This is a company or an outlet that is maintained by the insurance companies of North America, and they contribute very generously to it—in fact far more generously, unfortunately, than they contribute to the people seeking to collect on claims here in Ontario. The purpose of this institute is to prevent cities or states or provinces across North America from taking out self-insurance—and in an effort to do that they have printed up a little booklet called "At Your Own Risk—The Dangers and Delusions of Self-Insurance for Government Properties". It is a rather revealing document. I hope the Minister will take the time to read it, but there is one beautiful page in here—it is the last page—which points out the ten tests for self-insurance. It is beautiful for us, because it just so happens that Ontario nicely and exactly fits into those ten tests.

In fact nine of the tests are followed by Ontario exactly, and what they are saying is, "Do not take out self-insurance, because you are not going to save money unless you can follow these ten tests." I would like to read the ten tests to the Minister, because they are a most potent argument for Ontario bringing in a self-insurance scheme, which according to this very same institute is going to save us a tremendous amount of money.

> 1. The law of large numbers, a basic principle of insurance, must be complied

with. This means that the units of property covered must be numerous enough to permit both prediction with reasonable accuracy of probable future losses, and the collection of large premium reserves relative to individual risks.

Well, of course, that applies to Ontario. We have so many public buildings, so much publicly owned material that number one is followed exactly—no problem there whatsoever.

2. The values in each separate property covered should be uniform and not excessively large. The assumption of the entire risk on one or several comparatively large units prevents the orderly working of the law of averages. A total loss involving a large unit could destroy the programme.

Once again Ontario fits beautifully, because of the huge amount of buildings and other material owned by the Ontario government. There is no one loss that could bankrupt the province of Ontario.

Number two is OK.

Number three is the only one that we do not fit exactly.

3. A self-insurance fund should assume only those risks of approximately the same degree of hazard. Assumption of relatively hazardous, along with less hazardous risks, in the absence of a sophisticated mechanism for adjusting premium rates, is unsound practice, which results in unfair distribution of risks, and could lead to early exhaustion of the funds.

Well, that does not apply, of course. This is the only one that we do not apply to. But the reason it does not apply is that you should not self-insure things that might burn down because they might burn down. Of course, this is nonsense, because you are self-insuring all of the government-owned buildings. The fact that one is more likely to burn down than another does not apply.

Mr. G. Ben (Humber): On a point of order, Mr. Chairman. Does this not come under The Department of Public Works, which insures the buildings? I believe the last time we had a discussion of this nature it was under that particular vote and not under the department of the superintendent of insurance.

Hon. Mr. Rowntree: Quite right. I was trying to be as gracious as I could with respect to the member's request. As was pointed out some time ago, I am chairman of the committee on insurance with respect to government-placed insurance. This has nothing to do with my estimates, but I am interested in the document. I think I might just make this statement on this subject: We are self-insured with respect to buildings—all buildings which we own—with two main exceptions. One is this present building, the main old Parliament building, and Osgoode Hall, which are insured.

On other buildings which we own, we are self-insurers. On other buildings which we may rent, it depends on the nature of the rental contract whether or not we carry insurance there or not.

Mr. Shulman: First of all, in reference—

Hon. Mr. Rowntree: I would be delighted if you would send that folder over, and I would be glad to read it and give it my attention.

Mr. Shulman: Well, first of all, in reference to the member for Humber, just to set the record straight. It was not under The Department of Public Works. If you will recall, at your suggestion last year, this was discussed under your estimates last year. I happen to have the debate here with me. If you wish to have your—

Hon. Mr. Rowntree: After the estimates.

Mr. Shulman: Yes, at the conclusion of your estimates. If you would like your memory refreshed, I will sent it over to you.

Mr. Ben: There is no need to refresh the memory. This matter was a topic of discussion three years ago, four years ago, and two years ago. They were not in these estimates.

If the hon. member for High Park wishes to refresh his memory as to which buildings are, or are not, self-insured there was a very thorough discussion in this House. All he has to do is check the index of *Hansard*.

Mr. J. E. Bullbrook (Sarnia): Well that is too easy.

Mr. Shulman: I am afraid the member has missed the point. I am not interested in what buildings are insured or self-insured, Mr. Chairman. Ontario should not be paying the thousands of dollars they do every year to insurance agents. This was the whole argument last year. I guess the member has missed it.

Mr. Ben: And the year before that, and the year before that, and before this hon. member came into the House.

Mr. Chairman: The particular approach you are taking now comes under The Department of Public Works.

Mr. Shulman: Well I would be perfectly happy to debate it under The Department of Public Works—for the Minister there is far more inept. If that is the wish of the present Minister, we will wait until that moment comes. Last year they were trying to save him from that disaster.

Mr. Chairman: This particular topic is not in this Minister's estimates.

Mr. Shulman: Well, let this go on the record then. We are going to debate this under The Department of Public Works. Is that your ruling?

Mr. Chairman: That is the appropriate place for it.

Mr. Shulman: Is that your ruling?

Mr. Chairman: The particular approach to the insurance problem you have been taking comes under The Department of Public Works.

Mr. Shulman: Then I wish it to go on the record that the Chairman said this will be debated under The Department of Public Works. And God help the Minister.

Mr. Ben: On a point of order, Mr. Chairman. Mr. Chairman cannot decide what shall, or what shall not, be debated. All he can decide is to which department the debate should be brought. And it is up to the members of this House to debate it, or not to debate it. Not for the chairman to decide whether it shall be debated or not debated. There is too much of that nonsense around here.

Hon. Mr. Rowntree: Well, my position in this matter is that, since I have some knowledge of that subject matter, after my estimates are concluded, I would be glad to go into the matter of government insurance or self-insurance.

Mr. Shulman: You wish to wait until the end of the estimates, or shall I continue this?

Hon. Mr. Rowntree: No, it should be after the estimates.

Mr. Chairman: The hon. member for Sarnia.

Mr. Bullbrook: Thank you very much, Mr. Chairman. Yesterday at six o'clock the Minister and I were discussing, through you, Mr. Chairman, the general question of takeovers of loan and trust corporations here in the province of Ontario.

I make reference to page 53 of the report of the department, where it manifests that presently there are 16 Ontario incorporated corporations, and 11 loan, seven federal trust corporations, and eight loan corporations.

I would point out to you, Mr. Chairman, that under the note, 14 of these loan companies and 13 of the trust companies have been incorporated in the last ten years.

As I recall yesterday, the essence of the response to my query was essentially that size means stability to a certain extent. That really the larger corporations can attract better management, and I do not think that I can unduly take issue with the concept.

Hon. Mr. Rowntree: I might say that is a very difficult thing for me to say, because it is also true that in many of the small companies there are some very fine and experienced individuals.

Mr. Bullbrook: I certainly do not mean to be unfair to the Minister. I was going to capsulate what you said yesterday in essence.

You made reference to York Trust and the unfortunate position where they found themselves locked-in, I think, at six and three-quarter per cent in their portfolio arrangement at that time.

In connection with the economic aspect of this discussion I am going to leave that, if I might, to my colleague from York Centre (Mr. Deacon) who is knowledgeable.

The main burden of my remarks, basically, are these: that it would seem to me, from the recollection of the history and development of this particular industry, that the development was somewhat lethargic over a great length of time. I think this was basically because we did not have the vitality of economy here in the province.

I would doubt very much that, probably for a period of 50 years, there was one trust corporation incorporated. Then we have, not a proliferation, but as you know it says, 14, in a period of ten years.

Now, what is causing me concern, and I want to carry it forward, is this: basically the general attitude of the department is that they do not see any objection to these take-over arrangements, because of the aspect that, in size, there is some degree of stability, or greater degree, and therefore some degree of

security to the public at large, in connection with their investments portfolio.

This would seem, though, to convey a change in attitude. Because what, in effect, has happened over the period of ten years is that you have permitted the incorporation of 14 of these companies.

So basically your attitude at that time must have been one of: fine, the public must be served, and we are not too reticent in permitting these corporations, small though they may be, and hazardous as it might be in connection with a lack of management. So, I say that there must be a change of attitude in the department from then.

The main concern that I wish to express is this—really a parochial concern, I suppose. It seemed to me that in serving the economic needs of the area that I represent, these two companies fulfilled a function that was not fulfilled by the larger companies. I think this was because of what I mentioned yesterday to be the personal equation.

You are there in a small area, you are basically a small company, your total investment portfolio itself is small. I think, therefore, it lends itself to the needs of the area. And in many situations, although I do not think it is a breach of the law, a lot of the lending operations were dependent on a covenant position, if I can put it that way. Although they had to fall within the scriptures of the law so far as appraised value and percentage involvement, concurrent with the price value, I think, in development such as hotel, for example—development, and motel development, which was of a semi speculative nature, but served a need in the immediate area.

These small, local companies, because of their knowledge of the principles involved, did fulfil that need, and I really feel that, perhaps in the takeover by the large companies, we are going to find rather that this, what I call this personal equation, is going to be removed. And I think it might have a deleterious effect really, on the development of local areas.

Now, I mentioned, two, yesterday. Industrial by Royal, and Lambton by Victoria and Grey.

I think Waterloo has been taken over by Canada in the last year; Halton and Peel by Canada, in the last year. So if I can just ask the Minister, if he has some idea of the number of takeovers which have taken place in, say, the last two years. It might be that you have that information, and then we could continue, and develop the discussion.

Hon. Mr. Rowntree: I can develop that information and make it available to the hon. member. There is, in addition to that situation a change of ownership with respect to Rideau, another of the smaller companies in the Ottawa area. There is an offer which has been made to central Ontario, located in Oshawa, by another company. Notice of this was contained in the press a couple of days ago by another company. Northland Trust, operating in northeastern Ontario, has increased its own capital by a relatively substantial amount of money.

Kent, in Chatham, has been taken over—as was mentioned yesterday—by Metropolitan.

You have already mentioned Halton and Peel by Canada Trust. Waterloo Trust and Savings by Canada Trust, remains in London, Ontario, city and district. The district trust company has a local operation in London, and I have heard no information or rumours as to any offers or desire to sell on their part.

There are some developments in the Niagara peninsula with respect to Lincoln Trust, which the shareholders themselves are now working out. Actually, that involved a small group of shareholders seeking and securing an injunction against the holding of a shareholders' meeting, but this injunction and restriction was lifted yesterday and that same shareholders' meeting is now being proceeded with. The purpose of that meeting is to provide for additional capital for Lincoln Trust.

I think the only other one that I could mention that occurs to me would be Hamilton Trust Company which was originally regarded as one of the smaller companies but its operations have steadily climbed on the positive side and its reports are generally favourable on the ascendancy, if I could put it that way. The number of small trust companies which are now—I do not like using that phrase small trust companies but for lack of better words I do—I think I have covered them all almost in this description that I have now given you.

Mr. Bullbrook: I am wondering if the Minister would respond to the general comments that I made previously in connection with the lessening of competition—I do not think you did really go into that in detail. Also the question of service to the area itself.

Hon. Mr. Rowntree: The local knowledge aspect of the larger company is something that new owner—if I could call the purchasers of those two companies in Sarnia,

that I think it would be one of their major considerations with respect to their continued operations both having to do with the representation on the board of directors, and with respect to the actual employees and staff in the Sarnia offices. Those are the matters that must be taken into account if any recognition is to be given to the points which you have made.

On the other side and to be considered, are the broader-aspected services which are available to those same customers of those trust companies in the hands of the newer owners. There is a broader scope of operation and a more diversified investment portfolio. There is probably a lesser cost per branch operation of the management aspect the management feature, and—

Mr. Bullbrook: I am sorry. If I might just say something. This all denotes the profit motive—and we are not against the profit motive—but I was wondering about the public servant, as far as providing additional services is concerned. By way of example, I doubt if Royal is really providing too many more services than Industrial provided previously.

When I see, for example, Canada Permanent, as I mentioned yesterday, elevate their profits in the first quarter—what was it, 28 per cent I think—and when I see the lending rates at the present time, which are not the total responsibility of Canada Permanent, by way of example, we recognize the tremendous world-wide factor involved in that.

When I see these, for example, prime rates at 10¼ and up to 10¾ per cent where there is a magnificent equity position—I have seen mortgages, Mr. Minister, on houses of $25,000 where the equity position of the owner is $15,000 and the rate is 10¾ per cent. And that same company is manifesting a profit increase of 28 per cent.

The thing that I cannot accept is that we must solely consider the profit motive in efficiency of management and so on. I think the public somewhere along the line is being short-changed. I am sorry to interrupt.

Hon. Mr. Rowntree: Well, then, I think you may have put your finger directly on the point that concerns you. The profit motive is not the only motive or the main consideration. Our consideration in the department would have to do with stability and liquidity. Certainly the profit end of it is a matter that pertains to the shareholders of the company. It is a matter with which the shareholders of the company are concerned; the department, however, is concerned with stability and liquidity.

We are also concerned in concert with the federal department with which we maintain a close working relationship, and we are also concerned that there will not be any more situations such as developed around 1966 and 1967 and in the two or three years before that. It leads us to a more careful consideration of the stability aspect, the reserved position or liquidity factors and matters of that sort. But none of those branches, by the way, that I know of—whether it was Halton and Peel, Industrial or Lambton Loan, and so on, in Sarnia—have been closed up by any subsequent purchasers.

Mr. Bullbrook: I agree with that entirely as far as the directorship is concerned. I think the directorship should be totally removed but retained as a local advisory board as is usual with these large companies.

Mr. D. M. Deacon (York Centre): Mr. Chairman, pursuing that matter of size, I was pleased to hear the Minister say that size was not a factor in the ability to handle investments, because there has been some pretty sad management.

For example, you have referred to York Trust, where we had what one would consider normally to be an expert, a former governor of the Bank of Canada, put the major portion—almost the entire portion of the company's funds—in one category. Often we see some of the wisest management of funds in small companies where there is flexibility and ability to move securities. Performance of both trust companies an insurance companies insofar as growth and interest returned on the investments has often been indicated by the smallest funds or the smaller insurance companies.

But I reckon the real problem here is that of supervision. We have several small companies to be supervised by the department. I note in your report for the year ended December 31, 1968, you talk about supervision being carried out by an analysis of the annual and other financial statements filed by the company, and that an annual examination of the Ontario incorporated companies is also made by the staff of the registrar.

In what way does the Registrar carry out these examinations? At the year end, or when does—in what manner does the registrar carry out these examinations?

Hon. Mr. Rowntree: No, they are not at the year end. They may be at the year end,

but that would only be a coincidence. There are spot checks during the year, inspection of securities held in their hands or wherever they may be for safekeeping, as well as spot checks as you and I would understand the spot check to be made both as to their assets and their general operations.

Mr. Deacon: When a spot check is made, on any occasion does the department send in its inspectors again within a year to make another spot check, in other words, does the company get a feeling by the pattern that there is not likely to be another inspection therefore they can make shifts in assets? We have known that practice to occur.

Hon. Mr. Rowntree: Yes, I understand the point the hon. member is making. I don't know what went on in detail, prior to this coming under my department, but I can tell you that just because a check was made last week, the company need not relax and say we are set for another twelve months, because the auditors may be back the following week, as they are in many instances.

Mr. Deacon: Thank you, but further to the matter of trust companies, you discussed last May, the consultations with Ottawa in reply to the questions from the leader of the Opposition (Mr. Nixon) about changes in legislation. I was wondering what had occurred since the middle of May when you were having this discussion—what changes—and when you expect to have something to put before us in this regard?

Hon. Mr. Rowntree: The discussions have not been suspended, but they have certainly slowed down. We are aware of the general nature, on a confidential basis, of what the federal department is going to propose, but we cannot rely on that until that legislation is actually introduced and has its third reading.

The situation is a practical one. There has been a freeze on legislation in the House of Commons at Ottawa and in my remarks, I do not want you to infer any political—

Mr. Deacon: Never!

Hon. Mr. Rowntree: Well you know me better than that. But the fact is that for reasons over which I have no control, this legislation has not gone forward. Frankly I had hoped it would last spring. Originally we had expected it to go forward about last December or January, but we cannot go forward with our—I do not like the word matching legislation—but I think there should be certain standards. We cannot go forward with those amendments in our legislation until we get the final word from Ottawa as to what they are going to do. Even in my discussions with my own senior staff as recently as yesterday they were unable to give me any assurance as to when the federal legislation would be advanced.

Mr. Deacon: I imagine Mr. Chairman, that the Ottawa pressures have been relieved by such reports as a 28 per cent increase in the profits of a company, and companies may not be pressing for the changes as much as they were a while ago.

You referred in the spring to your insurance troubleshooter organization where we do have complaints, many of which have been referred to already in the estimates. How many do you have in this department, and how many cases have been investigated since it was set up? How is the public made aware of this service?

Hon. Mr. Rowntree: There are four people at the moment in that group, who might be classified as you described them "assigned to trouble shooters"—and the results of their investigations bring out in many instances that the claimant is right, and in many other instances the insurer is right.

I have some figures here with respect to complaints which have been registered: in 1965 there were 110, in 1966, 100, in 1967, 316, and in 1968, 699, and in the first six months of 1969, 550. This indicates an increasing activity in this area. It is not our function to supplant that of the lawyer. There are various kinds of disputed claims under policies which are bona fide disputes, and recognized as such, as to interpretation and coverage of the policy which may in the final result, unless it is compromised and settled between the parties, have to go to court.

In the cases of where the assureds are industrial or commercial companies, that does not create too great a problem in the broad context that we are discussing this in. It is not too much of a problem, because the companies are prepared and understand this sort of thing, and if they think they are getting a raw deal, well they have the leverage of the broker through whom they deal and the ability to change their insurance to other underwriters.

The problem that concerns you and me, and all of us here, has to do with the little man who feels the brunt of any claim that is disputed. So where a claim is unfairly denied,

or refused, it puts the individual—who may not be a member of the affluent society—in a very poor situation, and indeed a situation where due to his financial resources he may have to suffer that loss, take it on the chin, and all he can do is feel badly about it. Those are the cases that interest me and our department. I have no sympathy whatsoever for any companies that practice this type of thing—refusal of claims that have a degree of validity about them, on the basis that they think the assured does not have the funds, or is not going to bother, or does not know enough to sue them.

Mr. Deacon: Mr. Chairman, has the department interfered, or intervened, or assisted people to get legal aid to take action against such companies? It is all right for us to use moral persuasion or whatever other methods of persuasion the departments can use, but sometimes it takes more than that. In what way does the department really assist the cases which they feel are not getting justice and step in on their behalf, or enable them to take proper steps?

Hon. Mr. Rowntree: We have gone to the extent of calling in many of these companies. It may be a general manager, or claims manager or sales manager who handles that area of the organization of the company. But when we see something that we do not like we call in the president or the chairman of the board and deal with him directly. We tell him that this conduct is not acceptable and that we want a report by tomorrow, or the next day, from him personally—not the claims manager, but from him as president—and request to know exactly what they are going to do about this matter, and what does he think of it personally. Many of them hang their heads in shame. And we will have to pursue this matter. In one instance I mentioned yesterday—a large American company where we felt that their conduct left much to be desired—certain situations had been brought to our attention and we sent for the president of the company to come from New York and show cause why his licence should not be suspended or cancelled.

Mr. Deacon: In connection with this estimate, there is an item of $54,200 for research and development. What sort of research and development projects does the department have underway?

Hon. Mr. Rowntree: There are two areas that those funds are being used for. They are being used at the moment for this investigation aspect—to enable us to run out these complaints—and secondly, a portion of that money is being used to research policy forms, and their adequacy or otherwise insofar as the average member of the public is concerned. This was something that I had in mind yesterday when I mentioned the question of small print on policies.

To me, I think we have long passed that stage and we have a public that is educated, wants to know the details of what he is doing.

And I think they are entitled to a little bit more than the miniscule that is contained on onion skin paper on the back of a policy where maybe the meat of the inclusions or exemptions are contained.

There is also the question, the third factor, covered in this item dealing with rate evaluation, premiums charged.

Mr. Deacon: Is there any sort of formal report anticipated from the work being done on the claims and causes of disputes due to the types of forms and your conclusions? Will there be something brought forward as a result of this expenditure?

Hon. Mr. Rowntree: No, I had not contemplated that at the moment. I think the figures I have been reporting to you indicate the extent of the department's activity. The question of policy forms and changes is a very active operation—probably the most active outside of the association of superintendents of insurance in all the provinces—which deals with this matter.

We do it this way in the hope that we can achieve uniformity, having in mind the usual geographic or economic factors that exist in Canada. The need for uniformity and understanding, certainly of terminology and form, I am sure must be obvious.

Mr. Deacon: There is no report similar to the mutual funds study which is done on a co-operative basis anticipated from the research and development into these—

Hon. Mr. Rowntree: No, it is on a continuous basis. Whereas the mutual funds study and the merger study which are underway are single efforts which will be published on completion.

As a matter of fact, now that the member mentions the mutual funds study, Mr. Chairman, if you desire me to comment on that, we are waiting publication of that report.

The work is finished, and we are waiting for it to be translated into French—to be completed. When I say "momentarily," it could be anywhere in the next two, three, four weeks, when that rather important report will be available.

Mr. Chairman: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I would like to bring to the attention of the Minister a matter having to do with insurance. It is in the power of the insurance companies to cancel insurance for any reason —good, bad or indifferent.

I would like to give the Minister an example of this, which happened in the south end of my riding. It concerns a church insured for $350,000—well-established, well-known.

The minister of the church goes to a meeting of other clergymen and other church officials and makes a speech on policy of the churches, saying there are too many churches.

In his oration, he said: "We would all be better off if some of the churches burnt down." This was part of his talk. Well that one sentence was seized, printed in the newspaper, and forthwith $200,000 of the insurance on that church was cancelled—just like that!

They did not bother inspecting the church, or what went on. True, with the remark taken out of context, certainly I do not agree with it. Very few would. But if they knew the man who said it, they would know he would be the last man in the world to ever think of going around setting fires.

But here is the situation: Those of us who knew of it said nothing at the time, because they were so busy scampering around to get more insurance to cover this very expensive building. It is a building in very good shape.

Well, eventually these people on the board of stewards of that church, and the clerk of session, and other officials, scampered around and did get other insurance from the insurance industry. But because the insurance had been cancelled, they were charged highest rates and they now have a clause in their insurance policy that is called a "salvage" clause—where they only get so much if there is a total disaster.

Well, I know this is very, very unusual in church policies. In fact, some phoning around was done to check to see if this was the usual case. This is an exception.

Now what the general public needs, and what even large institutions need, Mr. Chairman—and I say to the Minister through you—is some protection against the high-handed policy of insurance companies.

I think this particular situation in my riding was a shocking affront of free speech. If they had even examined what the man had said, he obviously did not intend to go around starting fires.

I have often thought if they read some of the old fire and brimstone speeches that the clergymen of another age used to make, that they would be cancelling the insurance of almost every church ever built.

But today they are an expensive operation, and nobody can afford to go without insurance.

It makes a lot of us wonder, particularly myself as I have been a critic of the insurance companies on many occasions. I must admit that I buy a lot of insurance. I am insured against almost everything—except political defeat.

Mr. C. G. Pilkey (Oshawa): The member would buy that if he could.

Mr. Trotter: Well yes, I probably would.

Why do any of us have to stand up and find out that the insurance companies do not like the way we part our hair—or what hair we have. What defence do we have? What comeback have we?

And the policy of the government, I feel, is weak in this situation. It has been noticeable in car insurance over the years, where the insurance companies have had a great deal of power.

Hon. Mr. Rowntree: Oh, but I corrected that.

Mr. Trotter: Well, it is corrected in part. But it can cost a lot of money.

Hon. Mr. Rowntree: You cannot cancel an automobile policy in mid-term today.

Mr. Trotter: Yes, but to renew it still costs a lot of money. But this particular case in question is wide open—just wide open. I am asking the Minister to take strong action, because if the insurance industry is going to use a heavy club on whoever it wishes because they make some remark they either disagree with, even if it is wrong or taken out of context, then anybody in this House, or anybody in Ontario, or any place else, that criticizes a company, finds fault with it, is completely and utterly at its mercy.

And this is simply not good enough. It is time that this government took action to

protect institutions and individuals against such insurance action.

Hon. Mr. Rowntree: The circumstances which the hon. member describes—I would be glad to run them out.

If he will let me have the particulars, the church, the minister's name, and the company and the approximate date, that would be enough to get us started on it.

I would like to follow that one through, because if what the member says is the fact—and I do not question it on those facts, but against the facts which he has stated—why, certain things have been taken out of context and someone seems to have taken advantage, undue advantage, of a contractural right to cancel in mid-term, which did not appear to be justified.

Also, I think the more harmful aspect to which the member referred is that, on trying to replace that insurance, one is faced with the terrible cloud over your head of having to say, in answer to a direct question on the next application, "Have you ever had any insurance cancelled? Yes."

That is the first question any insurer seems to look at, and you do not have much opportunity to explain that one away. If you are able to explain it away, your rates—from what the member says—are raised.

But we would like to look at that situation, if he will give me the details of it.

Mr. Trotter: I will get a memorandum prepared, a list of the insurance companies, the whole matter.

Mr. Chairman: The hon. member for Humber.

Mr. Ben: Mr. Chairman, I rise because of some statements made by the hon. member for Sarnia, touching on the Canada Permanent Trust Company, and high interest rates. It is my feeling that a lot of the blame for the high interest rates that we are subject to at present can be attributed to legislation that has been passed by this government in the past, and conditions which it has permitted to exist.

Some of the factors that have contributed to this unsavoury condition are, firstly, The Credit Union Act; secondly, The Loan and Trust Corporations Act, both of which are provincial statutes; thirdly, the existence of the Canada Permanent Trust Corporation and Canada Permanent Mortgage Corporation and fourthly, the decision of the federal government while Mitchell Sharp was the Minister of Finance to lift the ceiling on the amount of interest that the banks could charge for their loans without imposing a subsequent ceiling.

Hon. Mr. Rowntree: Actually, I am right with the hon. member, but I think that we should be very careful to be accurate—there was extension of the area in which the banks could operate.

Mr. Ben: Yes, I am quite aware of that, Mr. Chairman.

First, The Credit Union Act permitted people to form themselves into an association called a "credit union" to receive moneys for deposit from its members and to give loans to its members. The result was that the credit unions were paying higher interest rates to the depositors than were the banks and trust companies, and at the same time were loaning money to their members at a lower interest rate than were the trust companies and the banks. And this is a most laudible situation.

However, we had, after the war, a very great increase in the number of new trust companies incorporated, federally and provincially, and to seek new business they increased the rates that they paid to the depositors. So in many instances the rates that the new trust companies were paying, especially the small ones, ranged from a half to one per cent more than the banks were paying. It was section 80 in The Loan and Trust Corporations Act that gave provincial trust companies the power to take deposits. Unlike the credit unions, which were paying higher interest rates for their depositors than were the banks and at the same time loaning money to their members at a lower rate than your normal lending institutions, the trust companies, because of a tight money market and an increasing demand for moneys, did not charge less on all of their funds than did the other institutions. The result was that there was a sort of a "jack" system. The new trust companies paid more than the prevailing rates; the existing trusting companies had to increase the interest they paid to their depositors, or if not to exceed them. The banks subsequently found themselves having to match the credit unions and trust companies, or else they would lose deposits. It became, as I say, a "jack" system.

The leaders in increasing the rates on loans, however, were the Canada Permanent Trust Corporation and the Canada Permanent Mortgage Corporation. For about 15 or 20 years

they were the leaders in increasing the cost of borrowing, by half a per cent—I remember sometimes it used to be a full per cent. They were always the ones; they used to come out with this. The result was that being a tight market, the others followed suit.

Furthermore, the Canada Permanent Trust Corporation seemed to have an insatiable appetite for gobbling up other smaller trust companies. I recall a couple of years ago, when the then chairman of the Canada Permanent Trust Corporation said that it was a very laudatory thing to do—to gobble up what he called these inefficient small companies. The fact is it gave them more power than ever to continue to increase the borrowing rate in an already tight money market. So what happened in the meantime? The banks were stuck. At that time they could not loan money on mortgages, and secondly they were restricted to six per cent, although they found a method by what they call the add-on of increasing the true borrowing rate to about 7.8 per cent or something in that neighbourhood. However, it was still difficult for them to attract as many depositors as did the others because of the difference in the interest rates.

To me—and this is a real blot on the escutcheon of the Federal Liberal Party—I do not think there was ever such a reprehensible thing done by any party in this country to really create an inflationary situation and to really give us trouble from almost now to perpetuity—and that was removing the ceiling rate on the interest rates that the banks could charge.

If they would have removed it and imposed a higher rate, then maybe there might be some justification. But to remove it completely and say "let the rates find their own plateau" is, to my way of thinking, what brought about the Minister of Trade and Development in this province predicting—maybe with tongue in cheek, maybe accurately or inaccurately—that the interest rates within a year may be 11 or 12 per cent.

I will never forgive the party of which I am a member for that reprehensible and callous act. There are a few factors involved:

1. I think that there should be a tighter control of trust companies to take in these deposits.

2. I do not believe that this government should further permit the amalgamation of these trust companies or permit Canada Permanent Trust Corporation or any other corporation to continue to gobble up smaller companies. I drive to work every morning, five days a week, along Bloor Street. At the corner of Windermere, I believe, the store front was changed and we had the "Kent Trust Company." I do not even think that the paint was dry on that marquee before I noticed that all of a sudden the sign was missing and it said "Metropolitan Trust". I doubt very much whether they even had time to peruse the charter before they were absorbed by Metropolitan Trust. I think that all we are having here is a market in trust company charters, and something ought to be done to stop that.

I am quite aware, Mr. Chairman, that not all trust companies are holding provincial charters. As a matter of fact I think that too many of them are starting to apply for federal charters. I know a number of them are trying to do that. But the fact is this, that we are permitting a monopoly to grow or to come into existence in trust companies and loan and saving companies—and this is bad. It is bad for this province, it is bad for this country, and something should be done to stop that. We ought to have a freer market; people ought to have more choice in a source of borrowing. Downtown all of them have disappeared. I cannot recall how many have withdrawn. I know that Canada Trust has absorbed some, but Canada Permanent is certainly trying to become a permanent fixture in here to the exclusion of all others. Some action should be taken to either stop this, or at least slow it down drastically.

Hon. Mr. Rowntree: Canada Permanent is a federally chartered trust company, and if my recollection is accurate, its first acquisition had to do with the merger, or takeover, of a very old Toronto institution called the Toronto General Trust Corporation, which had been in existence for many years. That was a very large operation. The next one that Canada Permanent took over was the Eastern and Chartered Trust Company. I do not recall any others, but I believe they also acquired an interest in a large real estate firm. Other than that, by their own natural growth, they have become a very large operation. I can understand the point the hon. member is making about size, but I must point out to him that provincially and constitutionally we have no right and do not set the interest rate. That is set and controlled by the federal government through the Bank of Canada and The Department of Finance. And in this respect, while it is true that the trust company deposit interest rate, and what they offer depositors, has gone up, the fact

is that the banks, under the immediate direction of the Bank of Canada, lead the way, and the trust companies follow. There may be a short interval of time imposed there—but generally this is the way this situation operates.

We are having a fairly far-ranging debate here today on a number of matters. But, since they concern the economy, I think that they are of some importance to the people of this province. One of the things I would like to record in the House, in this area, has to do with the federal fiscal arrangements; and the historic methods of controlling or deterring inflationary trends.

Historically and traditionally, the central bank in any country has been a vehicle used to deter expansion and inflation by raising what is called the prime interest rate. And, through this vehicle, which has its downward effect—or is supposed to have, throughout the economy—the interest rates go up on money borrowed. So it is hoped there would be a deterring effect on those borrowing money, and that people will thereby restrict their spending.

But there is a fallacy in this whole approach and, the fallacy is that, in our country, we have regional disparity; and when the national policy of raising the prime interest rate by the federal government is imposed, and they want to stop further economic expansion or inflation in Ontario, and I can understand some restraints being required if the economy is expanding too quickly. But, when they put these deterrents into effect, they put them into effect on a nation-wide, all-Canada basis.

The truth of the matter is they should be put into effect on a regional basis, to affect the regions which require some deterrent to further inflationary tendencies and trends, but not on those areas which are already suffering from a poor economy, at the same time as there is inflation in other areas.

The result of the present operation of the vehicle, as I call it, the raising of the interest rate as a deterrent, is to deter the expenditure of money in Ontario. And as far as people in the Maritimes are concerned, to make their situation almost impossible at the same time.

The second point that I want to make on this subject of monetary control—and after all we are citizens of Ontario, which occupies a leading position in this country—has to do with the question of the availability of money for housing and that required for the essentials of life on the one hand, as against money that is required for the luxuries or unnecessary aspects of life.

Now that distinction is not recognized by the federal government in its application of the deterrents or controls exercised through the central bank, the Bank of Canada, in trying to curb inflation or undue economic expansion. Because at the same time as they are trying to curb unnecessary and unneeded expenditures, the penalty approach—which it is—is affecting those things which we need from day to day to live on, either in our business, or to survive on.

And until there is a distinction made between those two main categories, I do not think the federal government is going to succeed in finding any solution to a restrictive programme which will level off or hold down what appears to be a continuing inflation.

I make that point to the members of the House because I think it applies to our current situation, not just in Ontario, but across this whole country of ours.

Mr. Ben: Well, Mr. Chairman, I appreciate the Minister's statement that the latest acquisition by Canada Permanent Trust Corporation—was the Toronto General Trust Company. Even that in itself was a merger. Then it took over the Eastern and Chartered Trust Company, which again was a merger.

But the Canada Permanent Trust Corporation attained its gigantic proportions because it absorbed approximately 15, if not more, smaller companies, many of which were Ontario companies.

I remember reading a history of the Canada Permanent Trust Corporation on the financial pages of the *Globe and Mail*, and many, many of those companies were absorbed—small ones which had names of counties, like Halton and Peel. I am not suggesting that was one of the counties, but they were all trust companies which had names of counties. And that is how it became big. And the chairman said they should become bigger yet.

Now, you may not be able to control the interest rates, but I suggest that you can control the absorption of Ontario trust companies by dissolving them if they should apply for federal charters. In other words, making it impossible henceforth for provincial trust companies to merge or be absorbed by other trust companies.

In that way you could control the disappearance of Ontario trust companies and give the people of Ontario a choice of where

they go to borrow their money, or a choice of where to go to make deposits.

Mr. Shulman: Mr. Chairman, I would like to turn to a different matter under The Insurance Act, and this is a reference to The Insurance Act itself.

I have a little folder here that is put out by the superintendent of insurance which reads: "Qualifications for License and Renewal of License as a Life Insurance Agent." And this little folder shows the power of the insurance companies over this government, and over this department, more strongly, perhaps more obviously, than any other single thing that has come out.

One of the subsections here refers to twisting; and it reads as follows:

> The following practices are specific offences under the Act and are calculated to either revocation of or refusal to renew your licence:
>
> Twisting, inducing or intending to induce directly or indirectly an insured to lapse, forfeit or surrender for cash or for paid-up or extended insurance or for other valuable consideration a contract of life insurance with one company in order to effect another contract of insurance with another company.

Well, what that means in simple words is, that if an insurance salesman goes to a person who owns insurance and says: "The insurance you have is too expensive. If you turn it in, I can show you how you can carry an equal amount of life insurance in the form of term, you will receive a large amount of cash in addition."

If he does that, he will lose his licence to sell insurance.

Now, the intriguing thing about this is that it was debated in the Legislature here exactly 20 years ago today, exactly 20 years ago, and the predecessor of the NDP, the CCF at that time, brought in an amendment which would have removed this section from the Act. At that time the insurance companies showed their muscle—they had as much muscle then as they have now—and the then Attorney General who was responsible for The Insurance Act at that time slapped that amendment down.

But it is rather interesting, a gentleman by the name of Honderich—some of you may have heard his name. He was at that time a writer for the Toronto *Star*, in a somewhat lower position than he holds today. I have a copy of an article that he wrote on March 20, 1950, which sums the situation up very well today as it is—and very well as it was then:

> In a nation that prides itself on private enterprise and the competitive system, it is surprising to find a number of practices and regulations that come to light from time to time which actually tend to restrict competition.
>
> Take the so-called twisting section of The Ontario Insurance Act that is now under review in the Legislature. On the surface this section appears to be quite innocent. It seems to protect life insurance policy holders from commission hungry agents.
>
> In actual practice, however, it goes somewhat further. It says in effect that once a person buys an insurance policy no agent can tell him the policy is unsuited to his needs and he should switch it for another. To do so is to invite cancellation of the agent's licence. The law, in other words, erects a little fence around each life insurance policy holder and warns all other agents—"This is a special preserve of such and such a company; under penalty of losing your licence to sell insurance do not tell this person that you might have a policy better suited to his needs." The Act of course does not say this in so many words, but this is the effect of the law as one can see from reading the section in question.

And then he quotes the section which I have already quoted here. To go ahead:

> To grasp the full significance of the section it is well to apply the principles to another service the public buys, say a newspaper. Under this Act it would be illegal for a newsboy to tell a customer that he should read paper A instead of paper B, because it is more suitable to his tastes.
>
> Since life insurance is not readily comparable with any other public service, analogies such as this are inclined to be exaggerated but they at least show the effect of the law and how it tends to restrict competition in a field where competition is essential to the public welfare.

He goes on at some length. I do not wish to take the time of the House unnecessarily—it is a fairly long article that he has written—but at the end of it—

Mr. E. Sargent (Grey-Bruce): Why stop now?

Mr. Shulman: Well I do try to educate the hon. member from time to time but I am

beginning to think it is quite useless. However, I am hoping the Minister is listening and that he is a little more interested than his predecessors in that office.

Mr. Honderich finishes up his article by urging strongly that the government support the amendment—which would have eliminated this Act. The amendment was brought in by Mr. C. H. Millard, MPP, representing the CCF in the Legislature.

Mr. R. Gisborn (Hamilton East): Good man!

Mr. Shulman: And he finishes off:

> Mr. Millard's amendment has received first reading. It will be interesting to see how it fares when it comes up for second reading.

We know very well how amendments or suggestions from the Opposition come up and how well they manage with the Conservative government. It was the same then as it is now. To save a lot of time and trouble I am just going to ask the Minister one question and if he gives the right answer we can stop this particular debate. Will he eliminate this particular section of the Act? I do not think there is a person in this whole Legislature that will defend it. Will you eliminate it?

Hon. Mr. Rowntree: I am not going to give an answer that is an absolute yes to that question, because I think that the questions that are involved, as raised by the hon. member, go just a little bit further than he has described, and the question of it being a uniform section in all of the provincial Acts does not fizz on me at all, I might tell you that. If a thing is totally wrong, then it is wrong. But this subject also relates to another area in the securities field called churning, where securities salesmen take people, or investors, who have investment portfolios, and keep buying and selling unnecessarily, simply to develop a commission aspect to their own personal earnings. It is against the law in the United States—it is an offence against the Securities Exchange Commission—to conduct churning. In fact there have been numerous cases reported and dealt with on this subject.

With respect to non life insurance I think I could agree almost in principle with the hon. member. With respect to life insurance, I think he has to go with just a little bit of caution, because whether or not it was the best policy in the world that he might have bought, his own personal situation, or health, might have changed so that a cancellation of that policy might leave him in the position that his own health would not permit him to qualify for the other policy or a new policy which he might be persuaded to apply for. There is this question of health and the cancellation and the abandoning of a life policy which is valid even though it may not be the best policy in the world for him, but that situation does not exist in the non-life field. I have always advised clients—when I was practising law in this field—to deal with their broker where he could scout the market and advise them where to buy the best cargo insurance and where the best policy at the most attractive rates could be secured on his fire insurance, and so on, and to deal with experts in the field who would shop the market, as was the original method of dealing in insurance in the earliest days.

I point this out because I agree with the hon. member largely, with that one reservation about the question of a change in the health condition of the individual who might cancel out.

There is also the question that goes along with that, and this is a matter of mathematics and the relation of cash values and the loss of cash values and whether or not it takes two years of existence of the new policy before a cash value comes into existence. Some of those factors may be matters to be taken into account too, but certainly on the non-life side I am inclined to agree with what the hon. member has said.

Mr. Shulman: Well I am afraid we have not got too far, because what I am talking about is life insurance. There is no twisting in any policy except life insurance, and the reason it cannot occur in that is that this is the only type of insurance where you have this funny savings plan added, which the Minister has referred to. If you went to buy fire insurance and the salesman said: "You do not want only insurance just on that building you are insuring, we will also put in a savings policy" you would think he was crazy. You would throw him right out the door. But for some reason this works when selling life insurance, and this is where the rule comes in. This is where the whole nub of the matter is.

First of all you referred to churning. There is no use confusing those two. Churning is an entirely different matter. In the United States, where this is handled reasonably well, churning refers to persuading an investor in stock to buy and sell for the purpose of accumulating commissions in excess of the benefit that may accrue to the investor. Twisting, which is quite a different matter, refers to any insurance man who goes to a policy holder and

says: "You could have a better policy." It has nothing to do with volume, the amount that is incurring, the commissions, or anything else. It refers to any insurance man who gives this advice.

If we carried that advice over—to use your parallel—to the investing market, it would say that a stock salesman who went to an investor and said: "Goodness gracious, you bought that stock; you should not, you should buy another stock instead" would be breaking the law. I mean the absurdity of it is obvious, and yet for some reason—well it is an obvious reason, because the life insurance companies are so powerful, not just in this province, but in other provinces—nothing has been done about it.

The Minister made a very invalid point. He said one good reason for this is because if a person cancels his policy his health may be such that he may not be able to get a new policy. There have been dozens of books written on term insurance and on twisting, and each and every one of them makes a very valid, very simple point. You do not cancel the old policy until you get the new policy. The idea is to take the new policy first and then cancel the old one.

This is all begging the question; this is all irrelevant. The whole point is you have a section in your law which says that any insurance agent in this province who attempts to give honest advice to a policy holder who has been taken in with a bad policy, should have his license taken away from him.

Now that thing has remained on the book —I have articles and arguments from other provinces, and in every case here we have this silly thing come up. We must have a uniform Act. Of course it is great for the insurance companies, but this Act is against the public interest. It does not help the government. It does not help anybody except the insurance companies. And it helps them because it allows them to sell overexpensive life insurance in place of term insurance, which so many people would buy if they were aware of it, or would turn their other policies in for.

Again I come back to the Minister. I am not talking about fire insurance, or any other type of insurance, I am talking about life insurance. If the Minister is not prepared to give an offer at this time, will he at least consider this matter, so that when we come back next year, if he has come to the wrong conclusion, we can debate it in more detail?

Hon. Mr. Rowntree: I would be glad to take it under advisement when we are reviewing legislation.

Mr. D. C. MacDonald (York South): Mr. Chairman, there are two tag ends from my participation a couple of days ago. It is in the insurance department.

One, in reading the news accounts of the Minister's comments with regard to his intentions in connection with reserves and medical insurance. I noticed something that I had missed in the House, namely that letters to companies indicating freezing their reserves had gone out only to the non-profit companies and not to the profit companies. Now am I correct, was this news story correct—that your representations are only to the non-profit companies?

Hon. Mr. Rowntree: The letter went out to all companies registered under the prepaid hospital medical services Act.

Mr. MacDonald: Good—that meets my point, if it went out to everybody. Because if the Minister agreed that the private companies had reserves also, then I immediately concede that there may be a nice actuarial or accounting problem to separate the reserves that might have been there to deal with the medical insurance for which they now do not need reserves, from the reserves that they might have from the rest of their insurance, but that should be retained.

Hon. Mr. Rowntree: I do not think we were a part of that.

Mr. MacDonald: Yes. That should not be beyond the capacities of actuaries today, or accountants today.

I have a specific case in connection with insurance, that I would like to draw to the Minister's attention, and solicit his investigation. This had to do with a Mr. and Mrs. Neil Wilson of R.R. 2, Collingwood, and it is rather an interesting, but brief story.

They purchased a car, and it was financed by the Traders Finance Company in Owen Sound. As part of their financing, it was insisted that they take out a disability pension policy with the Crown Life Insurance Company, which they did.

Hon. Mr. Rowntree: A disability?

Mr. MacDonald: Disability insurance policy so that they would have coverage for the repayment from the Traders Finance Company.

Mr. D. M. De Monte (Dovercourt): Was it also a death benefit policy?

Mr. MacDonald: I am not certain as to whether it included death benefits or not. It was a disability—I suspect that it included death benefits too. Anyway, while holding that policy, Mr. Wilson had a nervous breakdown, and, in the ensuing upheaval which one could understand, he did not make the necessary application for his disability pension within the four-week period that was specified.

However, the fine print indicated that application would be acceptable later—if circumstances were such that it could not be made in time. But Crown Life refused to accept the application, and Mr. Wilson got no money.

Mr. Wilson finally returned to work, but his health was such that his doctor advised him to retire. He has quit work altogether, and he is now living on a very modest pension.

Because of the fact that he is living on a pension, Crown Life continues to refuse to honour their commitment to pay the disability pension. Now I understand that representations have been made to The Department of Insurance by Mrs. Florence Wilson in connection with this.

Quite frankly, I for one, and I suspect an awful lot of people in Ontario, would like to know why, when the contract was entered into, and when the fine print of the contract permitted an application for the pension beyond the four weeks if circumstances justified it—and I think a nervous breakdown seems to create a context in which a justification might be found—why Crown Life should be able to get away with a series of arguments, the latest of which, is because he now has a pension? They apparently do not have to meet their obligations.

I wonder if the Minister would look into that in his own good time and let me know what he—

Hon. Mr. Rowntree: We have got the material, and will proceed. The fact of the matter is that that was the very purpose for which the insurance was issued.

Mr. R. F. Nixon (Leader of the Opposition): The matter of those reserve funds was raised just a moment ago, by the leader of the NDP. I was wondering about the wording of that letter—did you read it into the record? As I understood it, it did not in fact freeze the funds, it simply indicated that you would not expect any dispersal to proceed?

Mr. MacDonald: Is that not freezing?

Mr. Nixon: Well, you would not expect a dispersal to proceed—I do not know what the phrase actually was. Could you pick out that operative section for me?

Hon. Mr. Rowntree: I suppose that the approach that was taken by the draftsman of the letter was an Oxfordian approach.

Mr. MacDonald: A what?

Hon. Mr. Rowntree: An Oxfordian approach.

Mr. Nixon: Well, it was a very thin freeze.

Hon. Mr. Rowntree: In any event, it said if there was any doubt in their minds as to what were normal expenditures and what might not be, they were to contact the department.

I have dictated memos to the superintendent the first thing this morning, following the debates yesterday on a couple of matters. I doubt if he has received them as yet, but one of them has to do with the question of October 1 being about now past, and that I was anxious to get the figures on the exact reserves involved, and as much of the information as possible, as early as possible, even within a matter of two or three weeks. I can only tell you what I have asked for—I hope it is not an unreasonable request to them. But I hope to get at the meat of this matter—to find out just exactly what is involved. Because when we see what is involved, then we will know just the nature of the steps we are going to have to take, or that should be taken, to deal with the matter in an appropriate way. There are already some indications from some of the companies' operations—think I should call them operations—that they intend to cease doing business and to wind up. Or should I say: we are going to cease doing business, but we are not going to wind up at the moment. I think we went into this the other night. I think we need this information in total, just as quickly as possible even on a calculated or best estimate basis.

Mr. Nixon: I would just draw to the Minister's attention at the other end of the scale from huge corporations like PSI to, let us say, county co-ops, some of which are quite small and were not under the impression that the letter was in fact to freeze.

It was almost as if they were being asked to take no action until they heard further from the department. I wonder if, in fact, some of the smaller co-ops have simply gone ahead and dispersed their assets—not realizing

that the Minister—the Director of Insurance—had in fact intended to stop all action.

Hon. Mr. Rowntree: I am instructed that not only did the letter go out, but that the substance of the letter has been discussed with all of the co-ops.

Mr. MacDonald: Mr. Chairman, I want to come back to this because the Minister and I felt that we are on common ground in an agreement. But I wonder if we really are?

It has been drawn to my attention that the—

Hon. Mr. Rowntree: You would not draw anything—

Mr. MacDonald: No. If we are not deceiving each other, I am happy. But we may unwittingly be doing that, and this is what I wish to clarify.

Hon. Mr. Rowntree: I do not think either one of us would do that.

Mr. MacDonald: Right, not wittingly.

The Prepaid Medical Services Act is drawn to my attention. It applies only to non-profit companies—am I correct in that?

Hon. Mr. Rowntree: Freeze is for all non-profit companies, yes.

Mr. MacDonald: Yes. But, when you said that your letter went out to everybody, who is listed in what registration?

Hon. Mr. Rowntree: Registered under The Prepaid Medical and Hospital Services Act.

Mr. MacDonald: But does that include only the non-profit ones or does it also include the private insurance companies?

Hon. Mr. Rowntree: It does not include private insurance companies.

Mr. MacDonald: Well, now we are right back to where we were before. Unwittingly, we have been deceiving each other. Your letter did not go out to the private insurance companies. Am I right?

Hon. Mr. Rowntree: They are not going out of business.

Mr. MacDonald: Okay. I may have to repeat ten minutes of my speech the other night. They are not going out of business, true, but they are going out of the medical insurance business, insofar as they do not need any reserves.

Hon. Mr. Rowntree: For that purpose.

Mr. MacDonald: For that purpose, okay. We agree they do not need reserves because administrative costs are going to be covered completely, and they do not pay any claims. They just act as a post office.

Hon. Mr. Rowntree: I think in all fairness, in the spirit in which we are debating this matter, I think we should make sure that there are certain principles that I would like to agree with you on. But I do not think I would want to look and have advice on any one specific company that we were talking about, about specific reserves.

Mr. MacDonald: I am not talking about any one specific company. I predicated my whole remarks the other night by saying I want to divide my remarks into two categories. Firstly, in reference to non-profit; secondly, with reference to the private companies—and we dealt with the non-profit. In getting to the private companies, I made the point that henceforth the private companies do not need reserves, because their administrative costs are guaranteed by this government. Secondly, they pay no claims; they are just a post office handling the cheques coming in and paying the claims that are going out. Therefore, the private insurance companies, since the Minister assures me they did have reserves, will have a certain portion of their reserves for their overall reserves for all of their insurance must be for medical insurance. Now, are we going to let the private insurance companies absorb into their profits that portion of their reserves which were accumulated from medical insurance subscribers down through the years? This is the nub of the issue I raised the other night, and in our kind exchanges across the House the real point I was raising got lost. And I want to make it now and make it very clearly, because the Minister has admitted that he has not sent letters out to the private insurance companies and I want to know why.

Hon. Mr. Rowntree: The life companies, I think we have to remember—and when we talk about the life companies, we talk about public life companies, which are profit life companies.

Mr. MacDonald: I do not care whether they were life or not, as long as they are governmental insurance.

Hon. Mr. Rowntree: Alright, let me then deal with the life companies. My information is that they do not have specific surplus accounts set aside dealing with Medicare alone. They have surplus accounts and reserve accounts set aside with respect to their total

operation. I would then have to look into the question you raise as to the dividing up, or the allocation of that reserve or surplus in those interests.

Mr. MacDonald: But you have not sent letters out to them.

Hon. Mr. Rowntree: They have not been sent out.

Mr. MacDonald: Okay, now, will the Minister give us a commitment that letters are going to go out to the private insurance companies?

Hon. Mr. Rowntree: No, but I will undertake to look into this matter. I think we understand what we are talking about. I will look into it personally.

Mr. MacDonald: Good. Thank you.

Hon. Mr. Rowntree: I do not think this adds anything to it, but so that the records can be complete, most of these private companies that we are talking about are under federal jurisdiction in any event.

Mr. MacDonald: Mr. Chairman, just a moment now. If they were licensed to sell insurance in the province of Ontario, I would suspect that they were subject to instructions from the superintendent of insurance, either in Ottawa or here, to keep their reserves up in the same way as the superintendent of insurance used to give instructions to PSI. I hope that the Minister is not now saying that a good many of them, because they were licensed in Ottawa, and under instructions there, that therefore he cannot get at the reserves that were extracted from the medical insurance subscribers in the province of Ontario. Because if that is the case—and I am not minimizing the problems the Minister may have, it simply means that the insurance companies are going to be able to absorb that proportion of their reserves that were built up from the subscribers' money for the purposes of medical insurance into their profits. And, quite frankly, I do not see any justice in that at all. If PSI and others have to come clean, surely the private insurance companies should have to also.

Hon. Mr. Rowntree: I understand the point that the hon. member has raised, and I will undertake to inform myself and pursue the matter in its entirety.

Mr. V. M. Singer (Downsview): Mr. Chairman, could I take that up? London Life is the carrier for the civil servants here in the province of Ontario and for some of the members of this House—or was.

Hon. Mr. Rowntree: I guess we should never let the word London Life be raised without—

Mr. Singer: Well, I—

Hon. Mr. Rowntree: It is the servicing company of a syndicate.

Mr. Singer: All right, London Life is the servicing company for a syndicate which, until October 1, insured on a health basis all the civil servants of the province of Ontario who joined up to a certain point, and after that point all of them. As a result of the terms of employment, the government paid a portion and the civil servants paid a portion for that coverage. Right?

Hon. Mr. Rowntree: In that particular instance, you are quite right.

Mr. Singer: All right. As I understand, the valid point that I think the member for York South is making is that those rates contain a certain additional amount out of each premium paid which would go into reserves. Is that correct?

Hon. Mr. Rowntree: I do not think they had to state it.

Mr. Singer: No, no. But in calculating the rates, in working out the rates, a portion of that rate would reflect an amount that had to go into reserves.

Hon. Mr. Rowntree: Well, this is not to the purpose of being picayune or anything else, but in the calculation of the premium rates to be charged, I would describe it this way: that that would be a factor.

Mr. Singer: The government comes along and says to the syndicate that London Life represents, as of October 1, you are out of business. They have—the syndicate has—I would not use the words London Life again—they are left with x dollars in a reserve account, which was paid by all the civil servants in the province of Ontario.

Hon. Mr. Rowntree: And there may be an unearned premium paid.

Mr. Singer: That is right. What happens to that money?

Hon. Mr. Rowntree: The unearned premium will either be returned or applied on future premiums if it were taken over by what, OHSIP?

Mr. Singer: All right, but what happens to the reserves? The unearned premium for coverage after October 1, is paid over to OHSIP. What happens to the reserves?

Hon. Mr. Rowntree: What happens to the reserves? Let me be perfectly frank: I do not know, but that is what I am going to find out.

Mr. J. E. Stokes (Thunder Bay): I would like to make just one brief comment on this. The Minister has just said he does not know what will happen to the reserves, but he said he was going to find out.

Now, just an off-the-cuff observation: Do you feel that this money should be spent for medical research, for bursaries for students who want to become doctors, for additional services in areas of the province that do not have them, or do you feel that that amount of money should be allowed to remain in the hands of the doctors, in the case of PSI, where they have already been paid for the services that the premiums went to cover? Is the Minister prepared to say what recommendations he may make to one of his own colleagues?

Hon. Mr. Rowntree: I do not think I can state what my recommendation will be. I am familiar with what the hon. member is talking about and the discussions I have heard about the disposition of reserves. I think we must distinguish very clearly between reserves that have accumulated and unearned premiums which exist and surplus moneys.

They are different situations, but then we have to look at who owns the money and whose money it is. These are questions that go back to my answer to the leader of the Opposition when I said I would—I was quite frank with him—I said I did not know, but we are trying to gather this information in, now, as fast and as quickly as we can so that we can get at this problem and have the facts before us. I have heard it suggested that some surplus funds and some health and accident co-ops should be spent on medical reserves. The very phrase has been used to me, "And that kind of thing."

Mr. Stokes: Does the Minister not agree that no portion of that reserve actually and specially belongs to the doctors who have already been paid for the services they have rendered?

Hon. Mr. Rowntree: The reason I cannot give the member an out-and-out agreement on that statement is that PSI, while it alleged to be a non-proprietory operation, it was really sponsored, forwarded and advanced by the medical profession itself.

Mr. Stokes: But they actually were paid for the services they had provided?

Hon. Mr. Rowntree: They were paid at certain rates, yes.

Mr. Stokes: And it covered 100 per cent?

Hon. Mr. Rowntree: There we are, this is a question. It is a big field and it is obvious to me that there are a number of decisions that have to be made here that are obviously going to come under my department. We will try and get at these matters as quickly as we can.

Mr. Chairman: On vote 703. The hon. member for Downsview.

Mr. Singer: Mr. Chairman, I think I have raised this matter in previous years but it affects particularly Metropolitan Toronto and the city of Toronto, in fact, where there are certain areas that the fire companies have concluded—it would seem all the fire companies have come to the same conclusion, I hesitate to even suggest that they met together—but where they seem to have concluded that in such-and-such a street or in such-and-such a neighbourhood they are just not going to insure. And as I recall, I think a year ago—the Minister can correct me—we discussed this and the Minister deplored it as I did, and the Minister promised to look into it. I do not know of any change.

It would seem to me now that we are having a pretty searching look at the whole insurance field in this debate, that it may well behoove the government through the superintendent of insurance, to start some very positive plan in this regard.

It is possible, it is perhaps conceivable, that there may be areas in an urban city that are so badly run down that there should not be insurance. But I would think that that decision should be made not by insurance companies individually or jointly, but that kind of a decision should be made by government.

It would also seem to me that if an insurance company comes to the government of Ontario and says "Register us or license us", that they are, in fact, holding themselves out as insurers within their particular field and that if they refuse to insure then it should be for a reason which the government recognizes as valid. And then reduce

that to the particular item that they say on 'X' street we are not going to insure.

I also think the government through the superintendent of insurance has to say "That is reasonable". But I do not think it should stop there, because if it becomes reasonable for the government to say, through its representative, the superintendent of insurance, no insurance on 'X' street, then I think the whole panoply of government should come into play.

The Minister in charge of housing should be very concerned about the standards on the street and whether there has to be a redevelopment scheme and that sort of thing. In other words, it seems to me there is a much more substantial obligation on government in regard to something as important as fire insurance than just saying, "Well, maybe you should have a good reason".

First of all, I suggest then, that where this kind of decision has been made by the insurance companies, either singly or together, they should not have the last word. There is an obligation on that industry since it is allowed to carry on their business in this province, either to insure or to satisfy, not themselves, but to satisfy the superintendent of insurance and through him the government, that they have a good reason not to insure. And, if that satisfaction is produced, then I say that all the power of government has to come into play.

We do not want people living in houses the government says in justice are not insurable, somebody should come in and begin to do something about it. Perhaps that is not this Minister's field, perhaps then he goes to his colleague, the Minister in charge of housing and says, "What about it?" or to the Minister of Municipal Affairs and says, "Get somebody to enforce your housing standard bylaws" and that sort of thing.

I wonder if the Minister would give us his views on that?

Hon. Mr. Rowntree: Fortunately this subject has been raised since the department was formed. I guess every year, there has been some situation that has brought the matter forward and I think during this period of time I can report that suitable and generally satisfactory arrangements have been made with the industry to pick up the coverage in these areas, and that the need has been met. That is part one of my answer.

Coming to the part I like about our debates with some of the members on the other side is that we can eventually get into the principle of some of these things.

Suppose there is a blanket "no," and that is what we really have to anticipate, we should always be thinking of five years from now and anticipating if we are good legislators. In other forms of insurance, there have developed devices or vehicles, means, of overcoming certain situations, and certainly during the war there was an added premium for certain insurances, it is called a "war risk additional premium." It was to cover situations that they felt the ordinary rate was not going to cover and could not compensate the underwriter for the risk he was taking in entering into that contract.

Is that not really what we are talking about here? He says, "I do not want to enter into that contract because the two houses on each side of this lovely town house"—the one we are talking about, and I think this was an actual case last year—"the one we are talking about is a desirable piece of property, but the houses on either side of it are such that it makes the middle one an undesirable risk. And we do not want to enter into a contract."

Here we have the same principle, we do not want to enter into a contract, in fact money might not even be the point, they might say, "We do not want to enter into a contract even if an increased premium were involved."

It seems to me that if we get to that point a device can be established to work out a suitable system of coverage for such situations, because the point I think that you are making, and want to stress—I hope it is this point—is that all of the people who happen to own houses in run-down neighbourhoods are not blackguards or undesirable people. They are entitled to go into the market place, whether it is to buy food or fire insurance. Is this not what we are talking about?

Mr. Singer: This is exactly what it is.

Hon. Mr. Rowntree: Well, this is not far from the front of my mind I might tell you, and it has been resolved in other areas using some old devices, but it worked. And I think even though I am saying to you and reporting to you now that we have been able, I think, to satisfy by arrangement, all of these situations, provided there was no fraud or some such involvement.

Still I have this other situation in mind and I hoped that that would give the hon. member some reassurance and encouragement.

Mr. Singer: Yes it does. As a matter of fact I was even going further than the Minister. I was contemplating that conceivably there could be an area where the houses are so badly run down that a reasonable inspection would conclude: "People should not be living in these houses, it is not a reasonable insurance risk." And then I say if government comes to that conclusion that it is not reasonable to insure, then government has an additional responsibility over and beyond that. Then it has to say, "All right, those houses have to come down and there has to be alternative accommodation provided."

I say, if it gets to the point where you have a reasonable person that is living in a house that the government says is all right to live in, then they should be able to go into the market place and buy insurance. I think we are in agreement on that. I would like to see the—

Hon. Mr. Rowntree: Or do something about it.

Mr. Singer: Yes.

Mr. Chairman: Vote 703 agreed to.

On vote 704.

Mr. Chairman: May I just say before we proceed with this vote that this is the consumer protection branch. Is it agreeable to the hon. members of the committee and the Minister to take it in total? Just so we get things straight before we start. Is it agreeable to the hon. Minister to take this in total, rather than by details?

Hon. Mr. Rowntree: Yes.

Mr. Chairman: Yes, we will deal with vote 704 in total, generally. The hon. member for Kitchener.

Mr. J. R. Breithaupt (Kitchener): Mr. Chairman, this year we have decided to concentrate upon just one or two key areas in vote 704.

In discussing this vote with my colleagues, I think we are all agreed that the wide use of credit is the one area of most concern to us. There is no doubt that the false, euphoric, almost siren-call approach of the credit companies is responsible for a great deal of unhappiness in Ontario at the present time. It is here probably, more than anywhere else, that the consumer needs protection from the advance techniques of persuasion that are now employed to get him over his head in debt.

There is, I submit, no more shameful advertisement on the air at the moment than that which appeared this spring and recently after the late local news in Toronto on Channel 9, in which a young man and his equally young wife are shown having a bill burning party. All has been taken care of by a "bill payer loan". We must question how many people are gullible enough to be taken in by the fantasy that obligations can go up in smoke like that, without being replaced by much more stringent and binding usury. It is as ludicrous as the public burning of bonds in British Columbia by "Wacky" Bennett some years ago.

Nevertheless, it is clear that this kind of deception and these tactics apparently work, for otherwise how would a particular loan company be able to boast that it has now 31 loan offices in Metro Toronto alone, eight in Hamilton and an impressive number throughout the cities and municipalities of Ontario? How much responsibility do we as legislators have to ensure that the citizens of Ontario get a fair deal? We obviously cannot place ourselves *in loco parentis* to grown men and women, and *caveat emptor*, let the buyer beware, is still as pertinent a maxim as ever.

However, it is clear, Mr. Chairman, that the present regulation of consumer credit is far from satisfactory. So sophisticated are the techniques today that even the moderately gullible—those who let their hair down for an occasional shopping spree—can be caught in a nightmare web of totally unjustifiable consequences. Usually the consequences arise from the trading of promissory notes, which the buyer thinks are part of the contract, but which are quite separate instruments. The trader, or the immediate finance company behind him, will sell these notes at a discount to people whose profession it is to recover their investment in the most abstract manner possible. By that I mean that not only are they disinterested in the merchandise with which the credit hook was baited, but also that they are remote from the anguish and the resultant compassion that must in some degree touch the hardest of hearts in face to face dealings.

When a note is passed through one or more hands, the name of the person liable to redeem its value is no more than that—a means of identification whereby John Q. Smith is distinguished from John F. X. Smith. There might as well be merely a ten-digit number on the note for all the feeling that the name evokes. From then on the soulless grind to recover the face value of the

note and to take the resultant profit is unhindered. Any welfare worker can detail the ensuing stories of tragedy that are the direct result of this system and the lack of consumer education in the field.

In the face of this, it is amazing to me that we are spending only $25,000 per year by way of grant to the Credit Counselling Service of Metropolitan Toronto. This is about the same as Household Finance pays CFTO to sponsor its segment of the Metro news for one month, or about the cost of the production of two of its commercials. How can we square our collective parsimony with the comments of Mr. Justice Brandeis made as long ago as 1915, but still as applicable today as they ever were. This is what he said:

> The public interest is made up a number of things. It is made up in the first place of the consumer, that he should get a good article at a low price and conveniently. There should be no doubt that he gets value, and there should be no doubt that he will be able to get it without putting himself in extraordinary trouble in getting it. This is the consumer's interest.
>
> But there is another interest that the public has, and that we should look for; namely, the interest of the rest of the public—the dealer and his clients and the producer and his employees. We are all part of the public and we must find a rule of law that permits a business practice which is consistent with the welfare of all the people.

The definition of credit given by the Ontario select committee on consumer credit, in its final report of June, 1965, underlined that it

> —includes any obligation undertaken by an individual in the course of acquiring property, goods or services for his own use or benefit, involving deferred payment, and in respect to which a charge is made for the right to defer.

So the whole situation is continually one of trading off the advantages and disadvantages, and this requires education of at least as high an order as that of any other in our complex life today. Usually all we hear is one side.

We are able to maintain our high standards of living because of credit. We have the present enjoyment of goods and services which we would otherwise have to postpone or forego. We pay simultaneously without deriving satisfaction. Without credit, the total price would have to be paid before we could begin to enjoy it. Credit is not only advantageous but oils the wheels of commerce and industry. All of these phrases which are used to ensure that the average consumer is continuously using credit—and we have heard all of this, and most of it is true—but it all presupposes the kind of perspective on credit that is given to relatively few. And that is where we as legislators are failing. We are not making available, through the means at our disposal, both sides of the credit story to the people of Ontario. Just how inadequate our contribution is can be seen by enquiry of the Credit Counselling Service, which is housed in cramped quarters in the old Ryrie Building at the corner of Shuter and Yonge.

Here a staff of ten deals with the endless parade of misery that unfolds. Ten people to pay and a rented office to maintain, and all out of a total budget of some $70,000 a year. Now where does this money come from? The $25,000 we are voting now is matched by a similar—although not, I understand, exactly equal—federal grant. The remaining $20,000 arrives in dribs and drabs throughout the year. Other contributors are the hyper socially conscious with which every community is fortunately blessed. Their cheques run around $10 or $20 once in a while; in all about 200 donations dribble in through the fiscal year just staying ahead of the salary bill for the counsellors, all of whom are full time as they must be, of course, to cope with the flow of work.

About 50 of the 200 cheques are for amounts in excess of $100.00, and these come from ten to 15 major subscribers, institutional lenders, who feel it is in their own interest to support the service.

Among these are numbered the Royal Bank of Canada, the Bank of Nova Scotia, and, would you believe it, Household Finance, whose yearly support is considerably less than the bill-burning commercial cost to produce.

The Credit Counselling Service of Metropolitan Toronto is not supported by the United Appeal. It applied for inclusion in Red Feather, but was turned down. This in itself is a curious commentary on the value judgment of the directors of United Appeal.

However, according to our information, the Brantford and Brant county service, also the subject of this vote, has enjoyed a warmer reception from United Appeal in that area, where it is regarded as an important aspect of family service. If it is family service in Brant, why should it not be family service

in Metropolitan Toronto? One asks, but there is no answer.

I understand too, that the Brantford, London and Kingston services are operated, in part, by volunteers. It is rather curious that the Kingston operation has not been supported by provincial grant at all. Why London and not Kingston? I cannot see any possible advantage in that kind of an approach.

Now the whole business of consumer education has been allowed to drift in a shameful manner. Here is the Act that set up the consumer protection bureau, after all the fine words of the select committee. It is chapter 24 of the Statutes of Ontario, 1966, which received Royal Assent on May 18 of the same year. Three years have passed—years in which real progress could have been achieved, even under the watered-down terms of this Act when compared with the select committee's proposal. But what have we had? Just the pettifogging support of a tiny bureau in a musty old building, with an underpaid staff, and a compromising receipt of funds from interested parties to stay afloat.

Not until these services can operate independently of Household Finance, and the other lenders, can they tell the whole truth about credit. For the present they must speak in muted tones. There is a clear conflict of interest inherent in the very financing of the Toronto operation. Ontario must increase its grant so that the federal and provincial moneys support the entire operation at a decent level.

Let me refer the House to subsection 2, paragraph (a) of section 1 of this Act—"Consumer Protection Bureau shall disseminate information for the purpose of educating and advising consumers, respecting consumer protection, and lending and borrowing practices".

There is your mandate—right there. Now where is the vote to support it? A token vote, only because once more here is a section of the world of commerce, that apparently is left best untouched by the hand of government—at least according to the philosophy of this government.

Hon. Mr. Rowntree: How can that be said when this government supports 50 per cent of the total cost of that operation? And when the donations from private subscribers to which the hon. member makes reference have never been used by that organization and remain intact in reserve at this moment?

Mr. Breithaupt: Well I think that the government can do even better than that 50 per cent mark.

Hon. Mr. Rowntree: The federal government has just cancelled its contributions.

Interjections by hon. members.

Mr. Breithaupt: No matter how many children go hungry, no matter how many bailiffs turn the keys, and no matter how many people end up in the street, it is apparently better not to rock the boat. And I think the boat should be rocked.

Of course, I am not advocating fewer regulations and controls over credit—far from it. I recognize that consumer education is no substitute for effective regulation of the credit industry. But what I do know also, is that in a situation where so few people understand the mechanisms of credit, this government is terribly lax in its attack on the educational problem. I think a better job could be done, and I encourage the Minister to do a better job in that area.

Mr. Chairman: The member for Grey-Bruce.

Mr. I. Deans (Wentworth): Mr. Chairman, I only want to—

Mr. Chairman: I recognize the member for Grey-Bruce.

Mr. Sargent: I will not be long. The point I would like to make with the Minister is the great dissatisfaction for the consumer and public in The Used Car Dealers Act, Mr. Chairman. I have petition here from all my dealers in my area—a lot of letters showing that there is province-wide dissatisfaction with the two clauses in this Act which is a real hardship. In fact, they are all pretty mad about it.

When Bob Hope was at the Exhibition, Mr. Chairman, he told of a lady who phoned the chief of police, and said: "Chief, there are 50 dogs fighting on my lawn." The chief asked: "Are they mad?" And she replied: "Well, 48 of them are."

Well I think that the car dealers—

An hon. member: I thought the punch line was the rest of the dogs?

Mr. Sargent: Well I thought it was good.

Interjections by hon. members.

Mr. Sargent: They are pretty incensed with the high-handed clause in this, Mr. Chairman. This Used Car Dealers Act was brought into

being in 1964 to protect the purchasers of used cars against the minority of misleading and fraudulent car dealers at that time. The public's financial compensation for any damage offered to the violation of this Act is assured via the dealer's $5,000 bond you were talking about the other night, which each of these dealers must post.

Now if this bond is insufficient, I submit, for the purpose—and I seriously debate whether it is insufficient—then let the amount be raised. But let us not deliver these people into the hands of these civil servants—a financial high-handed, dictatorial attitude of these minor bureaucrats. The powers of the registrar are certainly sufficient as they now stand, and if the changes are to be made, let us revise the Act in keeping with the democratic traditions of this province and this country.

The government's responsibility to the electorate, I submit, is to provide wide leadership and to govern for the good of all, and not to erect a bureaucratic and dictatorial roadblock in the path of private business. If the revision of this Act is felt by the government to be necessary, for the reasons that I am unaware of, then let the submission of a financial statement be by order of the board of an investigation or inquiry rather than at the whim of an individual or some civil servant. He has the power to walk into a car dealer and put him out of business just by the whim of a minor bureaucrat. They inspected the books; and the clause says that he has the power to put a car dealer out of business. Now this is pretty high-handed. I think of the submissions of these dealers across the province—one wrote a letter to Gordon Smith, the member in Orillia, and he said:

> I and my colleagues are extremely disturbed by the dictatorial manner of this bill, and further are very much concerned about the power it gives to the registrar to infringe upon our business, and at the same time place a financial burden upon our dealership.

Now, Mr. Minister, clause 5 and clause 29 are the ones I think that you discussed. First of all, you said you would give a blanket bond for the dealer, but the fact that a minor civil servant can go in and put a man out of business is wrong. And I think that I would like—and I am glad you concur in some of this—to submit that these dealers are all very outstanding people. They are not used car dealers; they are new car dealers. But they are still classed as used car dealers. That is one thing that is wrong. I would like to ask you, Mr. Minister, how many $5,000 dealer bonds had been forfeited to date. Would you know that?

Hon. Mr. Rowntree: Do we have to research that?

Mr. Sargent: I would like to know that, and also how many $1,000 bonds of the salesmen had been forfeited.

Hon. Mr. Rowntree: Not very many.

Mr. Sargent: Not very many. How many claims have actually been paid, and the dollar amount in each category. And I would like to know the reasons for the bond forfeiture in each category. Has there ever been a situation where an established claim could not be met because of the amount of the bond? These people say if the bond is not high enough, make it high and make it higher if you want, but they would like to have a new look at this Act and hope you will do that.

Hon. Mr. Rowntree: I undertake we will be glad to.

Mr. Sargent: Thank you.

Mr. Chairman: Does the Minister wish to reply to the first speaker?

Hon. Mr. Rowntree: Well, I was interested in the remarks of the first speaker. I would like to make the statement that Ontario supports the co-operative undertaking whereby the federal government would act on the promissory note matter, while the province has prohibited cutoff clauses. The prohibition of one without the prohibition of the other would be fruitless.

The Ontario select committee recommended, at page 21, that such notes should be subject to all rights and obligations which the purchaser might have asserted against the seller, and this has been the matter of discussion with the federal government. I hope that in short order this matter will be effected with the co-operation of all of the provinces.

I can understand the enthusiasm of my hon. friend from Kitchener, with respect to the need for education. There is no question that the need for education in the field of domestic finance, in this day and age, is of paramount importance. Where it is going to come from, I do not know, I doubt very much if it could be added to the curriculum of any of the schools at the moment.

One very simple and almost amusing but very realistic and down-to-earth proposal has been made and that is that we go to the

school boards and the teachers who are teaching the children arithmetic. Instead of asking them to add up 4 and 4 and 7, they would convert their lessons into lessons based on home budgeting and the purchase of goods in and about the home, so that they might have a built-in assist toward this objective that we all think is so important.

I am sorry I interrupted my hon. friend from Kitchener, about that matter, but as the federal government does not consider it a political matter, in their desire to cut down on grants, it was a shocker to this government to receive information that the Metropolitan Toronto Credit Counselling Service federal grant would not be available. We had shared that grant and we intend to continue our portion of it.

The position is, as I have stated, that both governments, up to this year, have paid for the cost of this metropolitan operation which was described at the beginning as a pilot project—that is, it was taken in a large city where credit problems existed in almost every conceivable form and the people and the volunteers and the committee behind this operation are to be commended for what they have done. They have learned a lot. We have all learned a lot from it. There still remains a lot to be done, and we in our part will continue our share of it.

The question, and to be fair and frank, we have had discussions with the federal government about their share for this purpose, and there is still hopes that their position may be re-considered. I think maybe if we just leave that portion of the debate at that point their best interests would be served because efforts are being made by all of us concerned, to have this federal grant continued or reinstated with respect to this matter.

Now, we on our own have gone ahead with a grant scheme, with which you are aware. Wherever any area or district shows an interest and makes an application to us, we will grant 40 per cent of their cost of operation ourselves up to $5,000.

It was indicated a little earlier that some joke was attempted a little earlier in the House about one of the finance companies being a contributor to this kind of an operation. I think it is a wonderful thing that they should be, because it reflects an enlightened approach by a finance company that they would help create a better understanding among the public with the use of their own funds and profits.

As a matter of fact at the Lakehead our seminars were attended and led by leading officials of financial institutions, banks, loan companies and so on. I think they know perfectly well, those organizations, that their own healthy future lies in the better understanding of the credit system and the pitfalls that are involved on the part of the company or the borrower.

To me it is no surprise that their management would instruct them to make contributions to this type of thing. In some communities there is a little education on the part of those that have money to make this kind of contribution, but headway is being made.

We will make a grant of 40 per cent of the cost of operation of a debt counselling service in any community up to $5,000. We have one in Brantford, we have one in London, Sault Ste. Marie, Sarnia, and the one in Toronto which is on a slightly different basis. There are others who are interested and discussions are being held with their representatives at the moment.

Now with respect to the education aspect of it, our officials have discussed and met with representatives of The Department of Education about this matter to try and get their interest in advancing the subject in the field of consumer economics. The use of credit, of course—and this has been gone into and I will not repeat it—is certainly a part of the commercial system, not only part of the commercial system, it may be part of the private monetary and economic system, and at that point I leave that subject. I will revert to what I was talking about a little earlier today, I think, where a great distinction which has to be made in this field as well, has to do with the legitimate need for credit as against extensions and the availability of credit for luxuries and unnecessary phases of life.

Mr. Bullbrook: Hear, hear. That is essential!

Hon. Mr. Rowntree: How to get those two areas divided; as far as I am concerned, if it were 25 per cent as a deterrent to discourage people who cannot afford to buy extra jewelry and whatnots, that would not offend me, but I hate to see, as a deterrent, the cost of credit raised because it is a deterrent to the point where it becomes a burden and a holdback. It is also offensive to us, as citizens, in those areas where the money is needed for legitimate, needful purposes.

It being 6.00 of the clock, p.m., the House took recess.

No. 170



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 2, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto

CONTENTS

Thursday, October 2, 1969

Estimates, Department of Financial and Commercial Affairs, Mr. Rowntree, continued 6569

Motion to adjourn, Mr. Welch, agreed to 6605

LEGISLATIVE ASSEMBLY OF ONTARIO

The House resumed at 8:00 o'clock, p.m.

ESTIMATES, DEPARTMENT OF FINANCIAL AND COMMERCIAL AFFAIRS
(continued)

On vote 704:

Mr. D. M. Deacon (York Centre): Mr. Chairman, the Minister just told us something about the work he is doing through the counselling services that have been established in certain communities, and provision for grants needed and set out in the estimates. First, of all, what is the nature of the services that these agencies offer and the method of payment, or is there any payment provided for those who seek counselling services?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): The services rendered are free; there is no charge for them, and the services involve debt counselling, primarily. Then there are situations where people do not understand the legal situation they are in and in many instances are in total confusion, so they take these people and try to unravel their affairs. In some instances they step in and make calls, and communicate with the creditors involved and generally try to get things straightened out and render a helping service.

I am sure you appreciate that in some of these situations, either through lack of education or knowledge, some people get themselves into a pretty horrible mess, there is no other word for it.

Mr. Deacon: I have encountered a few.

Hon. Mr. Rowntree: Yes, they need help, and it is to render whatever help they can that the service is for.

Mr. Deacon: Mr. Chairman, the department has assisted in other communities: the Minister has mentioned the Soo, Sarnia and London in addition to Toronto. But I am wondering on what basis of judging the limit is set as being $5,000 when, for example, a smaller city or a smaller town would warrant the same amount of grant as a city like Hamilton. Would it not be wise to have the grants dealing on the basis of population of the community rather than a flat amount?

Hon. Mr. Rowntree: I agree with that. As we move along in the programme, that principle will be applied.

Mr. Deacon: So the Minister expects to remove the ceiling and rather have a different type of ceiling depending on need?

Hon. Mr. Rowntree: At the moment there are certain restrictions on budgeted money, and the ceiling tends to exist.

Now, I think it should also be pointed out that in this particular field, while we regard it as a consumer matter, there are some areas that regard it as an adjunct to welfare. We think it is a healthier approach if it is done without the use of that word "welfare." Many welfare operations have a counselling or a social counselling service that would tend to approach this. As a matter of fact the federal government's approach is on a welfare type basis. So that, as you get into some of these smaller areas there are people who are competent to render this type of assistance and no doubt we will be encountering some of these as time goes on.

Mr. Deacon: In view of the many hundreds of communities in the province that do not now have this service and which undoubtedly will be needing it, what steps are being taken by the department to encourage setting up of these counselling services on a co-operative basis with the department?

Hon. Mr. Rowntree: Well, the various consumer seminars and the pilot projects involve largely almost all of the municipalties in the province—I cannot say all, but a large number of them—and this has all been explained to municipal officials.

Mr. Deacon: Is there any check the department is making on the operation of these agencies? Or are they relying on the fact that there is a partnership contribution of, say, 20 per cent where the federal government is still going 40, and you are still going 40? Are you relying on that contribution from the local

area to be an inspection or a check on what is going on?

Hon. Mr. Rowntree: In the first place, I should point out that the federal government is not sharing in this programme across the province, it is only sharing in the Metropolitan Toronto, or was sharing in the Metropolitan Toronto operation.

There is a very close liaison with that organization and our department and meetings are held in liaison with that organization and our department. Meetings are held with individual officials, the general manager and the directors, more than just frequently. As far as the outlying areas go, their operations are checked by our own department.

Mr. Deacon: Fairly frequently? Are they just regular checks with them? Or how do they watch this, other than just by the grant going out?

Hon. Mr. Rowntree: Well, there would be a check at least four times a month. I should correct that, Mr. Chairman, twice a month.

Mr. Chairman: The member for Wentworth.

Mr. I. Deans (Wentworth): Thank you, Mr. Chairman.

Hon. Mr. Rowntree: It is a very frequent type of check and there is also assistance rendered with respect to their accounting procedures and that type of thing.

Mr. Deans: Am I safe now? Good, I just wondered.

I did not intend to go back into the opening remarks that I made back in June. At that time I talked to the Minister about the need to establish a separate entity to be known as the consumer affairs department, and I think he probably in general terms agrees with the things that I say.

I think the matter of consumer protection could well be divorced from other matters within The Department of Financial and Commercial Affairs. Be that as it may, I do not think that anything since June has changed, in fact if anything it has gotten worse.

I want first of all to deal with the matter of advertising which the Minister may well state is within the jurisdiction of the federal government, but I do not personally feel that the federal government is handling it sufficiently well to leave it there and not to be involved in it.

One of the things that concerns me is that it is becoming more and more common to find persons using drugs. And no matter how mild the stimulants are, I feel that we have to put a clamp on the kind of advertising which appeared in last week's *TV Guide*, of all places! I want to read it to the Minister so he will understand it.

It is an advertisement for a fast-acting stimulant tablet and it says that "when you feel worn out, when you feel all in, give yourself a lift with new Vavarin."

Now, I do not think in this province that we need new Vavarin, and I do not think we need that kind of advertising. I do not think as we view the drug situation—and it is getting progressively worse—that we can permit companies to advertise this kind of product in this fashion.

I do not have the remainder of it, but the ad goes on to describe how after a tough day or when things are getting you down and the kids are getting under your skin, you know, you just take one of these tablets, pop it in your mouth, and all is well.

We have to get away from this, we have to combat it, and I think the Minister's department is a vehicle that could be used to do this. I think regardless of whether this product is on sale at the present time in the province of Ontario—and I must confess I have been unable to find it—it is advertised in the province of Ontario and will undoubtedly become available in time.

I would ask the Minister to pay particular attention to that kind of advertising and to bring pressure to bear and if need be to take over the field for the province of Ontario of advertising of this type and to put a stop to it immediately.

Now, the Minister may recall that earlier in the year I brought up the matter of dangerous toys and we had a discourse at that time on it. I did not hear any more about it.

I was wondering whether or not any action had been taken in regard to the toys that were imported from out of the country and that were on sale in this province. I have heard nothing more and I do not know that anyone else has. The Minister might like to answer that as time wears on.

Another matter that has been brought to my attention, and I think is worthy of the Minister's consideration, is that the price of a product ought to be advertised per ounce. I think on everything that is sold the price per unit, whether it be ounce or not, the price per unit should be displayed prominently on the package. This saves this difficulty of trying to divide the number of ounces into

the number of cents charged to find out whether you are getting a bargain or not, or whether you are being rooked, as the case most often is.

I have had a number of complaints as have other members of this House, I am sure, into the retail sales tax which is not within the Minister's department but which affects the cost to the consumer of this province in relationship to children's clothes.

I think that the consumer protection department could well speak with the Minister of Revenue (Mr. White) about the difficulty that parents have if you happen to have a large child. I do not think we should penalize children because of their size, or the parents because children are large, and that is exactly what we are doing, we are making it more difficult for people to buy the things that they must have, and I think the Minister might like to comment on that.

There are other areas, but I do want to turn for a moment to a matter that I had brought to my attention and I think it is probably more germane to this discussion. It is the matter of security deposits as they apply to utility companies.

In other words, we have a number of companies operating in the province who have a monopoly, who are not in a competitive position and who charge exorbitant deposits for the use of their service or the acquisition of their product. Now, the one that comes to mind most quickly as far as I am concerned is the gas company, and I will talk about that, but it applies equally well to the Bell Telephone, it applies to the Hydro, it applies to most companies in that field, because they are in a unique position of knowing that the customer cannot walk across the street and purchase a similar product from someone else, they needn't act in a manner that is lenient towards the customer.

Now, of late, the gas company in Hamilton has taken on the practice of not permitting a co-signer for a person acquiring gas. Of late, the deposit has risen to a point where a $50 deposit is not uncommon.

Now, it seems as I view it that the people who are having this kind of deposit imposed upon them are those in the lower income bracket. Obviously they perhaps are a higher risk, because they do not have much money to spend. Yet the amount of the deposit they are being asked to put up is considerably more than they can afford.

I think the whole deposit system in those areas has to be reviewed, I suggest to the Minister.

I am not naive enough to believe that there are not people in the province who take advantage of the fact that after you have got the product you do not have to pay the bill. I think that if we are going to permit deposits at all, the company should, after the person has established a pattern of regular payments, maybe over six months, or eight months, or some period that we feel is appropriate, return this deposit to them, in full, with interest.

The reason I say with interest is because I have been told, and I have been checking it out, and have discovered it to be true, that much of this money that is put into the hands of those companies is invested in second mortgages, and these second mortgages are drawing 12 or 14 or 16 or 18 per cent. Some say this is being used to offset the costs, but I happen to think that a percentage, at least, is being used to improve the profit margin.

I think that if a person is required to put a deposit down there ought to be a time limit, that it should be returned to him and it should be returned to him with, at the very least, bank interest.

I think that this is a reasonably fair proposition to make and I think that by the time eight months is passed, a person has established a paying pattern that would justify his being trusted. If he has not, then it may have to be extended, and I think that there should be a provision for extension. But I think if this could be done it would help many in the lower incomes.

The other problem that arises thereto is that when a person moves, this is applied to apartments too. While the amount is reduced from perhaps $50 to $25 it still applied, and it seems to me that this is, in effect, imposing an unfair burden on a consumer and reducing his purchasing power. I think that one of the functions of this department is to assure that everyone gets full value for the dollar that he spends.

There are two other things, and the Minister might answer them all at one time to save him popping up and down. I think that the government, in its daily operation, has to be very careful of the influence that it exerts on the consumer dollar. It was raised the other day in the House, and I believe it a very valuable point, that the statements, for example, by the Minister in charge of housing, in regard to his foreseeing an increase in the interest rate for mortgages, had a very detrimental effect on not only the interest rate itself but on the amount of money that is available. I think that he has definitely

affected the consumer market in terms of the availability of mortgage money, because those persons who have it, are withholding it in order to get the top rate for their money. I think that the government has to be very careful in the pronouncements that it makes in regard to what effect they will have on the consumer dollar.

The other area, and the area that is closest to all of us in the House, I am sure, is the whole matter of the Medicare problem and the fact that many people in the province will not now receive as much in return for their dollar invested in medical care insurance as they previously got. I think that when you embark on new programmes you have to make every effort to ensure that the people in the province do not get less for every dollar they spend through any action of the government. I think that this is something that ought to be discussed; maybe it was discussed and decided it was too bad, who knows. But I think that it is something that should have been given more serious thought.

The other item that I would mention, just in wrapping this up, is that as I view the Dominion Bureau of Statistics reports, I notice that of late, taking in the food items alone, of the 20 items that are considered in the normal food basket, 17 had risen and three had gone down. I think it is the function of this department to maintain some control, and as I stated before, I think that a price review board could well be utilized to do this sort of thing.

In the non-food items, of the 33 that are considered, 28 of them went up, one of them indicated no change, and four went down. I think that again it just bears out the contention that we have made from this side of the House over the last number of years, that if the department were primarily concerned with consumer affairs, and the protection of the consumer dollar spent as well as protection in terms of legislation, we would become concerned about ever-increasing costs as reflected in the DBS statistics. I think that over the past number of months we have seen even more justification for the establishment of some form of review board, even at the provincial level. I recognize that it would perhaps be easier at the federal level, but I am convinced that if the federal government will not act, then the provincial government has to act, and because of that I would urge this upon the Minister.

I would be interested in knowing what he thinks of at least the things I have mentioned, and then perhaps we will see if there is anything more to say.

Hon. Mr. Rowntree: Mr. Chairman, the question of advertising and the matter of drugs, to which the hon. member refers, are, of course, certainly pertinent in today's society for many reasons. But I would remind the hon. member that in the distribution of authority, the federal Department of Health has its own drug branch, which supervises the registration and the classification of drugs whether they are saleable or not. There are various classifications that are saleable, others require prescriptions, others require an original prescription, and others can be renewed again on the original prescription at the drug store. Still others, on a more restricted list, require a doctor's prescription for every purchase. This situation is something that is a highly specialized area of operation, going into the whole question of whether drugs should be purchased by a trade name or whether a cheaper approach to the generic name, is not more desirable. And as far as provincial institutions are concerned, are purchases made on the basis of generic names?

There are meetings on a regular basis with the federal department because, while it is relatively new in its operation, the question of labelling for instance is one of the first things for which they are proposing federal legislation, and which in our economy, and in the nature of our country, where goods are manufactured usually in one or two regions of the country, and then distributed many thousands of miles, the ultimate and effective control will best be assured at the national level.

However, I have been making my own notes on this, and I am glad to raise this in my next discussion with the federal Minister, and his department, which will be in a matter of a week or so, but the question of utility deposits refers, of course, to something that is a burden to many people, and I do not know of any deposit in connection with the Bell Telephone company.

Mr. Deans: Is there any sort of check which the department makes? If one wanted to acquire a coloured telephone, you have to put down a deposit to get one.

Hon. Mr. Rowntree: In that case, you are purchasing the equipment.

Mr. Deans: No, actually you are not, because the equipment always belongs to the Bell Telephone Company, and they point this out to you.

Hon. Mr. Rowntree: Is not a coloured telephone a luxury item?

Mr. Deans: It depends, it may be a luxury item if you are purchasing it, but if you move into a house that already has one on the wall, you have the problem then of either doing without a phone for the time that it takes them to remove it, or else paying the deposit on that particular phone.

Hon. Mr. Rowntree: I have to say in all fairness that I have never had any trouble in any moves I have made into new houses, with respect to having, on the day of moving, my telephone changed to suit my taste.

Mr. Deans: I concede to you that the Bell Telephone Company perhaps is not as big a problem.

Hon. Mr. Rowntree: I think it was a bad example to give. What I am coming around to, is that the question of those utilities that for the basic service require a deposit—now I think you are on firmer ground and better ground there.

Each of these utilities is invariably a form of monopoly and herein lies the danger. When a monopoly exists, you will find that there is some board of recourse. In the case of the gas companies in Ontario there is an energy board which has a good deal to say over their operations and it has, I believe, a full time chairman and a full time operation.

There is also a national energy board but its efforts are generally directed on more of an interprovincial basis than the local basis that you and I, I think, are talking about. But, in that case, I shall take this matter of deposits on utilities up with both the Ontario Telephone Commission and refer the matter to them, because there are a few of the smaller telephone companies left that come under provincial jurisdiction.

The larger ones, the Bell Telephone Company, is an interprovincial company which comes under the Canadian Transport Board, if I recall it. As you know, recently their application for further rates was turned down, but I shall certainly, as far as our energy board is concerned, and the Ontario Telephone Commission is concerned, draw their attention to the remarks that you have made to me tonight, because they are matters that I think should be taken into consideration with respect to the actual operation of any utility that can be classified as a monopoly.

Mr. H. Peacock (Windsor West): Mr. Chairman, I just wanted to speak to this point that he has been discussing and urge him not to limit his representations to those utilities under provincial jurisdiction. The Attorney General of this province (Mr. Wishart), as the Minister knows, intervened on behalf of the people of this province in respect to the Bell Telephone's rate application before the Canadian Transport Commission. And I believe that the Minister would be completely justified in making the same kind of intervention should the opportunity arise again in the near future in respect to the telephone companies withholding of deposits from its customers.

Recently a constituent of mine approached with a complaint against the Bell company realizing, that it was not essentially a provincial matter, but urging me to get the Minister's ear, and through him, bring it to the attention of the federal regulating authority. In settling his mother's estate, he had applied to the Bell Telephone Company for the return of a deposit, as he regarded it, on a coloured telephone set that she had ordered some time before her death and had installed. He had been refused the return of the deposit. He talked with one of those mellifluous, marshmallow voices at the other end of the line in the Bell Telephone business offices that you so often hear from, and thought he was speaking with a recorded announcement. "It is not our policy to return deposits on coloured telephones. If you wish to have a coloured telephone installed in your home any time during your lifetime anywhere in Ontario, there will be no further charge."

My constituent explained, Mr. Chairman, that it was not his intention to order a coloured telephone set, but that he wished to have the $25 which his mother had paid returned to her estate so that he could settle it. Again he got exactly the same answer in the same mellifluous tones as though it were a recorded announcement, reminding one of that cartoon that once appeared in one of the periodicals with the president of the United States at the hot line picking up the red phone to Moscow and getting "nyet" at the other end. That is all that you get from the Bell Telephone Company in instances like this. They will not return that deposit even though the person who has forwarded it to them may no longer be the user or subscriber and has no use for a coloured telephone in the place he has passed on to.

Hon. Mr. Rowntree: This is what prompted me to remark a little earlier that it has always been my understanding that you purchased a coloured telephone and had the use of it throughout the rest of your lifetime. However, I do not think this really bears on the—

Mr. Peacock: It is not a purchase at all.

Hon. Mr. Rowntree: It does not bear on the real issues that we are talking about—films and labelling and furniture. The hon. member for Hamilton raised the question of the relation of the department to some of the counselling services. I think I must point out to the House that the entire department is concerned with consumer protection, and we are also concerned that if you were to try to find some basic denominator, you would find it quite easily in the words, "full, true and plain disclosure." Maybe if there were a little more full, true and plain disclosure about those telephones you are talking about, there would be a better understanding of just what the situation is. But it is another matter on the drug matter which I will most certainly take up.

He referred to some earlier debates that he and I had had with respect to toy dolls, and I would like to refer to the earlier debates and then I will try to update my remarks. You will recall that where the problems exist, the consumer protection bureau, that branch of the department, acts where it comes across information which should be corrected or on complaint. We need this information that comes in to us. Regarding the box 99, I think it is, deal at Ottawa, even though the federal people run it, I think all mail that has an Ontario source is simply bundled up and sent to our Ontario consumer protection division, in any event.

Those dolls mentioned earlier had a spike standing up with the head pushed down over the spike, and when the head came off easily, the remnant or the body of the doll, certainly became an undesirable and dangerous piece of equipment or whatever you want to call it. Those were imported commodities, and through the consul general of the country—I think it was Japan at that time—and the actual importer, we were able to have corrections made and the goods withdrawn. There was a chain store which was offering another type of doll, I think it was. How it got into the store's hands I would not know, but that was some months later, and in short order the company agreed to remove them from their shelves and destroy them.

There was another situation that had to do with a well known chocolate that a chain store company which was giving out—

Mr. J. B. Trotter (Parkdale): Was it Rowntree's?

Hon. Mr. Rowntree: No, it was not the Rowntree firm, fortunately.

They were giving out toys with purchases of their candy and when approached they agreed—they are a reputable firm—not only to withdraw the stock but to destroy it under supervision, and that was done.

I was disturbed a few days ago to see another report in one of the papers having to do with some of these dolls turning up somewhere else and I hope this has been stopped. I have heard no more about it, but I was disturbed to hear that there was some reappearance of them on the shelves of one store in particular. I want to be fair about this; I think it was the Japanese manufacturer who changed his design; instead of using the metal wire he now stiffly rolls a piece of cloth, which serves the same purpose. It seems strange but the upholstering and stuffed articles branch of our department runs into this type of situation quite frequently and is actively engaged with the director in trying to put a stop to it.

There is a development in Washington which will be on the agenda in a week or ten days when we have our next meeting with the federal people, having to do with labelling, which I think is of some very real interest. Many people become accustomed to standard sizes of canned food—and I might say at this stage I am a little out of my depth because food control comes under The Department of Agriculture, but I think I will speak to it in any event tonight. We all become acquainted with the standard so-many-ounce-sizes of cans, and against the knowledge which we acquire and accumulate over a period of time we are able to make some comparison as to prices. But that whole deal was defeated when they dropped the 20-ounce can down to a 19-ounce can, and it would take more than just an expert eye to note the change; but there is a five-per-cent factor right there, unless there is a five-per-cent reduction in price by the companies. These are rather subtle. I will not give the manufacturers the credit of calling them sophisticated, it is just a subtle form of increasing prices. This proposal which I have been studying in some material received from Washington had to do with standardizing the price of the commodity in terms of a pound or some standard uniform weight. We often see that with respect to the price of meat; on the little ticket in the refrigerator it says "99¢ lb." and then it will say "8 oz." so that would be 50 cents for that piece there. To me there was a certain appeal to that procedure that if they would standardize those prices and relate the prices and mark the goods according to a standard of weight with which the public is familiar, we might be making some progress toward what I think the member and I both have in mind.

And this I intend to raise at this meeting which we will be attending in a week or so.

Mr. J. R. Smith (Hamilton Mountain): Mr. Chairman—

Mr. G. Ben (Humber): Mr. Chairman—

Mr. Chairman: The member for Hamilton Mountain was on his feet.

Mr. Ben: I was on my feet before—

Mr. Chairman: The member for Hamilton Mountain, please.

Mr. J. R. Smith: I think one of the functions of government is to bring to the attention of all our citizens their rights. During the past year I have had a number of instances in my own riding where new Canadians have been involved with signing contracts primarily from door-to-door salesmen, one of which was for a nationally known encyclopedia company. And they eventually became involved in what the Minister has termed "a nasty mess". I think, Mr. Chairman, one of the things the consumer protection bureau might take into consideration is to expand upon their excellent series of leaflets dealing with consumer credit and the rights under The Used Car Act and perhaps try to formulate some kind of progamme for the ethnic communities aimed primarily at the recent arrivals in this country, either in their ethnic press or in the form of pamphlets. This might well work through the department of the Provincial Secretary (Mr. Welch) and its regional field offices.

Mr. Chairman: The member for Humber.

Mr. Ben: Mr. Chairman, in the fullness of time I have caught your eye and I would like to discuss a number of topics touching on consumer protection and consumer affairs.

First of all, it is beyond my comprehension why this Minister should arbitrarily choose a figure of $50 as the cut-off point between fraud and legality. But that in essence is what this Minister has done. By saying that we are going to control activities of itinerant peddlers, or itinerant salesmen, only if the amount of the sale is $50 or over, he is saying it is okay to steal nickels and dimes as long as you do not steal dollars. To me this is a lot of nonsense because the most prevalent crimes, the most prevalent acts of defrauding involve magazine salesmen, and seldom, Mr. Chairman, do these sales amount to more than $50, although I have to admit that many that have come to my attention before this amendment came through, involved $76, $86 and the like. The fact is that the majority of them—if not all of them—are below $50, so that they escape the scrutiny of this Minister's department. I have to give credit where credit is due and the Minister is trying to protect the consumer to this degree. But why stop at $50? Why not just govern all itinerant peddlers regardless of what the amount of the sale is? That is one point.

The second point in the protection of creditors involves the sales tax which perhaps is better dealt with in The Department of the Provincial Treasurer. However, it involves consumer protection, and I have an example of what could happen myself. You may recall, Mr. Chairman, that before we went on recess, I asked a question of the Minister of Finance who is not present this evening, touching on sales tax, not charges, on barbecued chicken or southern friend chicken, and the charging of sales tax on things like pizza and chop suey. I suggested that perhaps he was being guilty of racial discrimination. The Minister pointed out that as long as you buy nothing but fried chicken in bulk you do not pay sales tax, but if it is accompanied by cole slaw or french fries, it becomes a meal, and being over $2.50 in value is subject to sales tax.

Well, I had an occasion during the summer to go to Scott's Chicken Villa—Colonel Sanders you know—and I ordered a bucket of chicken. As I was getting ready to leave—and it came to $6 and change—my youngster said he wanted some french fries.

They offered french fries at different prices, so I took a $1 box of french fries. Well, he wanted to charge me $1.70 for those french fries! He said he was charging me tax on it. I said "No way."

He started to show me his sheet of paper there, his instructions from his head office. To save time I have a loose-leaf folder where I keep a record of all the questions I ask the hon. Ministers here, the answers they give. So I pulled out my sheets and I said: "Well, here is the question I asked the Minister of Finance of this province and here is the answer he gave and I do not give a d . . . what your boss says, you are not getting 70 cents tax on this $1 of french fries."

Hon. A. Grossman (Minister of Correctional Services): The french fries were cold by then anyway.

Mr. Ben: We finally resolved the situation. I bought the chicken and I gave my youngster $1 and sent him around the front to buy the french fries. But to me, charging tax of

60-70 cents, depending on how much chicken you buy, on $1 worth of french fries is defrauding the consumer and it is something that you ought to look into.

There is another matter that has been raised here before. The Minister raised it and so did some of the speakers here tonight, and that is about advertising on television. I wondered and wondered what authority gives the federal government the right to control television. I have read the BNA Act. I even sent for it here.

I have looked at section 91 and nowhere does this section give the federal government control over television or, for that matter, radio.

I have looked at section 92 which defines the powers that are given to the province and I see no exceptions in section 92 which would bring it into clause 92 of section 91.

The only possible escape clause would be under paragraph 10 or subject 10 of section 99 that states, "Local works and undertakings other than such are of the following classes; (a) lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the provinces with any other provinces or extending to the outer limits of the province." There is nothing in that section which would exempt the province from having the control of television or, for that matter, radio.

Now I thought to myself before I got the Act out to refresh my memory, it had been a long time since I looked at the BNA Act. Perhaps the federal government was vested with the control of communications. But that is not so either and if it were communications I would suggest to you that television today is not a communication medium. Neither is radio. It is nothing but unadulterated bunky entertainment, if I could use that word "entertainment" with bunky and leave some kind of sense.

So I just cannot understand why this province, why any province has not got control over the crap, the junk, the filth that comes over the air today. It poisons people's minds, cheats them left, right and centre. It is beyond all comprehension.

One time, earlier this spring, I was going to send to the Minister a question: Has he determined how much further you could go with STP? Are those commercials truthful or not? But we have to take them. Why, would this come under trade and commerce? I suggest it does not come under trade and commerce because it is not a transaction. It is advertising; plain advertising. But surely—

Hon. J. R. Simonett (Minister of Public Works): Your leader does not!

Mr. Ben: There is noise from the cheap seats up there. Surely this province and the people who govern, must take some action to protect the consumer from all this crap that comes over the air at them.

Another point I want to stress is that dealing with consumers' credit. Quite recently the director of the Toronto Credit Bureau invited the public to come and discuss with them their credit problems. So I was asked by one of the reporters of one of the newspapers if I would go there and just check to see what my credit was like and ask some questions and find out if there is anything which is worthy of comment.

Well, I went up there. I found out I have a good credit rating. It was not new to me because every company in Canada seems to be sending me credit cards gratuitously and asking that I use them.

But then, that applies to almost anybody in this country nowadays so I do not know if that is an indication of a good credit rating. But the visit was enlightening because he told me that they have 2 million records of the citizens of this city.

I said: "Good grief, that is one for every man, woman and child, almost from the cradle to the grave!" Well, they suggested to me that there are a lot of aliases used. At any rate, it is frightening when we get up here in this House and scream that we do not want to carry registration cards or have social security numbers, etc., etc., and that we are against the government keeping records or dossiers on citizens, yet a credit bureau which in essence is operated by the T. Eaton Company, Simpson's and the banks plus a few other small businesses, has a record on almost every citizen in this city, the youngster in the cradle or somebody ready for the grave.

I also found that a person can be ruined and have no recourse. What I would like to see is this province—that is if the federal government is not up to it—pass a law. It would entitle a person whose credit has been maliciously impugned to triple damages, like they have in the States for some of these things, double or triple damages. So that if a credit bureau, or collection bureau rather, sends a letter to a person's employer calling him a "dead-beat", that employee, or that person can sue that credit union.

I have had those things happen where they have had absolutely the wrong man, and have

sent a letter to the employer accusing him of being a dead-beat.

Now there must be something more than simply being entitled to receive your costs of a frivolous action. I say to you that if a collection company sues the wrong man, and thereby does impugn his credit, thereby does have his name published in a daily digest which gives a list of the writs and claims issued, and that action is dismissed, there should be a provision for that collection firm to pay $5,000 or $10,000 damage *ab initio*.

I think any person's credit is worth at least that—$10,000, I am agreeable to that—$100,000 if it's a big one. Now these are the kind of things that they have to put up with.

Furthermore, I found out from checking that record, that if a person enquired of the Toronto Credit Bureau as to the highest credit that had ever been extended to me, they would have found out it was $392.

An hon. member: Too much.

Mr. Ben: Way too much, I agree. Way too much. But the firm which informed the Toronto Credit Bureau that the highest credit extended to me was $392 put rugs into my house for close to four times that value but they never took the trouble to inform the credit bureau.

It has not affected me because, as I say, I have got credit cards. Anybody can get credit today. I even read in the paper where an eight-year-old got a credit card recently and went out and used it.

But there is another thing that is disturbing about this credit bureau. As I stated before, if a person is sued and a writ is issued, the daily digest publishes a fact that a writ was issued. But they never publish the fact that either the action was dismissed or it was settled.

An hon. member: That is right.

Mr. Ben: And the credit bureau has a record of a writ that was issued against you, if one was, but no record that the action was malicious, that it was dismissed or that it was settled or adjusted. That to me is also an injustice and something that ought to be corrected.

There are a few other points. I do not know—one of the bills that the Minister introduced provides—well, I had better not discuss the bills that the Minister has introduced now, the Chairman may rule me out of order.

But there are some questions that I would like to ask. For example, have there been any prosecutions in Ontario of people who are selling land out of the jurisdiction; for example, down south?

When it comes to used car dealers, the Minister has brought in a new bill and I do not want to go into the merits of the bill because—

Hon. Mr. Rowntree: Firstly, on the prosecutions against real estate salesmen with respect to property located outside of Canada. There have been none. But the requirements that exist are so onerous with respect to the filing of material and the regulations are so stringent as to the inspection of the property, and so on, that the filings with the registrar in each of these cases amount to something about a foot to a foot and a half thick of blueprints and drainage systems and locations and approved plans and one thing or another. I simply put that in to illustrate that anyone who is getting into that business has got a lot to comply with.

We have no control over advertisements that are placed in the papers, in magazines which are printed in other jurisdictions and distributed in our province.

Mr. Ben: Here again, it is something that is beyond my comprehension. Why should we not have control over what is distributed in our province? Why should a foreign jurisdiction have some inalienable right to pollute the minds of our citizens, old and young? Why?

Mr. S. Lewis (Scarborough West): You never described yourself as a foreign jurisdiction before!

Mr. Ben: I am glad it is humorous. I am sorry I missed it. Perhaps I shall read it in *Hansard* and see some merit in it.

Insofar as used cars are concerned, I regret that I do not think the bond the used car dealer is required to put up, is anywhere near sufficient. I think it should be—

Hon. Mr. Rowntree: Were you here yesterday when I was talking about the bonds and used cars?

Mr. Ben: No.

Hon. Mr. Rowntree: I stated that I agreed that the bond is not worth a damn. Before, the bonding company had to pay off or the bond was forfeited. A finding of fraud had to be found by the court, which made it almost impossible for the bond ever to be brought into play. A whole review of the bonding system and the bonding arrangements has been carried out and the new bonds will not have that clause in them and when we get our

used car legislation tidied up in committee, we will propose to withdraw the bonding of salesmen as such, and make the used car dealer or the dealer himself responsible, by a blanket bond over all his salesmen.

Mr. Ben: That is a laudable intent. I wonder when the Minister of Transport (Mr. Haskett) is going to hand over to you complete jurisdiction in the sale of cars. For instance, I have for a long time advocated compulsory log books making it mandatory that every automobile have with it, a log book which would keep a record of all service received by that automobile, which would demand periodical checkups at prescribed intervals and which would require the person making that periodic inspection to sign certifying that that motor vehicle is sound, electrically, mechanically and physically. Perhaps that way we will get some of these death traps which are held together by nothing but rust dust off the road.

But unfortunately the Minister behind and to your left has control of one aspect of this problem and you have or have not control of the other aspect. As I say, I think it should all come under consumer protection. There are a lot of other items that should come under protection.

As far as real estate brokers are concerned I think that the proposed amendments are going to make it possible for a person who is not a real estate broker to, in essence, control a limited company dealing in real estate. You have watered down the requirements to the degree that this is going to be possible, if it carries. I regret that, but that comes under another discussion and I am not going to belabour it.

I think I will just pass now and let somebody else have the work.

Mr. Chairman: The member for Kent.

Mr. J. P. Spence (Kent): Mr. Chairman, under this vote I would like to ask the Minister a question.

Before the summer recess, there was an article in some of the papers across the province of Ontario in which Leon Weinstein, president of Loblaws, advocated the housewives boycott the price of beef.

The Minister of Agriculture (Mr. Stewart) had made some investigations and if I remember correctly he stated that prices to the consumers were not out of line. But since that time, the price of top beef to the producer went down considerably to the producer. From articles in the paper, if I remember correctly, the price to the consumer has not gone down.

I wonder whether this branch of your department, made any investigations in regards to prices of beef to consumers since the early part of the summer, since beef has gone down considerably to the producer, has there been any action by your branch of this department.

Hon. Mr. Rowntree: The answer is no. Foods, production, distribution, sales, pricing, marketing comes under The Department of Agriculture and Food.

Mr. Lewis: Oh, how can it?

Hon. Mr. Rowntree: Well, it does.

Mr. Lewis: Are you interested in the consumer?

Hon. Mr. Rowntree: Of course I am interested in the consumer.

Mr. Lewis: What a thing to say.

Hon. Mr. Rowntree: The consumers' association are represented in depth in that operation, with respect to food.

Mr. Lewis: You are supposedly the watchdog.

Hon. Mr. Rowntree: Not on food.

Mr. Lewis: No food at all?

Hon. Mr. Rowntree: Not on food. I will tell you this, out of my own knowledge I did learn that there is this advertised recommended boycott by the man you mentioned, on beef, which I think was a pretty unfair thing to do. It seemed to give a benefit to the pork producers, if you were lucky enough to be in the pork business. They have not recovered from it since, that is my understanding.

Mr. D. M. De Monte (Dovercourt): Mr. Chairman, I would like to talk to the hon. Minister about collection agencies. Is any training given to the clerks at the collection agency as to the distinction between personal liabilities and personal executions and executions other than personal; is any training given to these people who work in collection agencies and who are liable to damage the credit reputation of some person; is there any training given to them as to the distinction between personal and other liabilities?

Hon. Mr. Rowntree: No, it is a matter of registration for us to keep alert and know who are operating in that business. They are

liable for damages for any wrongdoing and harm that they cause.

Mr. De Monte: I am wondering, Mr. Chairman; I have had a few complaints from people who have lost their ability to borrow because some credit agency mistakenly reported that they have executions against them, mistakenly reported that they have personal judgments against them. There was no way of checking, or going to the collection agency and asking them to see the records because they would not produce it.

Hon. Mr. Rowntree: In those situations if you would send us the information where a wrong has been done, we will take the necessary action to see that it is righted. We had a recent case about a man in a hospital and an action in Sudbury. I think it was one of the members of the New Democratic Party who took the matter up with me and we were able to get that straightened out. That had to do with a collection agency.

Mr. De Monte: Another point, Mr. Chairman: How about a collection agency that reports there is a writ extant against somebody where there is no judgment or the case has not been heard, or there is no decision as to whether the debt is owed? Are there regulations, Mr. Chairman, or is there something in the Act that states you cannot include a writ in a credit report which would destroy somebody's credit?

Hon. Mr. Rowntree: No, the reason I ask members to send the information to the department is because at present under the director responsible for that branch, there is a right of review in calling the collection agent in and going over the matter with him with a view to discipline; and under the new commercial appeal tribunal which we debated yesterday, second reading, the discipline can be meted out, and if he wants to appeal to us there is a tribunal there for him to appeal it. In my own view that kind of conduct would merit the loss of his licence to be a collection agency.

Mr. De Monte: The only thing is—

Hon. Mr. Rowntree: Those facts are not matters that should affect a man's credit.

Mr. De Monte: No, I agree, Mr. Chairman, but the point is that a man goes to a financial institution to borrow money and all he is told, Mr. Chairman, is that his credit is no good. They do not give him any information; the investigating party does not give the seeker of credit any information. He probably will not even tell him what credit bureau he has applied to to check the credit. I think that is what bothers most people, that the man's credit is rejected, his credit reputation is destroyed, and yet he has no way of finding out how it was destroyed.

I think there should be some procedure whereby a man can complain. Perhaps the Minister has set up machinery. I am wondering whether he has set up the machinery to the extent that if a man tells him that his credit is no good, then that person seeking the credit should be told why it is no good, and who gave this information, because there are many cases where a man's credit has been completely destroyed by some clerk in an office who does not know the distinction between being sued as an administrator of an estate, and being sued personally for a debt.

Here is one instance, Mr. Chairman, where there can be a great miscarriage of justice because some clerk does not know the difference. It is my respectful submission that there should either be legislation or a regulation laid down that these people should know what they are doing, because by their actions they can destroy somebody's reputation. I just wanted to point that out to the hon. Minister, Mr. Chairman.

Hon. Mr. Rowntree: Could I just pick up where the hon. member for Humber left off; it might be of interest. It has been drawn to my attention about The British North America Act that the matter of jurisdiction and regulation of radio communications was dealt with, I presume, by the House of Lords in 1932, in a case on regulation and control of radio communication in Canada in 1932, A.C. page 304. The head note of the case says that the Parliament of Canada has exclusive legislative power to control radio communications in Canada.

Mr. Trotter: That is the advantage of having a research staff.

Mr. De Monte: How about television?

Mr. Chairman: Vote 704. The hon. member for High Park (Mr. Shulman) was on his feet first. The hon. member for York South.

Mr. D. C. MacDonald (York South): Mr. Chairman, one of the advantages of getting some new blood into the Cabinet is that you get a new hard hitting approach to some of the problems that we have been coping with for quite some time. Rather recently, the latest addition to the Cabinet visited Manitouwadge, and was speaking to the

North Western Associated Chambers of Commerce, and I find from the Fort William *Times* that it was reported the Minister without Portfolio (Mr. A. B. R. Lawrence) commented on the inequities in the north and said:

> If the Minister of Finance was here sitting on the rafter watching me he would be putting a zipper on my mouth.

He was obviously a little self-conscious and I want to inform the House as to why he was a little bit self-conscious about the point he was bringing up. The next paragraph reads as follows:

> He emphasized he was not speaking for the government when he recommended that a person in northern Ontario should pay the same price for a television set, a beer, or a refrigerator as the consumer in southern Ontario.

I raise this old issue, and am emboldened to do so since I now discover that a Trojan horse has moved into the Cabinet and got some spurt in there, because I have been a little bit puzzled as to what the Minister had been doing on this issue. I think this comes legitimately within the purview of his department. Indeed, I think he has acknowledged it in some instances in the past when we have raised—to cite perhaps the most oft mentioned discrepancy in prices—with reference to gasoline in northern Ontario. I think we had a commitment from him a year or so ago that he was looking into this.

Is the Minister in a position to report to the House as to what he has found or what he might do with regard to gasoline and generally, with regard to the inequities in the north represented by excessive prices of beer, gasoline and many other things? If I cannot get some action from him I am going to enlist the support of his Cabinet colleague to really needle him from this point forward from within the sanctum, not from out here in the Chamber.

Hon. Mr. Rowntree: That is fair enough. I have gone into that whole question of gasoline prices in some detail and I do not have the material here with me tonight but I made a good study of it and there are a good deal of misstatements of fact that are not understood, or have been misstated about this whole subject. I will repeat to the hon. member, and I will be quite frank with him, that I think that it probably is the law that the provinces have the legal right to regulate prices, and I say that quite frankly, but in this day and age I do not think that it would be worth a hoot in the economy as it exists in Canada, as Canada exists with respect to the distribution and marketing of goods that we have to contend with. This was one of Judge Madden's main findings that this thing had to be done at the federal level, and this again has not been left idle. This matter is the subject of discussion with the federal government.

Mr. MacDonald: Let me pursue this just a bit if I may. The Royal commission that looked into the question of gasoline outlets and pricing in British Columbia—one of the points that they noted rather strongly was the price differential.

Hon. Mr. Rowntree: Was it Alberta or British Columbia?

Mr. MacDonald: I think it was B.C. There may have been one in Alberta too but B.C. is the one I have in mind. One of the points they raised was the excessive, in their view, differential in prices between the Vancouver area, the lower mainland, and some of the interior points. So it is a problem that has been investigated by Royal Commissions and the recommendation has been made presumably in the knowledge that some regulation of price is within the power of the provincial government.

This is a matter that has been complained about—we are glad to have a little more Cabinet muscle on the right side on the issue. But it has been complained about for a long time, and it seems to me that, if the government would raise its voice, if they were to indicate that from their investigations the differential was not justified, that the oil companies might move.

I know they are pretty defiant, they are pretty arrogant, they are pretty powerful, and they usually control governments rather than governments controlling them, but the whole entry of this kind of department into the range of government activity is a new development of intervening in the market place and protecting the consumer from exploitation.

It seems to me that if this is going to be meaningful at all the government has got to raise its voice and take such steps as are necessary to remove the inequities.

Now the hon. Minister without Portfolio is correct that some of these inequities are unjustified, but I think we have reached the point, as with many other of the fine professions of change with regard to northern Ontario, when we have got to have some

action to realize that. I do not know why the Minister has not the gasoline issue with him tonight, but I would think some time shortly we should have, not only with reference to gasoline, but with reference to beer and many other items in northern Ontario.

Mr. Chairman: The hon. member for Thunder Bay was on his feet first.

Mr. J. E. Stokes (Thunder Bay): Mr. Chairman, I had the pleasure to introduce the hon. member for Carleton East when he made those statements and the statements were very well received by the northwestern Ontario joint chamber of commerce. I think their feelings sagged a little bit when he noted that it was not the policy of the government—it was his own feeling in the matter. But it just shows you there are some progressive thinkers over there and possibly there is some hope.

Mr. MacDonald: Kite flyers.

Mr. Stokes: Possibly, but I am interested in a survey that was made by the Sault Ste. Marie *Star* in comparing prices generally between the south and the north. They made a comparison between the cost of living in Oshawa as compared with the cost of living in Sault Ste. Marie. They are comparable in size, population, and they have one basic industry that the economy of the town is dependent upon.

I would like to quote briefly from an article in the *Star*, Monday, April 21, 1969, and it says:

> The age-old plea from northern Ontario municipalities for grant relief to offset building costs has gone unheeded even though there is a mountain of economic evidence to back it up. A recent in depth study by the *Star* proved decisively that it cost considerably more to live in, and operate, a municipality in the northern areas of the province than in other sectors.
>
> The problems of the north have been used as a political football for years but progress in solving them has been negligible at best. Politicians have suggested everything from special subsidies and preferred transportation rates to the separation of the north from the rest of the province as a means of boosting northern development.

The *Star* compared a wide range of municipal and consumer expenses and costs using Oshawa in the southern part of the province and Sault Ste. Marie in the north for purposes of the study. Oshawa was chosen because it has the one industry, and is comparable in size and population to Sault Ste. Marie.

Hon. Mr. Rowntree: What is the date of that issue?

Mr. Stokes: It was April 21, 1969. It went on to study the cost of operating a municipality, the cost of education, and the cost of consumer goods, and the cost of building, and, if I might quote one portion of the article just to illustrate what this study proved:

> In 1968 the Soo and Oshawa purchased a similar amount of salt for their streets—4,000 tons in Oshawa, and 4,343 tons in the Soo—but the Soo paid more for its supply.
>
> Because of increased storage facilities the Soo spent less per ton for salt in 1968 than it ever had, but at $14.66 per ton it was still much higher than the $12.92 per ton expended by Oshawa. On the other hand the city of Oshawa paid 30 cents per ton more for sand than the Soo in 1968, but the Soo used 17,123 tons, compared with only 6,600 tons in Oshawa.
>
> The bill for salt in the Soo in 1968 was $63,668 compared to $51,680 in Oshawa, and for sand, the Soo spent $63,778 compared with $38,160 in Oshawa. In the three year period from 1966 to 1968 inclusive, the Soo purchased 12,119 tons of salt, and 48,181 tons of sand for its streets, compared with 10,000 tons of salt, and 17,700 tons of sand in Oshawa.
>
> Snow removal and its related costs is just one area where northern Ontario municipalities are faced with higher expenditures. The comparative study showed that the Soo also spends considerably more to instal sewer and water mains. The cost of installing a 10-inch sanitary sewer in the Soo under average conditions is $16 per lineal foot, compared with $9.10 per foot in Oshawa.
>
> For a 16-inch storm sewer the cost is $17 per lineal foot in the Soo and $11.15 per lineal foot in Oshawa, a difference of $5.85 per lineal foot. A 30-inch storm sewer in the Soo costs $30 per lineal foot, compared with $21.30 in Oshawa, a difference of $8.70 per lineal foot. All of the cost figures include construction engineering and financing expenditures. A check with the public utilities commission in Oshawa and the Soo showed the cost of installing a six-inch water line is about $2 per lineal foot more expensive in the Soo. The Soo PUC says it costs $9.20 per lineal foot—

Interjections by hon. members.

Mr. Chairman: The member for Humber, on a point of order.

Mr. Ben: I am missing the point, perhaps, if the member can enlighten me on it. We are dealing with consumers' protection—

Mr. Chairman: I might say that I was listening—

Mr. C. G. Pilkey (Oshawa): You wait, it will sink in!

Mr. Ben: In the fullness of time, I trust.

Mr. Chairman: Order, please.

Mr. Ben: I am willing to grant that the member reads well.

Mr. Chairman: Order, please! I was listening to the hon. member very carefully and the last few sentences were somewhat apart from what could be controlled by consumer protection, I believe. He seemed to be straying somewhat but I was waiting for him—

Mr. Stokes: It was my understanding that the Minister just said that he was responsible for consumer affairs in the province of Ontario, exclusive of food.

Mr. Chairman: But the installation of sewers I do not think really—

Mr. Stokes: What I am trying to illustrate and document, Mr. Chairman, is that it is generally agreed that it does cost more to live in northern Ontario. And I could go on and cite many cases. If you are talking about the cost of building equipment, if you are talking about the cost of transportation, if you are talking about the cost of providing teaching facilities and personnel, I think this is all a part of the cost of living in the north. You can relate each and every one of those items to something that a consumer has to buy.

Mr. Chairman: Of course, I do not believe that each and every one of those items are something that would fall within the jurisdiction of this hon. Minister's department as something that is capable of control by this department.

Mr. Stokes: Well, he just said he did. Perhaps he will correct it.

Hon. Mr. Rowntree: I did not say that.

Mr. Stokes: Is the Minister's department responsible for the cost of building materials?

Mr. Pilkey: That is another exclusion.

Mr. Chairman: I hardly think that some of the things the hon. member is talking about are really anything that would come under this department.

Mr. Stokes: Well then, it is surprising that you have not stopped me sooner because I was under the impression that the cost of what a person buys is a cost to the consumer and would necessarily fall under the purview of the Minister who is responsible—

Mr. Chairman: The only surprising part about it, I might say to the hon. member, I was extending a courtesy to him hoping he would get back on the track very shortly.

Mr. Stokes: I am quite concerned, I thought this was the place to bring it up because this is what my hon. leader mentioned about the cost in the north. You took no exception to his remarks and the member for Carleton East, to whom he referred—

Mr. Ben: Would it have done any good?

Mr. Stokes: Why does the member not go out and have a drink of water or something?

Mr. Chairman: I think the hon. member for York South was referring in that respect to such things as beer and gasoline, consumer commodities which conceivably could be controlled through this department, the price to the consumer. The installation of water lines, the difference between construction costs due to the—

Mr. Stokes: If Mr. Chairman or the Minister will tell me who I should go to in this government to appeal to about the cost of equipment to municipalities, the cost of building educational facilities, the square-foot cost of building in the north, I will sit down right now.

Mr. Chairman: Well, I do not think these matters do come under this Minister's department.

Mr. Stokes: Well, what department does it come under, so I can bring it up under the proper head?

Mr. Chairman: The Minister has obviously indicated that he has no control or it does not come under his jurisdiction, that sort of thing.

Mr. Ben: Mr. Chairman, is the hon. member suggesting that the people up north who have to work in such an insalubrious climate should not be paid more than the people in the magnificent city of Oshawa, which is almost next to Miami?

Hon. Mr. Grossman: Well, they are paid more in the Soo.

Mr. Pilkey: The city of affluence.

Mr. M. Shulman (High Park): Mr. Chairman, I would like to ask the Minister about the uniform consumer credit code, but perhaps before I do we could get this one little matter that has been hanging over and hanging over settled.

What was the name of the insurance company that was involved in our semi-legal fraud we have been waiting for so anxiously?

Hon. Mr. Rowntree: This had to do with insurance, it was sold with the purchase of motor vehicles. There were four companies. The names of the companies were Seaboard Life Insurance Company, Crown Life Insurance Company, Laurier Life Insurance Company and Global Life Insurance Company.

Mr. Shulman: I am surprised! Thank you.

All right, to come to the uniform consumer code. Would not all of the Minister's problems tonight under consumer protection be solved if he adopted a uniform consumer credit code for Ontario?

Hon. Mr. Rowntree: Even our advanced neighbours to the south in the United States have not adopted that uniform code.

Mr. Shulman: Oh, my goodness gracious, the Minister is misinformed. I have here some states that have adopted it, in fact—

Mr. Ben: Some states.

Mr. Shulman: Yes, of course. In the States, it is like Canada; they have states and we have provinces and the code is not adopted in all states, it has been adopted in some states. Wisconsin is one because I happen to have that one here. There are a number of states, I can get the list.

An hon. member: New York State?

Mr. Shulman: I do not know.

An hon. member: California?

Mr. Shulman: I have not the list here, I will read it shortly. In the meanwhile, I am not really worried about New York or California, I am worried about Ontario.

Is there any objection to the Minister bringing this into law here, which would solve all of the difficulties we have of overcharging and of the sharp practices which I have a thick file of here and which shortly we will get into. You know, rather than having to go through this every year and having people suffering all the time, why not solve the whole thing by bringing in a uniform consumer credit code? Is there any objection to it?

Hon. Mr. Rowntree: That is a good point. The comparable states to Ontario with respect to their economy and population and so on, when we try to make legislative comparisons, are New York and California.

Those two, and Massachusetts, have not seen fit and indeed have advised us not to proceed under that code. But the member brought the matter up and when we are going over our legislative programme we would be glad to consider and I will undertake to consider it. But I might say that the uniform code wherever it exists has not stopped fraud.

Mr. Shulman: Well, nothing is going to stop fraud, as long as there are human beings there is going to be fraud. Am I to understand the code has not yet been given consideration by Ontario?

Hon. Mr. Rowntree: Oh, yes.

Mr. Shulman: Well, what was the result of the consideration? What was decided?

Hon. Mr. Rowntree: It has not been adopted as such in Ontario.

Mr. Shulman: In fact it has not been adopted at all, holus-bolus or piece by piece or any part of it. I have it here in full and in summary and we can go through it point by point, and none of it has been adopted.

Hon. Mr. Rowntree: The first step in Ontario and generally across Canada, but British Columbia, Alberta, Nova Scotia and Ontario, the first major step in consumer protection has to do with the disclosure of the cost of credit, that was the first main step. And that has worked out very well and has become generally uniform across Canada, and we are going on from there.

We already have our own real estate licensing, used car licensing, and so on, through those other areas, which are all consumer matters. And we proceeded then to establish a consumer protection bureau in Ontario which is the only one that is being operated as such by any government in Canada and on behalf of the individual members of the public. Frankly, I think we are doing a very good job. I do not say it is absolutely perfect, but it is certainly doing a lot more than any other province in this country is doing.

Mr. Shulman: I have no hesitation in agreeing with the Minister that there has been definite progress made in recent years. However, we always like to have the best in Ontario, and I am sure you will agree that although we have gone further than the other provinces, this does not mean that the situation here is good, because we have heard so much here tonight to indicate it is bad.

I am not going to press the Minister further on this if he will have his staff, and I know he is short of staff, look into this consumer credit code. Incidentally, a summary is available from the National Conference of Commissioners on Uniform State Laws, it is just a little booklet.

Hon. Mr. Rowntree: I have it in my office.

Mr. Shulman: Then perhaps by next year we will have some fruits from this study and we will not have to have the sort of problems that we have here.

Now, I would like to bring to your attention one problem, and this strangely enough is from the Toronto *Telegram*, and they are referring to a special type of auction which takes place in Toronto and which is advertised door to door, so-called bonanza auctions.

A flyer is sent around a neighbourhood saying: "Come and buy a tape recorder for $1." Sure enough there is a tape recorder that sells for $1—there is no fraud in that—and they get 500 or so people to these bonanza auctions. As a result of selling one or two legitimate bargains, they then proceed to sell all sorts of worthless or next to worthless goods for very inflated prices.

There is a long article here in the *Telegram* about it dated October 10 last, and I shall not disturb the Minister by reading it all, but I would like to read the very last—

Hon. Mr. Rowntree: That is a year ago?

Mr. Shulman: Yes.

Hon. Mr. Rowntree: All that type of selling has been stopped.

Mr. Shulman: Oh, this does not occur any more?

Hon. Mr. Rowntree: No.

Mr. Shulman: No more bonanza auctions?

Hon. Mr. Rowntree: No, we do not permit them.

Mr. Shulman: Thank you very much.

Hon. Mr. Rowntree: We used the power we had to control it through advertising and we secured the co-operation of the press.

Mr. Shulman: Thank you very much.

One other problem, and this came out in the Toronto *Daily Star* of August 6 last year in reference to new car buyers who can lose their deposit if a dealer goes bankrupt and it points out that the protection that is given to used car buyers is not given to new car buyers.

This is a fairly lengthy article and I do not wish to go into it if the Minister can tell me if something has been done about that problem. Is the protection that is given to used car buyers and used car lots being extended to new car buyers?

Hon. Mr. Rowntree: The short, simple answer to that is that there is greater protection in the purchase of a used car than there is with respect to a new car. I hope that this will be straightened out in the foreseeable future, and I might just record this in the House now because I think it is a point that is well raised by the hon. member.

The legalities that are employed to separate the dealer and his obligation to maintain what is called the warranty, and the legal obligation to back up the obligation from the factory, where the new car is manufactured, and numerous arrangements where these responsibilities are passed off, leaves a lot to be desired.

Secondly, there is the question of deposits on new cars. Usually in the period when they have to wait for a delivery to be made, those deposits become mixed up with the company's normal funds. Then if the company goes bankrupt, as they do occasionally, then the purchaser who has made the deposit on the new car may be in the position of just being an ordinary creditor against the company.

In those situations the factories do not like to declare what their policy is, but in the two bankruptcy situations which have occurred in the last year and a half around the Toronto area involving new car dealerships, we have been able to arrange compensation and restitution for the deposit from the manufacturers.

Mr. Shulman: Then am I to understand that within a reasonable time the same protection will be extended to new car dealers?

Hon. Mr. Rowntree: Frankly it has got to be extended and it will simplify the law so that the moneys on deposit are treated as trust funds.

Mr. Shulman: Mr. Chairman, through you to the Minister, we have heard quite a bit about dangerous toys and dangerous products this evening, and I wonder has the Minister arranged any liaison with the National Commission on Product Safety so that their work is made available to this department?

Hon. Mr. Rowntree: Our liaison has been entirely with either the consulate, with the importers themselves, with the consulates of foreign countries, and with the federal government.

Mr. Shulman: I am afraid the consulates of foreign countries, are not going to be too aware of dangerous toys until you tell them about it. Perhaps the Minister should be made aware that as a result of numerous products that were sold in the United States, and are still sold in Ontario, a commission was set up in the United States called the National Commission on Product Safety—and that was set up some two and a half years ago—and they have done studies on numerous things—

Hon. Mr. Rowntree: I thought you said an association. It is a commission, is it?

Mr. Shulman: The National Commission on Product Safety. I would like to give you one concrete example of work that they have done a year and a half ago which has resulted in legislation. Other countries have been completely ignored here. You may not be aware that you can go into any of the five- and ten-cent stores, Woolworths, Kresges and many drug stores and buy glasses, sun glasses, or eye glasses, with frames that are made out of cellulose nitrate. Now if you happen to be so foolish as to light your cigarette while wearing those glasses, poof, up goes the glass and at the same time, up goes your wig and various other parts of you. Now, this is not something new, it was discovered some three years ago in the United States how dangerous these things were, and legislation was put through Congress in the States a little over a year ago to ban these frames.

I am very disturbed to inform the Minister that I brought in a similar bill here which received first reading, and the reason it got no further is even more upsetting. The president of the company that imports those frames into Canada wrote a letter to the ex-Minister of Health, a copy of which I have in my possession—it is upstairs, I will send up for it—in which he says, "For goodness sakes, do not ban these eye glasses until I have had a chance to sell them because I have got 60,000 of them in stock." And the Minister wrote him back, reassuring him, which is even worse, and they have not been banned and they are still on sale here in this province. This comes under consumer protection. Now, I am going to ask this Minister—the other Minister has left us, you are still here—are you going to do anything, and I do not mean many years?

Hon. Mr. Rowntree: I hope you are putting me further down your list.

Mr. Shulman: No, you are at the top, you are still at the top, do not worry.

Mr. Lewis: We have got a Liberal list too. And I can tell you who is at the top of that.

Mr. Shulman: Does the Minister intend to take any action in reference to these dangerous eye glasses as one important, immediate step?

Hon. Mr. Rowntree: The answer is, yes. And if you would care to send me the particulars of that shipment—was it far enough back that they have been sold, do you think?—but in any event, at the last meeting, I guess it was in May, in Ottawa, with the federal authorities, we went over the details. First, it was agreed that Ottawa would introduce a hazardous products bill, which they have done, and is now legislation, and which I think is a good thing on a national basis, and particularly where many of these items are imported. But if you will let me have the particulars of that I would be glad to move promptly on it for you.

Mr. Shulman: Fine, thank you very much.

Mr. Ben: On this particular point—

Mr. Shulman: May I finish this, please?

Mr. Ben: No, this is a point of order. If the member had those letters, and if they stated what he says, then these must be tabled in the House, and I, personally, will move that the hon. person who was the Minister at that time be indicted before the bar of this House and ordered to vacate his seat.

Mr. Lewis: All right, there you have it.

Mr. Ben: If he would sell dangerous products like that, a person who would be suborned like that, then he should be brought before the bar of this House and cast out on his ear.

Mr. Shulman: Amen.

Mr. Ben: So, you table those letters in this House.

Mr. Shulman: Let me make it very, very clear. I have the original letter, a photostat of the original letter which was sent to the Minister of Health. I do not have his reply.

Mr. Ben: Oh, well, that is a different matter. Now you table those letters—

Mr. Shulman: I have to—

Mr. Ben: You table those letters because, as I say, I will move that he be cast out of this House.

Mr. Shulman: Would you let me finish, please? I have the original letter, a photostat of the original letter which was sent to the Minister of Health. The manager of the company informs me he received a letter of reassurance that no immediate legislation was planned. I do not have that second letter. I am sure the member will be happy—

Mr. Ben: Well, that is certainly a different kettle of fish, is it not?

Mr. Shulman: It is exactly the same kettle of fish, and just to get that quite straight, the facts speak for themselves. He sent the letter and they were not banned.

Mr. De Monte: On a point of order, Mr. Chairman. This member has impugned the reputation of a person in this House. All right, let us face facts in this House. He said he has two letters—one letter to the Minister, and one letter from the Minister. If we want to go back in the record let us just check the record now. I am sick and tired of sitting in this House and having the reputation of anybody impugned by this member and then we do not do anything about it. This is a disgraceful thing. This member has impugned the reputation of a member of this House. Now, just a minute, let us get it straight right now. Let us have both letters that he alleged were in his file. If he has not got them right now—he said he would send up for them—if he has not got them right now—

An hon. member: Go and get those letters.

Mr. De Monte: I will move that this member be brought before the bar of this House, and let us stop this stuff in this House, I am sick and tired of it.

An hon. member: Spoken like a rich Tory.

Mr. De Monte: Now, you see what I mean? I am a Tory for protecting somebody's reputation. It has nothing to do with politics.

Mr. MacDonald: Mr. Chairman, may I just add a quiet word that I am getting rather sick and tired of the Liberals smarting from all their problems and their frenzied personal attacks.

Mr. Ben: Whether it is parliamentary or not, we have nothing but liars over there.

Interjections by hon. members.

Mr. Lewis: Mr. Chairman, on a point of order—

Mr. Chairman: I am sorry, there was a previous point of order. The other member had risen first.

Mr. Lewis: I just have a question of the Chair.

Mr. Chairman: No, the member for Dovercourt had risen first on a point of order and he did not have an opportunity to state it before the hon. members.

Mr. Lewis: I want to know where the bar of the House is.

Mr. De Monte: That, Mr. Chairman, with the greatest of respect is just about the attitude you have on that side of the House. They do not know where the bar of the House—

Mr. Chairman: There is no point of order.

Mr. De Monte: That is right, but the point of order is—

Mr. Chairman: What is it?

Mr. De Monte: My point of order is that if a member of this House impugns the reputation of another member he should be able to back it up and that is my point of order. I asked him to produce and table those letters in the House.

Mr. Chairman: The hon. member is being quite repetitious, that is what he said in his first point of order.

Mr. De Monte: I just wanted to make my point clear.

Mr. Shulman: May I speak to this point of order?

Mr. Chairman: The member for High Park.

Mr. Shulman: I want to go back to the letters. I would suggest first of all that the hon. member read *Hansard* to see what I actually did say because he has completely mis-said what I have stated. What I said was, and I will repeat it again, was that I had a letter which I had upstairs—

Interjection by an hon. member.

Mr. Shulman: I wish the member would let me finish please, I do not interrupt him. What I said was, that I have the original letter—a photostat of the original letter—which was sent to the hon. Minister of Health and that he had replied stating that there was nothing to worry about. I did not say I had his reply. Now let us get that quite straight.

Now to add the kernel to the—

Mr. Chairman: The hon. member has made his point of order.

Mr. Shulman: With reference to the point of order I may also say that it rests *ipso facto*, the original letter was sent to the Minister of Health, and as a result, there was no banning of those eyeglasess; that speaks for itself. That is a year now, and you can still buy those eyeglasses down at Tamblyn's.

Mr. Chairman: Well, I am not sure just exactly what the hon. member for High Park did say. I must say that I was under the impression he had referred to two letters in his files and that he would send up for a file, although I am not certain. I would want to review the record of what was said before I would make any comment whatever, on the point of order that has been raised.

Mr. Lewis: On a point of order, sir, knowing that you are one who believes that language in this House should always be couth, I wonder whether you might ask the member for Humber to withdraw.

Mr. Chairman: Yes, the hon. member for Humber did refer to the group as "liars," and I do not think that is proper.

Mr. Ben: I accept that it may not be parliamentary, but I think, Mr. Chairman, that this matter should in this House be brought to a head. Under the circumstances I invite that I be brought before the committee on elections and privileges and let us thrash some of this stuff out. After all what is the committee for?

Mr. Chairman: I certainly specifically heard the hon. member for Humber refer to—

Mr. Ben: Oh, I do not deny that, Mr. Chairman, I do not deny it at all, I am saying that I will not withdraw it and I ask that I be brought before the committee on elections and privileges. The hon. member should substantiate his evidence. There is no truth in most of the members over there.

Interjections by hon. members.

Mr. Chairman: Order! The hon. member for Humber knows full well that it is one of the worst abuses of the procedures and rules of this House to refer to any other hon. member as a "liar" of "liars".

Mr. Ben: No worse than having to listen to lies.

Mr. Chairman: Order! I would direct the hon. member to withdraw the statement.

Mr. Ben: I just finished telling you, Mr. Chairman, I invite you to cite me before the committee on elections and privileges because I refuse to withdraw it. It is about time that this conduct was brought to a head in this House and we had a hearing on it. And I am prepared to sacrifice myself for that purpose before the committee.

Do not take the time of this House by asking me. I have made my point. If you wish to cause me to withdraw from the House, do so, but then give me an opportunity to go before the committee on elections and privileges.

Mr. Chairman: Order! I must say that at the moment Mr. Speaker Cass is not available for the Chairman to rise and report to him. The only alternative that I have is to entertain a motion to rise and report the matter to Mr. Speaker. Now, in view of the, I believe, impossibility to do that at this moment, certainly I will report to Mr. Speaker.

Mr. MacDonald: You are the Deputy Speaker. Rise and report to yourself.

Mr. Chairman: I am the Chairman at the moment.

Mr. Shulman: I move that you rise and we—

Hon. Mr. Rowntree: What about my estimates?

Mr. Chairman: May I say to the hon. members that the only thing I can do is to ask another hon. member to serve as the Speaker and accept the report of the Chairman.

Mr. Lewis: I will be pleased to do that, Mr. Chairman.

Mr. Chairman: Whichever member happens to do that service at the present time can only refer it back to Mr. Speaker Cass.

Mr. Lewis: Well, if only to concede the refinement of expression to our right, the

sensitivity of tongue of the member for Humber, I think it is worth discussing further.

Mr. Chairman: The hon. member for Humber has definitely disregarded the direction of the Chair to withdraw the statement which is certainly an abuse of the rules and procedures in this House and the Chairman cannot tolerate that.

Now I put it to the committee under the circumstances I will report this to Mr. Speaker Cass at the very first opportunity, which I expect will be tomorrow. Failing that, I am not just sure what we can do to resolve it tonight. I do not think we can do anything.

Mr. Ben: Mr. Chairman, I do not want to be offensive to this House, I do not want to embarrass you. I appreciate your predicament in not having Mr. Speaker to report to you acting under the circumstances as Chairman. I am not going to budge from my position, but in consideration of my respect for this House—I have already stated I want to go before this committee and have this brought to a head—and to save you embarrassment, Mr. Chairman, I shall withdraw from this Chamber now and return tomorrow and by that time you shall have had opportunity to discuss the matter with Mr. Speaker.

Because I am serious in my position here, I think the matter should be brought to a head. It is not a nice thing, Mr. Chairman, to get up in this House and deliberately use the expression "liar" but I did so deliberately because this House has been remiss, I suggest respectfully to the hon. members, remiss in its duty to keep its members in bounds.

You have permitted all kinds of exaggerations, false words, misleading statements, innuendoes, slandering of responsible members of this House, to be brought before the House, and you have done nothing. I do feel that the issue ought to be brought to a head and I am sorry that I have to be the instrument of this. I regret it very much but that is my position, so in order to save the House further embarrassment, Mr. Chairman, I will ask you permission to—

Mr. Chairman: I assure the hon. member there is no embarrassment to the Chair. The Chair finds itself in a position that there simply is not anything to be done to resolve it at this moment.

Mr. Lewis: There is no problem, Mr. Chairman. That kind of withdrawal is more than we could ever have hoped for. We are prepared to leave it at that.

Mr. E. Sargent (Grey-Bruce): Mr. Chairman, we are witnessing here a continuance of a certain member who has repeatedly hit below the belt.

Mr. Chairman: What is the point of order?

Mr. Sargent: The point of order is that I would like the Chair to make a specific stand on what has happened here tonight, on this point. The member for Ontario (Mr. Dymond), in my books, is one of the finest men I have ever met. He has been slandered by this man who hits below the belt every chance he gets, and continues to get away with it all the time. I think we owe it to ourselves, gentlemen. We can fight politics tough and be nice about it, and be gentlemen.

I have been one of the worst offenders in this House but I think I can face every one of you and say that I have acted as a man towards you. I would not say the things about any fellow member that this member has repeatedly said about members in this House. I think we owe it to ourselves, Mr. Chairman, for the Chair to take a definite stand tonight that something will be done about this.

Mr. Chairman: Well, the Chair has taken a stand by directing the hon. member for Humber to withdraw his allegation that the members to your left are liars.

Mr. MacDonald: The Liberal Party?

Mr. De Monte: Why can you not be quiet and let people talk for a while?

Mr. Sargent: I do not agree, you see—

Mr. Chairman: I shall investigate the—

Mr. De Monte: Mr. Chairman, on a point of order.

Mr. Lewis: With the member for Downsview returning, I would end it now.

Mr. V. M. Singer (Downsview): Tell me what the problem is, Mr. Chairman.

Mr. Chairman: I may say—

Interjections by hon. members.

Mr. Chairman: Order, please.

Mr. Sargent: Mr. Chairman, I will be very brief and finish up.

What has happened is that this man is allowed to say these things and nothing is done about them and he will go right across the whole House and he can crucify any member in this House. He takes it upon him-

self, with the press he gets, and we allow him to get away with it.

Mr. Chairman: The hon. member is out of order.

Mr. Sargent: I have made my point. The Chair will do something about it.

Mr. De Monte: Is the Chairman going to request the hon. member to table the letters in this House that he alleges that he has in his possession?

Mr. Lewis: The hon. member indicated what he had said.

Mr. Chairman: Order. The Chairman has indicated clearly to the committee that I was not in a position to determine just what the hon. member for High Park had said, that I would check the records, listen to the tape recording if necessary, to determine just what was said at that time. When I know what was said then I will be in a position to dispose of that matter.

Now, the next point of order was that raised by the hon. member for Humber. I directed him to withdraw his allegations that those members of the New Democratic Party were liars. He refused to withdraw. Now he has left the Chamber. I intend to report this to Mr. Speaker at the first opportunity. There is nothing that can be resolved this evening.

Mr. Lewis: You are right. One defeat, one defection and look at what happens to the Liberal Party.

Mr. Chairman: I assure all hon. members that I will take up both matters in the morning.

Mr. Shulman: Well, Mr. Chairman, may I—

Mr. Chairman: On vote 704?

Mr. Shulman: Same point.

Mr. Chairman: Right.

Mr. Shulman: The point I was trying to make and what I was trying to ask the Minister when all this excitement began was, will he contact the National Commission on Product Safety and if possible, subscribe to their studies and what they do?

They are continually doing studies on various consumer products as to their safety. Now they send these out to all the states and the Congress and the Senate and I am sure that for a very small sum they will be quite happy to send them to the Ontario department of consumer affairs. Would the Minister be agreeable to that?

Hon. Mr. Rowntree: Well, I will be glad to look into the matter and inform myself about the publication and about the operation of the commission to which the hon. member refers.

Mr. Shulman: Thank you. Now perhaps before I go on to another matter, there are two odds and ends that you promised you would clear up tonight under this particular vote. One was in relation to real estate agents in areas of less than 5,000 population.

Hon. Mr. Rowntree: Well now, this situation has developed as a matter of policy to try and meet the needs—

Interjection by an hon. member.

Hon. Mr. Rowntree: Well, I wish you would speak louder so we could all enjoy the joke.

Hon. Mr. Grossman: My hon. colleague would like to hear what he said. I would be glad to tell him.

I was telling my colleague that the hon. member for Humber made one mistake, he did not realize only one man has the exclusive privilege of calling people liars around here, and that is the hon. member for High Park.

Mr. Chairman: Order. The statement is entirely out of order.

On vote 704:

Mr. Shulman: On a point of personal privilege, Mr. Chairman. I wish to point out that in the time that I have been in this House I have only had occasioin to call one member a liar. It was the Minister of Correctional Institutions and I have had occasion to substantiate that. The only other occasion where a man lied here was the Minister of Social and Family Services (Mr. Yaremko) and that, as you recall—

Hon. Mr. Grossman: Well, you have just changed that then—

Mr. Shulman: The only other occasion where a man lied here was the Minister of Social and Family Services—

An hon. member: What are you trying to do, outdo the hon. member for Humber?

Mr. Chairman: Order.

Mr. Shulman: I resent the observations.

Mr. Chairman: Order. The hon. Minister.

Hon. Mr. Rowntree: Well, let the hon. member for High Park and me get the House back into shape again, how would that be?

The question has to do about real estate salesmen and the requirement that they be engaged on a full-time basis with the exception of the fact that that need not be so in towns of 5,000 or less.

Let me point out that the position as I have described previously taken by the registrar was the policy position taken by the registrar himself. The present practice is to permit part time brokers and salesmen where the population is not in excess of 10,000 people.

Now there are arguments for and against this policy. There is a view that is advanced that those who are engaged as real estate salesmen should be full time because the transactions that they are engaged in, certainly in the residential field, frequently involve probably one of the larger types of financial transactions that the average individual is engaged in in his lifetime. It is a very important matter and there is a good deal to know about it; whether it is the local bylaws and all the rest of the knowledge that goes with it.

On the other hand there is the other view. The contrary view to that is that there are people with competent knowledge, maybe older people, maybe people who have retired from municipal affairs, I mean locally.

They have not only an adequate but complete knowledge of the locale where they live, which would be in a smaller town. A major argument can be made out that as part time occupation they should be permitted to have a real estate salesman licence on a part time basis and it is at that point that the matter exists at this moment.

It no doubt will be argued out before the committee of legal bills when this bill goes to the committee.

Mr. Shulman: There are two matters that are disturbing here, to me. First of all, in *Hansard*, in this House on July 19, 1968, you promised that you were going to rescind that rule.

Hon. Mr. Rowntree: No, I think it was rescinded from five to ten—

Mr. Shulman: Not what you said.

Hon. Mr. Rowntree: Well the whole thing is being placed before the legal bills committee because it has been a matter of discussion with various segments of the industry. There are two viewpoints. That is why I have put them both. I do not think I can be fairer either to the hon. member or to the House than to state the opposite two viewpoints and point that the matter will be argued out with those parties present at the legal bills committee.

Mr. Shulman: There is one thing that I find very disturbing. I can understand the both sides of it. But the one thing I do not understand is when a man is practising in a town of say 9,900 and everything is quite okay. This town suddenly grows over the 10,000 and you phone up and say: "Sorry, you are out of business." Now that, of course, is what started this whole thing going last year —which is what I was objecting too. Now I hope the Minister will agree with me that that will never happen again.

Hon. Mr. Rowntree: We have no record that that situation has ever happened. Although I must say that that is a possibility. But in all matters whether it has to do with new constituency boundaries or limits involving money or population, at some point wherever a line is drawn, it is trite to remind the members of the House that there will always be one area above the line and some below the line. No matter where the line is drawn the arbitrariness of any distinction or division will exist. I would just hope it would be at a line where it would never create embarrassment or trouble.

Mr. Shulman: Well, what I am asking is, once the line is drawn if someone is acting quite legally within that jurisdiction, if through no fault of his own his jurisdiction grows, I would hope the Minister would agree with me that he will not be put out of business?

Hon. Mr. Rowntree: That is correct, and I think that would fall under what we from a legislative point of view would regard as grandfather rights.

Mr. Shulman: The other point the Minister was going to elucidate on was the matter of mortgage brokers or insurance brokers splitting fees, splitting comissions with foreign companies.

Hon. Mr. Rowntree: Well, the new Act provides for this and makes it permissible. I do not know that I need add any more. The gist of the thing is that in many of today's land transactions, where they are land assembly, there is an international or interprovincial aspect to the matter of whether they be financial interests brought together by real estate agents or whoever they may be. They both are solved, if I may put it

that way, and we see nothing wrong with that.

Mr. Shulman: Now, on a slightly different but related matter, I have another similar problem. Apparently you have a rule in your office that says that any person registered as an insurance agent who wishes to also be registered as a real estate salesman must be employed by a real estate broker who holds insurance registration identical to his own.

I have a letter here, it is signed by a gentleman in your real estate and business brokers department. Would you please tell me what in the world is the reason for that?

Hon. Mr. Rowntree: Would you read the proposition again slowly? You lost me.

Mr. Shulman: Let me explain the situation and make it a little more simple.

There is a real estate broker who is practising in Wyoming, Ontario, and he wished to hire a real estate salesman. This man, in addition to being a real estate salesman, was also applying as a general insurance agent, apparently his qualifications were sufficient to receive it. However, he received a letter on October 28, 1968, from your Mr. W. T. Hare in the real estate and business brokers department, refusing his registration.

The reasoning is really quite interesting. The name of the man is Joseph Junior Stephenson, who lives on Thames Street in Wyoming, Ontario, and it says:

> Dear Sir:
>
> In checking your application for registration as a real estate salesman, we note that you intend to be employed as a general insurance agent concurrent with real estate registration.
>
> A check with the office of the Superintendent of Insurance, however, indicates that Norman Reddick does not hold insurance registration of any kind.

Norman Reddick is the real estate broker he wanted to work for.

> It is a requirement of the Superintendent of Insurance that any person registered as an insurance agent who wishes to also be registered as a real estate salesman, must be employed by a real estate broker who holds insurance registration identical to his own.
>
> We therefore cannot at this time process your application for employment. If you still wish to become registered as a real estate salesman, you must seek employment with another real estate broker.

Now, for goodness sake, explain that one to me.

Hon. Mr. Rowntree: Well, Mr. Chairman, at this hour of the night that one just floors me.

Mr. Shulman: It floored me too.

Hon. Mr. Rowntree: Let me take this under advisement and look into it and I will write the member a report on it. It sounds pretty involved to me. But I would like to find the answer to this.

Mr. Shulman: It is a bureaucratic foul-up, I think, somewhere in the department. If the Minister would straighten it out, I would appreciate it.

Hon. Mr. Rowntree: I will find out about this.

Mr. Sargent: Mr. Chairman, in this vote there is about $1 million in salaries for the consumer protection branch here.

One of the most important things today is money or the lack of it or the borrowing of it. Going back over the years usury in former days was punishable by death, but today usury is rampant in this city of Toronto and in Ontario.

I have here a statement to be furnished by the lender to the borrower on the confirmation of a loan. And this particular statement is based at 19.94 per cent per annum. Now that is bad enough, but I am wondering why this department would encourage or allow the last clause on this document, which says: "The additional charges that may be made in the event of default if not paid at maturity the unpaid balance therefore shall bear interest thereafter at the rate of 12 per cent" and that is on top of the 19.94 per cent.

"In addition thereto, the borrower agrees to pay solicitors' fees of 15 per cent on the unpaid balance." Now, if the payment was $1,000, if there was $2,000 or $3,000 still owing, there would be a solicitor's fee of $300 or $400 there. Finally, it says—

Hon. Mr. Rowntree: How much money was involved?

Mr. Sargent: Well, the payments in this particular instance I think were about $1,000 a month, I am not sure.

Hon. Mr. Rowntree: What was the total?

Mr. Sargent: The loan? It was a $25,000 loan. "The borrower", it says finally, "agrees

to pay a delinquency charge of 5 cents of each full dollar of that portion of any instalment not paid on the date due or within five days thereafter."

So that could be another $50 on the basis of 5 cents per dollar on a $1,000 payment. Now, I take it we are compounding, we have an exorbitant interest rate which is current all across the money market today.

Anyone who has to go out for money, they know they have to pay—they are paying 12 per cent on first mortgages now, bank loans at 10 per cent and 12 per cent first mortgages, and seconds are up to 20 or 25 per cent. Now, we take this exorbitant rate which people cannot live with, you cannot stay in business with, but we are compounding it by allowing these Shylocks, as it were, to do these things at the tail end of the contract. It is a delinquency or default.

I think there should be some review, Mr. Chairman, of how they can. They are going the proper route by saying: "This is what it is costing you as laid down by this department", but they are being allowed to clip and clip.

Hon. Mr. Rowntree: In the first place, hon. sir, our problem is that the province has no right to control interest rates, that is No. 1. The second thing is that the next thing—

Mr. Sargent: The Minister means in general?

Hon. Mr. Rowntree: Yes. So the next best thing that we can do is to call for absolute disclosure of all of the factors—full, true and plain disclosure. Now, in making that disclosure, if those terms are that bad and rugged, I would hope that the person involved would say: "My goodness gracious, I think I better talk to my wife about this before I sign the note", and it would be a deterrent to him.

Secondly, there is such a thing as a remedy under The Unconscionable Transactions Act and as action, a civil action, which he could bring against the lender of the money. The whole thing would be considered by a judge and it is possible that the whole transaction would be set aside.

Mr. Sargent: Well, I would like to ask the Minister, these are the tariffs as laid down as approved by this department?

Hon. Mr. Rowntree: No, we do not approve the tariffs at all, we just say "you must disclose".

Mr. Sargent: Oh, I see.

Hon. Mr. Rowntree: Whatever the deal is that you are going to demand of that man, so the lender must disclose and make it apparent. At that point, that is as far as we can go.

It is the same then, you see, whether you are buying furniture on time from one store or another, that if the same disclosure is made you then have the choice. But the final decision as to whether you make the deal or not lies with either the borrower or the purchaser. Now, it is a sad thing that we do not have the power to regulate interest rates. But there is that Act. We do require disclosure of all pertinent aspects. Secondly, there is a remedy—you would have to get a lawyer for it—under The Unconscionable Transactions Act.

Mr. G. Bukator (Niagara Falls): I have a question on the various points you make now. The Consumer Protection Act came into existence a year or so ago. Would not your department under that Act, look into a trans action such as this one, and if need be, apply The Unconscionable Transactions Act to that particular case to protect the people? Will not the government do that?

Hon. Mr. Rowntree: No, The Unconscionable Transactions Act could only be brought into play before a judge.

Mr. Bukator: That is right, but would your department not do it under the Act for the past few years?

Hon. Mr. Rowntree: Not when you are in terms of borrowing and dealing in deals of $25,000.

Mr. Bukator: Well, I think if a citizen is being taken to the extent that this gentleman just revealed to you, that you ought to protect that man and I think that your department should go after them.

Hon. Mr. Rowntree: Oh but, with all fairness, a man who is borrowing $25,000 surely must be alert enough to make some decisions on his own account. If it were a matter of $50 or $500 I might be inclined to agree with you.

Mr. Bukator: Well, I must pursue this a bit further. I would think the man is not alert, he is desperate at this point, trying to save whatever investments he has. I would think that is is because of the trap that he finds himself in that this government brought that Act about not all long ago, The Consumers Protection Act.

Hon. Mr. Rowntree: No, it is based on disclosure.

Mr. Bukator: Well, you certainly have disclosure, all right. I would think in some cases you might even get protection because this is not the only man that is caught in that particular situation.

Hon. Mr. Rowntree: The answer for him is not to enter into the contract when the disclosure has been made. It is the same thing in securities. Provided that full, true and plain disclosure has been made, the final decision to buy the security is up to the buyer, the investor, not the government.

Mr. Sargent: We have a ceiling on a lot of things, but the most important thing is money, and there is no protection on money.

Hon. Mr. Rowntree: It is not in our government control.

Mr. Deans: I just want to pursue the point that has been raised over here. The method of disclosure, I think, does not go far enough because last year we raised with you a matter of an order form which was distributed and on the bottom of it, no doubt, the amount that was going to be charged per annum was disclosed. Unfortunately it was unable to be read, it was so small. Now, my colleague from Thunder Bay raised this matter with you last year during the estimates, and we never did receive the answer as to the disposition of this kind of form sent out through the mail. This came out of a catalogue, actually.

Hon. Mr. Rowntree: I think it sounds insufficient to me.

Mr. Deans: Yes, what I was going to suggest is that not only should it be disclosed but should be disclosed in bold type that can be easily read by a person without spectacles, because this cannot be read without a microscope. It just does not do any good, the disclosure means nothing, unless you can see it.

Hon. Mr. Rowntree: Would you like to send it over to me?

Mr. Deans: Yes. I sent it before, could I have this one back? I only have one copy.

Hon. Mr. Rowntree: I do not remember seeing it before.

Mr. Deans: I will send it to you so you can look at it. I am sure you have seen it.

Hon. Mr. Rowntree: Can you send it?

Mr. Deans: I will bring it.

Mr. Lewis: Take our word for it, it is microscopic.

Hon. Mr. Rowntree: Microscopic?

Mr. Deans: I will tell you, I will even bring it.

Hon. Mr. Rowntree: I need the company's name, that is what I want.

Mr. Pilkey: Mr. Chairman, for a moment I would just like to talk about the question of slogans that are being used in this province, to deceive people, in terms of "easy credit," "revolving credit," "all-purpose credit," etc, that would lead people to believe that they are getting something in a very simple way and the payments are easy. I think that most of the people in this House now know that it is not such a simple procedure. By and large the people in this province, through these slogans, are being taken in, if I could use that term. It is really reflecting in higher costs to the people of this province.

I want just to cite a case, and I want to relate this to Simpson-Sears, which is supposed to be a reputable company in this province, and I believe that the T. Eaton Company have the same procedure. In this document that you sign, Simpson-Sears all-purpose and/or easy payment account agreement, in item number two—they have a number of items that you sign when you get credit from Simpson-Sears, and just let me read one:

> I may elect to make payment on a monthly basis beyond such 30-day period in which event I agree to pay such monthly amount, plus service charge, as shall be specified and required, by the all-purpose and/or easy account terms as outlined in the account brochure 50306, or term page in Simpson-Sears' current catalogue.

Now that is the point. Simpson-Sears' current catalogue. People in this province have been making purchases and it tells what amount of interest they will pay on a per annum basis, and it was 18 per cent, which is a fairly high interest rate, but anyway that is what it is, 18 per cent. Now, when Simpsons—as I said I think that Eatons have the same procedure—when the new current catalogue is published, the interest rates go up and in this case they went up 1.2 per cent, so that instead of 18 per cent *per annum*, it is 19.2. Then the people that made a purchase at 18 per cent, are now charged 19.2. I think that that is a rather deceitful way to

run any business. When you make a purchase, or even when you make a loan, in most instances, the interest rate at least stays constant, over that term, but here we have a case where, because a company brings out a new catalogue they are allowed to increase the interest rate. And I think that your department—

Hon. Mr. Rowntree: The point you are making about that purchase of merchandise from the credit relating to it—the complaint is that in the middle of the term of the repayment contract the rate goes up, whereas you are suggesting it should be constant to the end of the payment pertaining to those articles at the rate for those articles which was in effect prior to the increase, the new rate. I just want to get it clear.

Mr. Pilkey: I feel that most of the people in this province that do buy on term payments from Eatons or Simpsons feel that they are dealing with a reputable company, and I am sure that they do not go into all the small print, and then they find that during the term their payments have been increased as a result of the increase in the *per annum* percentage. You know, I could understand it if the company had to borrow money at higher costs; obviously they are going to charge higher costs, and I use this as an illustration. But if the Simpson-Sears company bought a chesterfield and they had to borrow the money that reflects in the cost to the consumer. Surely it didn't cost them any more to purchase the product or borrow the money because they had borrowed it previously. So this is a windfall. This is a windfall for these companies and I think your department ought to be aware of this and take some specific action against these companies that attempt to get that type of windfall at the expense of the people of this province.

Mr. Chairman: Vote 704. The Member for Peterborough.

Mr. Pitman: Mr. Chairman, I would like to bring one matter to the Minister's attention which has bothered me for some time. I will be very brief.

It surrounds the whole problem of computer billing. I have heard a great deal about it from people who are purchasing a great many things. Today, as the Minister well knows, more and more of the corporations are using computer billing to administer their affairs. Very many people are buying records, books, clothing, so on by mail and they are then being billed by computer. On numerous occasions, I have had people say to me that they have been billed, particularly by record companies and so on, for materials and goods they have not received.

The Minister's first reaction, I am sure, is "Why do they not simply write back and say they did not receive them and refuse to pay?" I think there is something a little more complicated here because I think today people are almost awed by the computer, by technology, they are almost afraid to believe that they could be right, that the computer could be wrong. Secondly, it is almost impossible to carry on correspondence with a computer.

An hon. member: Hear, hear!

Mr. Pitman: Again and again, individuals—

Hon. Mr. Rowntree: It is darned awkward.

Mr. Pitman: Indeed it is. In fact I will relate a short incident, Mr. Minister, in just a moment.

Thirdly, I think perhaps the other thing is that the average individual who is intimidated by the computer finds himself in a position where he has to try and dredge up records of billings and records of goods received and records of cheques he has sent. The average person today is carrying on such a tremendous spectrum of activities that he has not the time to keep all these individual files of every transaction he has with every company. This, as I say, has been a problem which has been brought to my attention by a number of people and then it hit me personally when I got into an altercation with a record company.

Some years ago, I joined one of these record clubs, receiving the records, on so on, which went on for several years. Then suddenly I got a bill for $8 or $9 and I was convinced I had not received the goods to which this bill had been assigned. I wrote back to the company and said, "I am sure you have made a mistake." They had made several mistakes before which we had settled quite amicably, and I received no letter in reply just another billing. As the Minister well knows, the billings came faster and the letters accompanying the bills became less and less nice as this billing went along.

I continued to write back after each billing, explaining what had happened and the one thing I asked for, which is a normal and reasonable thing for any person in Ontario to ask, was a record of my purchases, a

record of the goods which they claimed they had sent to me. This was the only way in which I could sit down and decide that I had not received two or three or four records for which I was receiving a bill.

They refused to send me this and I kept sending letters back and I then finally began registering letters but I received nothing but continuous billings. Finally, I started getting a letter from a legal firm telling me in no uncertain terms that the company was going to take action unless I paid this $8 or $9.

Now—and I am just a little ashamed to say this, Mr. Chairman—I finally became angry enough that I wrote to the chairman of this particular company and said that unless they stopped sending me these nasty letters, as a member of the Ontario Legislature I was going to bring this whole matter up under the Minister's estimates and I would reveal the name of the company and bring additional proof of the whole operation. You may have noted, Mr. Chairman, I have refrained from using the name of the company. But the point was that as soon as I wrote that letter, I got a letter back very quickly, within a couple of days, telling me that the bill was all wiped clean and everything was fine, all was forgiven and my request that I be moved from their list of members was granted.

Now, I am sure, Mr. Minister, you can see that this line of attack is one which the average citizen of Ontario does not have. I suggest to you that this is a very serious problem. I suspect that there are hundreds, maybe thousands of people in this province who are paying bills for goods they never received because as I say they are in terror of the computer, they are awed by it. They are unable to keep records, and all I am wondering is, is it possible in this province of ours, in this form of billing can a purchaser actually be hauled into court or really be intimidated in this way without the company being able to produce a list of the goods which the customer has received? I think this is where the whole thing hangs. Computer operations apparently cannot produce this kind of record. I am just wondering what the Minister feels in regard to that kind of problem under his department.

Hon. Mr. Rowntree: I think you were very tolerant in your approach to the matter and I will admit that what I am now going to say would not help you much at this stage because you have got your remedy but had you brought the matter to our attention—this whole question of computer error with respect to billing is well known to us and you eventually got it straightened out, yourself; but the whole world and the rest of the citizens of Ontario may not be as fortunate as you are and that is what we are really talking about.

This has caused quite a problem and the truth of the matter is that these computers that have been developed as billing machines have not been developed to the fine point of accuracy that the manufacturers or lessors or users of them would like to have you believe. It might amuse you to know that in some investment houses that use them, there are monthly statements going out showing the purchase of 40,000 CPR investment company shares, purchases of 100,000 of something else, the sale of 20,000 of this and 30,000 of that, none of which really had ever been ordered or purchased by the customer. Of course, this is looked on as a great big joke but the thing has not been worked out, the bugs have not been ironed out of the situation.

On the other hand, it may be said that the computer is generally an accurate machine and they have come a long way with it and have done a lot with it. The errors that arrive, well, the computers are only as good as the programming, the material fed into it and that is the human factor. Computers are just as good as is the programming or the material fed into it, and in far too many cases, it is in error.

I still have not answered your question, indeed I am not sure what the answer is but I think the first thing I have to do is to recognize the problem. My own view is that we had better get to the heads of these companies who make or lease these computers, saying to them, "You had better do something because at the rate you are leasing these machines, you are creating mayhem among the community and what are you going to do about it? You have got your customers so embarrassed—and I do not mean you as a customer, I mean a lessee, that the company, your customers, the lessees, are so humiliated and embarrassed that they are afraid to face their customers," being you and me. This is exactly what is happening.

Now that you have got the matter just in this form, when you are half through your presentation, I was going to suggest that you direct your letter to the president of the company who would be familiar with the public relations problems inherent in such situations.

An hon. member: I tried but could not—

Hon. Mr. Rowntree: Could not get through to him? Did you try?

A solution has to be found and I can only state to you and this House that we will apply ourselves. There has to be some easing off, the strife has to be taken out of it, the composure has to be restored and the normal relationship re-established between people trying to do business together.

Mr. Deacon: Mr. Chairman—

Mr. Chairman: The hon. member for High Park has been on his feet for a little while.

Mr. Shulman: I hope I am not irritating my friend to the right.

Mr. Singer: No more than usual.

Mr. Shulman: I am pleased. I would like to talk, through you, sir, to the Minister about cemeteries. There are two matters I would like to discuss with him.

Hon. Mr. Rowntree: They are pretty deadly.

Mr. Shulman: Yes, I am afraid so. For instance, last year during your estimates in which you were responsible for this particular branch, I pointed out to you a waste of money that was occurring, partially through your department and partially through the coroner's office, in which there was a duplication of work being done, in which when a cremation was required, coroners were being called under The Cemeteries Act to fill out a cremation certificate even though in many of the cases—actually I believe it was 25 per cent of the cases—a coroner had already investigated the case and had signed a certificate; and I asked you if you would bring in an amendment to the Act which would state that when a coroner has already investigated the case he need not sign a second certificate, at a cost of $10 or so to the family, which is just sheer waste.

At the time you said you would look into the matter. It is one year later. Have you looked into the matter?

Hon. Mr. Rowntree: The suggestion that you made to me last year was one that has some appeal to me because it sounded like a far more efficient method of doing business than that heretofore in existence.

We are finishing up our legislative programme now from last year. I would think that you can look forward to the changes in the ensuing session. There was a considerable time spent with this branch getting it transferred into our department and getting the advisory committee functioning. Also, staffing came to us from another department with almost no people at all. There were certain vacancies in the staff and the point that you raised—I remember quite clearly—has more than just a little appeal to me. I would think that you could look forward to something along this line in the weeks ahead during the coming legislative session.

Mr. Shulman: Thank you, Mr. Minister.

Now the second matter is a little more unpleasant. It involves problems that families are having with cemeteries and with bodies. I wrote to you about one of them and you were kind enough to straighten it out.

Now there is another matter here which has not been able to be straightened out and I would like to ask your advice on it.

A family by the name of Samarin came to Canada immediately after the war and they worked very hard as labourers. Unfortunately the breadwinner of the family, Michael Samarin, died in 1952. The family were penniless at the time, and as a result Mr. Samarin was buried as an indigent.

These are very hard working people, they are from eastern Europe and as are all people of that type they are very aware of their obligations and of their responsibilities. Since that time the widow has gone out to work and has worked extremely hard, and finally over a period of some 16 years she has saved up enough money so that she felt she could afford to pay for a grave for her husband.

She went to the Mount Hope cemetery and she said that she would like to raise a memorial stone to her husband. They informed her that this was not possible because he was buried as an indigent and under some rules if someone is buried as an indigent, a memorial may not be erected on the land.

She said: "I accept this, I understand it", because she is a very reasonable woman. "In that case I have enough money, I would like to have his body disinterred and reburied and I will pay for the plot so that I can raise a memorial."

Now they have flatly refused to do that and when they refused her—

Hon. Mr. Rowntree: How much time had intervened?

Mr. Shulman: 1952.

Hon. Mr. Rowntree: So that would be, say, 17 years—16, 17 years.

Mr. Shulman: Well, I wrote to them in—

Hon. Mr. Rowntree: You understand what I am getting at?

Mr. Shulman: Yes, yes. But of course disinterments are made 100 years later when we are moving cemeteries, it is not a problem in moving the bones, or in building expressways, and I think this reason might perhaps be just as adequate. Agreed it is not the most pleasant job in the world but there is no practical reason why it cannot be done.

In any case they refused her and on September 15th I phoned the Mount Hope cemetery on Erskine Avenue and I explained the problem and asked if they would do something about it. They wrote me on September 16 saying: "On graves to which the cemetery has title no memorialization is permitted. These graves are given the same care and maintenance as other graves in the cemetery and upon request will be shown to any member."

There was no comment whatsoever about having the body disinterred so I wrote again on September 18 to Mr. Clune at the cemetery:

Dear Mr. Clune:

I received your letter of September 16. The family of Michael Samarin wish to disinter the body and to rebury it in a grave which they will pay for.

Please advise me what is the procedure to be followed.

Your sincerely,
Morton Shulman.

Now there was no reply received from that letter but I did receive a phone call in which they said they would not allow it. Now I find this difficult to understand and I would like to ask the Minister is there no procedure by which a family may at least have a memorial put up to their loved ones?

Hon. Mr. Rowntree: Yes, there are certain rules in different cemeteries about where memorials and the size and nature of them may be erected. I think you are familiar with that. Then there is the element of the removal of the remains after the 16 years from where they presently are to a new location. Now that can be arranged, and I think maybe if you were to send the material over to us we can do the necessary.

You have been corresponding with the cemetery. It involves, I think, the local officer of health and a certificate from him probably endorsed by our department, but we would be glad to take the matter up and see that it is processed for you.

Mr. Shulman: Thank you very much. I will forward it to you tomorrow.

One final brief matter. The member for Grey-Bruce was kind enough yesterday to bring up Bill 183, which sits on the order paper, and he was kind enough to praise that bill.

I am forced to agree with him it is an excellently drawn bill, and I would like to commend it to you to ask if there is any possibility of your adopting the principle of this bill which frees recipients of any obligation to pay for return unsolicited merchandise.

Would you consider endorsing such a bill, or perhaps if you would like to change the wording slightly, bring in such a bill under your own auspices?

Hon. Mr. Rowntree: I have no objection to considering your suggestion whatsoever. In the long run what I contemplate in this department, in this commercial field where consumers are constantly involved with questionable transactions, is that the ultimate solution rather than a lot of legislation, may be a bill of acceptable business practices.

Whether you recall or not, I have said on numerous occasions that I would rather have less legislation and fewer laws but better laws. We get piles and reams of legislation on our books, so I would rather have fewer statutes in my department, a more simply direct approach to the fundamental issues that are involved which would include the type of thing that you are talking about now.

While we are talking about that, some of the best-known people who are certainly suspect and subject to a lot of criticism on this very point that you raise, and their conduct is frankly unacceptable, have not been in the last year or so receiving any leeway from our department.

They have been pressed and are being pressed right to the wall. I do not mean in the sense of bankruptcy but I mean they are not being given any leeway or tolerance whatsoever. We are going to keep this pressure up because actually it amounts to commercial blackmail.

Mr. Singer: Mr. Chairman, before we got into the cemetery business there were several complaints addressed to the Minister about lack of disclosures from various private businesses.

I am glad that the Minister of Health is here because I think he should hear this too. But I wonder if the Minister could address himself for a moment to a lack of disclosure emanating from The Department of Health.

In one of the large municipalities in this province on September 29, a personnel officer received, for distribution to all his employees, a card which reads this way:

> I am the person named herein and agree to the terms and conditions of the Ontario Health Services Insurance Plan and I authorize any attending practitioner to release information requested for claim purposes to the Ontario Health Services Insurance Plan, in the name of the subscriber.

Well, this was pretty well standard except that in all the other insurance plans which used to exist, accompanying this kind of identity card and the authorization to doctors to release information were the regulations which were referred to in the card.

However, our Minister of Health neglected to provide the rules and regulations that he expected every employee of this municipality —and I would expect every employee of all municipalities throughout the province—to abide by in the signing of the card. In other words, employee "x" working for municipality "y" was asked to sign a card saying: "I agree to abide by the terms and conditions of the Ontario Health Services Insurance Plan" without ever having been given the terms and conditions of the Ontario Health Services Plan.

Hon. Mr. Rowntree: It would be like joining a fraternal—

Mr. Singer: That is exactly right. The other thing that I think is worthy of note is that once you get into this, insofar as we can ascertain what government policy is, you are in forever, not as if you had been a subscriber to PSI or London Life, as the carrier for the group and so on, where every year they come forward and say will you renew and so on.

Our Minister of Health asks you to sign him a blank cheque saying you agree to subscribe to terms and conditions which you have never seen and to be bound forever.

Now I would think that as concerned as you were about private industry refusing to disclose terms and conditions, you should be even more concerned when one of your colleagues speaking on behalf of government acts in this way.

Mr. Chairman: The hon. member for Waterloo North.

Hon. T. L. Wells (Minister of Health): John Munro—

Mr. E. R. Good (Waterloo North): Mr. Chairman, I would like—

Mr. Singer: Yes, oh, John Munro—you blame that one on John Munro, yes.

Mr. Good: —to say a few words regarding the cemetery counselling service. First of all, I would like to just mention, Mr. Chairman, that the problem of which the member for High Park spoke, is very easily solved by cemeteries in our area where an indigent burial has been made. If the family wishes, at a later date, to add a memorial to the lot they are simply required to pay the cemetery for the grave which had been given freely before and then, they may erect their own memorial. Now why all cemeteries cannot do that, I do not know.

Mr. Trotter: It is not allowed in Metropolitan Toronto.

Mr. Good: Well, it should be if it is not.

Mr. Shulman: Will you repeat that?

Mr. Good: Yes. If the family wishes to erect a memorial on the lot to which the deed is still retained by the cemetery, they pay the cemetery for that particular grave, and raise a memorial. There should be no need to transfer a body. There are areas such as this where the rules and regulations of many cemeteries need to be more closely scrutinized because I feel that a lot of the business of the funeral directors is being dictated by the cemeteries; the procedures, the times when burials may be made and things of this nature.

I think more and more the cemeteries, who in turn are probably finding a most difficult situation in dealing with labour problems have caused some hardships. Now we have no Saturday burials in Hamilton, no Sunday burials—which you had for years and I think the thing is getting pretty well out of hand—that some of these regulations are indeed creating a great many hardships to people.

To get back to what I had asked last year. I find by reading *Hansard*, very few of the questions I asked were answered. First of all, I had asked what procedure was used for the inspection of the perpetual care funds? What is the interval at which they are inspected? By whom? And the procedure of audit of the perpetual care fund? This, I would like to know, especially the frequency of the inspection.

The other matter that I think has not been resolved, was the assurance that the Minister had given me, at the conclusion of his talk last year, that the department was going to increase its staff by six in order to take care of the necessary additional work to bring

some of the rural cemeteries up to proper standards. I find that by looking at the estimates, that the estimate for the cemetery counselling service has been reduced by $21,000. I would like to know how many of the additional six employees have been added and how you are doing it on a budget $21,000 less than last year.

Hon. Mr. Rowntree: Could I just speak to that point?

Mr. Good: Yes.

Hon. Mr. Rowntree: Firstly, the question of perpetual care funds and their sufficiency or otherwise to carry out the obligations which are involved toward those who have paid into the fund and the various cemetery plots that are involved, requires inspection. There were six vacancies—seven vacancies I am told, all told—and we had a great deal of difficulty in getting people with any qualification. I do not mean demanding chartered accountants degree or anything like that, but sufficient bookkeeping qualification and background to enable them to have a look at the books and make a report to the department and so on.

We had a lot of trouble getting this staff and at the moment we have been able to recruit that and the money for those people was in the estimates last year. It was not used. The Treasury then said, "You did not use the money," and we said, "We could not hire the people, we could not find them," and, believe me, a great effort was put on because this was a worry to me. The Treasury then forced us to drop our estimate for the current year because the money had not been used.

Now, four men have been hired and we still have three to go. And we will get on with this job just as quickly as we can because in this field that is the one area that, to me, is the vital area that needs attention.

Mr. Good: I would like to again recommend that the funds which are being held under The Prepaid Funeral Service Act, under the department of the Minister of Justice, the Attorney General's Department, be transferred to the consumer protection branch. I feel that is where the duty belongs. This is just a recommendation and was told that you would give it some consideration.

Another matter I would like to bring up again is the bringing up to standards of the small rural cemeteries; cemeteries in which no perpetual care funds are being held, no plans have been registered with the department for them and I feel strongly that an inventory of these cemeteries could be had very easily through the municipal officials of the various townships and municipalities.

Most cemeteries in rural areas are municipally operated or municipally controlled or if they had been previously church cemeteries, and the churches have been closed down, they are now municipal cemeteries. And I think a great deal of your work could be done, especially the inventory of these cemeteries and the classifications as to what standard they are using, could be done by the elected officials of the areas who would be glad to co-operate. I understand there are still problems on Manitoulin Island where people are not sure what is happening to the perpetual care money when it is paid into these cemeteries, simply because they have not been brought under the Act to anything.

I would like to add another word to what I started out to say and that is, the ability of cemeteries to make rules and regulations which sometimes, I feel, are quite detrimental. Sometimes they work against the normal religious customs of certain ethnic groups and there is a drive being made, more and more, to keep people away from commital services at the graves.

I know in some areas, and especially our own people are, by the pricing of going to the grave for commital services, they are being forced into mausoleums and chapels for their commital service. To many people this is quite satisfactory; to others, there is a religious connotation in that they wish to have the committal at the grave and when you are allowing cemeteries to say they will have no burials all day on Saturday, none all day on Sunday, none on holidays—I know this is a problem from the labour standpoint—then I think you are getting into an area where people are compromising their conscience and their religious positions because of it.

Hon. Mr. Rowntree: That, of course, is a labour problem.

Mr. Good: Yes, I was quite surprised to understand in speaking to one of the directors of this department that the closing of cemeteries, as far as hours go, and days and holidays is not under the jurisdiction or control of the cemetery counselling service. I thought those bylaws would have to be approved by this department. Evidently they do not have to be.

This, I think, is especially true when one realizes that the cemeteries in most localities

more or less have a monopoly in that area, and people are caught in the trap. They have to do business on the basis and on the level and in the manner in which the cemetery dictates. I would like to see the Minister renew his efforts to get the smaller cemeteries, not to create hardships for them, but to get at least an inventory of the cemeteries in the province that need to be brought up to a higher standard.

Hon. Mr. Rowntree: That is underway and I hope frankly a year from now, or next year, maybe six to eight months from now, I hope to have on this subject a fairly comprehensive report to give the House which deals with these matters the member has raised, because these are the matters the individual families are interested in. And they may be little matters but they are not so little when it comes to the emotions and the feelings of the people. I hope, say in six or seven months, by next June, that we would have a pretty fair report to give to the members. There are about 3,700 cemeteries alltold in Ontario.

Mr. Good: One further point. I would like to mention in regard to the statement by the member for High Park regarding the need for a coroner's certificate for cremation where another coroner has already investigated the case that you look at that very carefully because there is a great deal of difference in my view between a routine coroner's certification of a person who has died in a nursing home or rest home, which requires a coroner's certificate, and a certificate for cremation, which means that that body will be consumed by fire and will no longer be available under any circumstances for medical-legal purposes. This, I think, is most important.

Mr. Chairman: The member for York Centre.

Mr. Shulman: I wonder if the member would allow me; I just wanted to point out that in a coroner's investigation, regardless of what purpose it is, for the coroner has certain requirements which he must carry out. As an ex-coroner I can inform you that when a coroner is called to sign a cremation certificate after having already signed the original certificate, there is no investigation done whatsoever, he just signs the certificate. Very often, he does not even leave the office. So there is nothing further gained.

The only other thing I would like to add is this. I have found another letter from the Mount Hope cemetery with the reason why bodies will not be disinterred and it says:

> The reason for this is that such burials have taken place without an outer case or shell. This makes it impossible to disinter the remains with respect and without a great deal of inconvenience.

Of course, this is not a very good reason.

Hon. Mr. Rowntree: I understand that situation and I have that in mind when I say, if you will let us have the material, we will see what we can do.

Mr. Deacon: Mr. Chairman, has the department in preparation a booklet that will help people understand the matters of funerals and expenses and avenues available to them? I thought, in co-operation with the morticians, it might be wise for some sort of booklet to be available which would help guide people at this time, because on two or three occasions this summer when I have been called in to help people, I have been appalled at the lack of knowledge they have about the situation and how easily they are influenced in spending money that they really should not and cannot afford to spend. And I know that many of the morticians are concerned about the malpractice which has been known to occur in the past. Would this not be a field where the department could wisely prepare a booklet in co-operation with the morticians?

Hon. Mr. Rowntree: I think that is an excellent suggestion. You know the series of pamphlets that we have developed—and we are working on one now, it is nearing completion, for school children. Then there is the question of the translation of some of these pamphlets for the ethnic readers. I think that the member's suggestion about the true facts of—how shall I describe it?—the true facts about funeral arrangements might well be proceeded with as well. It is not everyone who has read all those books about California.

Mr. Deacon: I thank the hon. Minister; I appreciate that.

Another point; is the Minister responsible or is The Department of Health responsible for control of prescription containers and this matter of containers that are safe to use—the Palm-N'-Turn safety containers, that type of thing—does this come under the consumer affairs branch or The Department of Health?

Hon. Mr. Rowntree: The Department of Health.

Mr. Shulman: I hope so.

Mr. Deacon: With regard to such matters as safety in gas tank construction, is this under

The Department of Transport or consumer affairs?

Hon. Mr. Rowntree: I think containers of gas and so on come under The Department of Energy and Resources Management.

Mr. Deacon: Part of the automobile gasoline tanks?

Hon. Mr. Rowntree: I cannot say with certainty about that.

Mr. Deacon: But there is a department, the Minister believes?

Hon. Mr. Rowntree: It probably would be The Highway Traffic Act, which would be Transport.

Mr. Deacon: I will check on that, Mr. Chairman.

What have been the results of the probe that the department was carrying out this summer into unconscionable car and TV leasing?

Hon. Mr. Rowntree: The Minister of Transport reminds me and asks me to point out that under the recent negotiations with the federal government, the federal government has assumed responsibility for new car manufacture conditions and so automobile gas tanks on new vehicles would be under their regulations and the safety with respect to used cars—I assume the safety factor would remain under the provincial Department of Transport.

Mr. Deacon: What have been the results of the probe carried out into unconscionable car and TV leasing which was announced last June?

Hon. Mr. Rowntree: The study that was announced was done by one of the university people. It has been received by the department. It has not been sent up to me to read as yet but it is in, and I would think within a matter of a few days or a couple of weeks it will be ready for release.

Mr. Deacon: Thank you.

One of the concerns that has been expressed by some parents refers to some of the devices that are used to promote the use of cigarettes by youngsters by having gummed-up cigarettes which even emit something that looks like smoke, I believe, candy cigarettes and that type of thing. Has the Minister any view as to the responsibility of the department in view of the relationship of cigarette smoking to cancer, or is that something he is leaving to The Department of Health to go after?

Hon. Mr. Rowntree: I think it is a matter for parents and The Department of Health.

Mr. Deacon: Another point here. There are many advertisements that appear from time to time to induce people. They describe job opportunities and one of the frequent advertisements is to, say, the business girl. Is there some sort of check into these ads as to their legitimate operation or is this checked by The Department of Labour or is it done in co-operation with The Department of Labour?

Hon. Mr. Rowntree: Are these job offers or just opportunities?

Mr. Deacon: These are job offers.

Hon. Mr. Rowntree: That would be The Department of Labour. There is an arrangement between The Department of Labour, I believe, and the press as to the format or content of those ads.

Mr. Deacon: That includes all types of job offers, it does not come under your department at all.

Mr. Bukator: Mr. Chairman, I have been trying to get your eye for quite some time. We were talking about cemeteries and you were speaking about an inventory possibly done by the province. I have not been on my feet too often, we will get acquainted again. I thought the county of Welland did an exceptionally good job by appointing a committee of the county council. They went out and took an inventory of all of the cemeteries plus the little private ones where the farmers had their families buried for years. And they came to a very good arrangement, I thought, by encouraging the municipalities to maintain these cemeteries by making the contribution of 50 per cent on each. If the county would contribute, let us say, $40 or $50 to maintain the small unit they expected the municipality to spend the same amount of dollars and it worked out quite satisfactorily. We fenced some in, we cleaned some of them up, we erected many of the stones that were knocked down and I thought it was a good arrangement.

For what it is worth, I thought I would make that contribution here tonight since we are on that issue because I, too, feel that they are historic spots and many of them are, should be maintained and maintained properly. So the county and the municipality made a 50-50 contribution to maintaining

them and they have a complete inventory in the county of Welland.

Hon. Mr. Rowntree: I would like to talk to the hon. member about that when it is convenient.

Mr. Peacock: Mr. Chairman, I wanted to raise a matter with the Minister concerning transactions between patients or clients of hearing aid dispensers. I am using that expression in parenthesis. This particular matter I brought to the attention of the, I believe, solicitor of the Minister's department and Mr. Turner, director of the consumer protection division in June of this year.

A constituent of mine entered a hearing aid office known as Professional Hearing Aid Services on April 25, 1969, on Oullette Avenue, Windsor, and paid over $779 in cash for one binaural correction hearing aid.

Shortly afterwards he came to me and enquired as to whether he had received value for his money and in fact, whether he had been wise to have completed the transaction at all.

I wrote to the Ontario Hearing Aid Association on his behalf and also to Mr. Turner and I wonder if I could just read portions of the letters to advance this point, Mr. Chairman.

To Mr. Turner:

> I write to place on the records of your division, a transaction which took place in Windsor recently. I have discussed it with you on the telephone and understood that it is not one which is covered by the provisions of The Consumer Protection Act. I am writing however so that the information is available to the government as part of the case for the regulation of this kind of transaction. The purchaser bought one binaural correctional hearing aid from a firm known as Dahlborg Hearing Aid, 504 Canada Trust Building, Windsor, and receipt for payment in the amount of $779 is shown in the form of Professional Hearing Aid Services, London.
>
> As I indicated to you on the telephone I consider this amount utterly excessive in regard to the value received by the purchaser. I have written to the Ontario Hearing Aid Association to request a copy of their code of ethics and if I can find any means of recovering the purchaser's savings for him I will do so. There is no doubt in my mind that unethical influence was used in obtaining the purchaser's agreement to this transaction at that price.
>
> The Ontario Hearing Aid Association replied enclosing a copy of their code of ethics which I asked the purchaser to look over. I read it carefully myself and I believe that on the basis of that examination of their code the transaction was completed with utter disregard for one of the provisions namely, that the person selling the device did nothing to ascertain the medical necessity for the device which he was selling.
>
> The client or purchaser had been seeing his doctor for a number of months about his hearing problem. The doctor, at no time, referred him to this particular office for a fitting of this device, and being quite aged and having a very severe hearing problem and having laid out a considerable portion of his savings, this person was in a very, very vulnerable position when faced with a person in the sales office who knew how to close the transaction speedily and without regard to the medical necessity for the hearing device.

Now the purchaser unfortunately did not pursue his grievance with the disciplinary group or committee of the Ontario Hearing Aid Association, out of reluctance on his part, which perhaps is not too comprehensible, that he feared to get the salesman into trouble.

Mr. Chairman, I think that while there is no law in our jurisdiction that interferes with the setting of a price between a willing buyer and a willing seller, in this instance there certainly appear to be grounds for intervention on the reasons I have set out.

The price is clearly well above that that is charged by most other dispensers of this equipment in this field. No medical necessity was substantiated nor probably could have been substantiated by the salesman of this device and the deal was closed with the assurance to the purchaser that he might as well enjoy the few years remaining to him by paying the top dollar for the best device available.

As it turned out the device proved unusable to him shortly afterwards. As I indicated, the way the laws now stand the onus was on this purchaser to take his grievance to the Ontario Hearing Aid Association. He did not do so, but in our law more and more, Mr. Chairman, the onus is being shifted from the buyer to the seller, and this is one particular area of trade practice where the onus has got to be shifted squarely on to the seller and completely off the shoulders of the purchaser.

Reference is made to the changing attitude of the law in the recent report of the law reform commission on trade in new houses. There is a very appropriate passage in one of the early pages of that report, Mr. Chairman, that points out the difficulties that the customer now faces in determining just what value he is obtaining for his money—the difficulties he has in inspecting the goods, in determining whether they are appropriate or suitable for him.

Certainly in this area which is so close to medical practice, and dependent upon very highly developed skills, we cannot allow customers to go unprotected against the wiles of high pressure salesmanship that I think were practised in this case. I hope the Minister will move to close the loophole in The Consumer Protection Act—that just because the element of price may be the only factor he will not feel inhibited or hesitant about moving in.

Hon. Mr. Rowntree: The price would not stop me in my thinking from moving in. That $700 is a pretty fancy figure, a very large amount of money, for a hearing device.

I might say on this subject that I have some personal knowledge of the implications that go with a hearing problem. Even though I am not a doctor, in my own family I have some knowledge of the emotional impact that this suffering has on an individual, it is a terrible thing, and most of these devices are not perfect, they are far from being fully developed in their research. All of these devices are good in certain situations and in other situations they do not work at all. Some are good in a group of three or four people, but in a crowd they just go berserk and are worse than nothing, and an experienced wearer of one of these fittings who is frequently at a large reception in a crowd of people takes the fitting off even for his own comfort.

However, I am sorry that the man gave up his pursuit of the money through the association. I think he made a mistake there, and I think you would agree with me.

I think $700 is one of the largest figures I have ever heard. Usually we hear of $350 or $400, that is about as large a top figure that we run into. I think $700 is the highest figure I have ever heard personally in this field.

I will pursue this with some diligence and we have an understanding with the association about this matter. We can go ahead on the legislation point of view on the basis of itinerant sellers, if that in fact is the way it develops, but apparently that is not the way in this case.

If you would let me have the particulars and the name and the address and the amount and date, we will proceed—oh, we have them already. But I will get a further report then and get back to you with our comments. I think frankly, that the emotional side involves a pathetic situation for any person suffering from deafness, which in many cases is not medically correctible. In seeking out some remedy, as you put it, that would give some ease and comfort to the remaining years of their life, and then to be taken down the river to the extent of $700 or $800, is more than just a little upsetting to me.

Mr. Peacock: Mr. Chairman, I wonder if I could just say that I appreciate the Minister's intentions to look into this particular case. But may I ask him before we move on, if he feels now, on the basis of the file of cases that his branch may now have, such as this, less or worse, that he is in a position to introduce legislation extending the provisions of The Consumers Protection Act to cover such a situation?

Hon. Mr. Rowntree: This would have a high priority on our legislative programme when it comes up for consideration.

Mr. Peacock: Will the Minister be introducing legislation before the adjournment of this session?

Hon. Mr. Rowntree: No.

Mr. Trotter: Mr. Chairman, I am glad that the member for Windsor West brought this matter up, because in all frankness, through you, Mr. Chairman, to the Minister, I feel that the government, not necessarily this department, but the government as a whole has been giving this subject of the hearing aid problem the run around. It is almost four years ago now that I spent a considerable amount of time gathering cases, because it was an extreme situation four years ago, of how elderly people were being abused by hearing aid manufacturers. We were then told we were going to have legislation, and it would, we thought, have come through your department, or what was then your department.

The Department of Health then said, "Oh no, this is a health problem, we will license the men who dispense the hearing aids." Now, at about every session of the Legislature, I have asked the Minister of Health, I have not done it yet but I will, "When are you going to introduce legislation in order to

license these people who sell the hearing aid?" Because, Mr. Chairman, bear this in mind, that if you are a plumber you must pass the course, if you are a dentist or a lawyer, you must pass a course, but you and I today could practically go out and sell hearing aids without any training whatsoever. And there is no question that this consumer department is going to be subject to complaint after complaint.

But I must tell the hon. Minister, through you, Mr. Chairman, that the government—and it would seem to be now the responsibility of The Department of Health—has dilly-dallied on this problem far too long. And to say there will be no legislation coming through—it is pretty obvious there has been nothing discussed in Cabinet that will pin these people down who are in the manufacturing and in the distribution of hearing aids. I feel that the Minister has given a soft, diplomatic reply to the member for Windsor West, but I have had so many of those soft answers from so many of the Ministers on the government side of the House, that I am very doubtful that anything is going to be done in a very long time.

Hon. Mr. Rowntree: Do not feel so negative about it. I feel very strongly about this subject. When the question of hearing aids and that general area came up it was determined that it was closer to a medical matter than it was to a consumer affairs matter, and the legislation and regulations referred to The Department of Health. I make no comment beyond that. Do not expect me to. Apparently nothing developed, but it is going to develop under my direction in my department. When I am asked whether it can be done within this present session I refer you to the remarks I made the other day about the length of the remaining session. I have no knowledge of how long the remainder will take, but it will be a matter of some few weeks. But it is not a legislative period, it is a period of estimates, a period of time to clean up, and as far as we are concerned we are going ahead.

We have already made a deal with the association of hearing aid manufacturers and their sales people which was worked out very well on a co-operative basis between our department and that group, and we have been able to correct and remedy, I think, almost all of the complaints that come to us. We have also taken up the matter and discussed it with Ottawa because of the significance which we attach to the matter, and the problems that we know, the other problems that are heading in the same fashion. At the federal department level, there is another inter-departmental committee to study the problem, and it will be making their recommendations and my notes have it that that federal committee will make available that report, somewhere about the thrid week of October, this fall.

I can only assure the hon. member for Parkdale that even though another department did not act on it, our department will, and I personally am concerned about it because I have some personal exposure to this situation and I know a good deal about it, about the emotional impact and the heartbreak that really goes with it. It is a distressing situation.

Mr. Trotter: Mr. Chairman, just to give you some idea of the type of person that has to be licensed. A number of them who are dispensing hearing aids came to me because they thought I was harming their business by the complaints I was making in this Legislature and there is no doubt that the majority of them that I have met, have impressed me as being honest business men trying to do a good job.

Just to give you an example of what can happen to hurt the whole business: One man we were complaining about at that time ended up having an indecent assault charge laid against him; that was the only way we could stop him. He had a stethoscope and he used the stethoscope for other purposes than ears and finally an indecent assault charge was laid. He managed to beat the charge. He then opened a similar business up in Hawaii, came back to the Toronto area and was back in business in the Toronto area, and now has since packed his tent and gone somewhere else. Yet these people are not licensed. We know this goes on and it was utterly incomprehensible to me that nothing has been done and I do hope that the Minister really means business this time.

Mr. Shulman: You may recall, Mr. Chairman, that this afternoon the Minister agreed that at the end of his estimates we would discuss self-insurance. Are we at that moment?

Hon. Mr. Rowntree: I would suggest this at this hour—always when I was Minister of Labour I think I initiated the practice of a debate on compensation even though there were no estimates for it, and as Minister of this department I also think there should be a debate and an opportunity, as I indicated this afternoon, and that will be done after our estimates, now being completed. It being 11.20, I would ask that we be permitted to adjourn and I do not think I need to give you my personal undertaking that this opportunity will be provided. It might not be to-

morrow morning but you will have an opportunity of going into that whole question of our government's insurance because that is what the subject is.

Mr. Shulman: If it is not going to be tomorrow morning, could you give us notice a day ahead so we would be prepared?

Hon. Mr. Rowntree: Yes, I would be glad to.

Vote 704 agreed to.

Mr. Chairman: This completes the estimates of The Department of Financial and Commercial Affairs.

Hon. R. S. Welch (Provincial Secretary) moves that the committee of supply rise and report certain resolutions and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report certain resolutions and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, tomorrow we will introduce the estimates of The Department of Trade and Development.

Hon. Mr. Welch moves the adjournment of the House.

Mr. H. Peacock (Windsor West): Mr. Speaker, is there to be a private members' hour tomorrow?

Hon. Mr. Welch: I understand that the whips were not ready for the private members' hour tomorrow.

Mr. J. E. Stokes (Thunder Bay): We were ready, the Liberals were not.

Hon. Mr. Welch: With that explanation, apparently we are having one on Monday, is that right?

Mr. S. Lewis (Scarborough West): It was as you might expect.

Mr. L. M. Reilly (Eglinton): Mr. Speaker, the whips are planning to meet on Monday to discuss the private members' hours and other matters but there is no arrangement as yet that has been finalized.

Mr. J. B. Trotter (Parkdale): In other words, it is not entirely the Liberals' fault.

Motion agreed to.

The House adjourned at 11.25 o'clock, p.m.

No. 171



ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Friday, October 3, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969



Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Friday, October 3, 1969

Kenneth S. Bell case, question to Mr. Robarts, Mr. Nixon 6609

Stricken farmers in Essex and Kent counties, questions to Mr. Stewart, Mr. Ruston 6609

Blackbird and starling research project, questions to Mr. Stewart, Mr. Spence 6611

Committee of supply reports certain incidents occurring during estimates of Department of Financial and Commercial Affairs 6612

Estimates, Department of Trade and Development, Mr. Randall 6616

Motion to adjourn, Mr. Robarts, agreed to 6632

LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, OCTOBER 3, 1969

The House met at 10.30 o'clock, a.m.

Prayers.

Mr. Speaker: Our visitors in the west gallery this morning are from the adult day classes at the YMCA, 40 College Street, Toronto.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, I have a question for the Premier.

Can he report on his study of Mr. Justice C. D. Stewart's challenge of the Ontario Human Rights Code in connection with Mr. Kenneth S. Bell of Indian Road. He may recall the circumstances.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, I can only say that the Attorney General (Mr. Wishart) entered an appeal and it has been set down to be heard. Mr. Justice Gale has designated a five-man court to hear that appeal and my information is that it is hoped the hearing will start by the end of this month.

Mr. Nixon: Mr. Speaker, if you will permit me, the hon. member for Essex-Kent (Mr. Ruston) is unable to be here this morning. He had a question of the Minister of Agriculture and Food and he has asked me to put it. I have asked the Minister of Agriculture and Food previously if this would be all right.

Is the Minister prepared to reconsider his decision of no aid to stricken farmers in Essex and Kent counties?

Is the Minister giving any thought to discussing this matter further with agriculture committees of Essex and Kent county councils? The Minister may recall that the hon. member for Essex-Kent raised this matter on June 19 when the problem of weather associated with crops first became apparent.

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, in reply to the question, first of all I would like to say that the wording, "decision of no aid to stricken farmers in Essex and Kent counties," is somewhat misleading, with great respect. On July 15 last, after I had given a great deal of consideration to the situation in that area through reports from our departmental staff in Essex and Kent counties, and after visits to the area by our staff people and after I had received a letter from the hon. member for Essex-Kent outlining the situation as he saw it in the area, and therein making certain suggestions—which I thought were good suggestions—we implemented a programme of assistance to the farmers in that area.

First of all we offered to provide a matching dollar-for-dollar grant for any money that was raised locally and we suggested that we would hope that the federal government would match that type of a grant as well. We offered, and have done, the reamortization of junior farmer loans that would fall due in the area, and where a farmer was adversely affected by the weather and could not get his crop in or it did not look as though it was going to be as good a yield as it should be, we would reamortize his loan. We would do the same thing with the adverse weather assistance loans that had been made available previously and with any junior farmer guaranteed loans as well.

We also contacted the head offices of the chartered banks in Ontario and advised them of the situation as far as the crops were concerned in Essex and part of Kent county, and suggested to the banks that they might take a very moderate approach to the collection of loans for goods and services that farmers may have had to purchase and borrow money for in view of the bad weather.

We also approached the federal government and suggested to them that they might reamortize the farm credit corporation loans and the farm improvement loans which they had in that area. I was assured by the Hon. Mr. Olson that this was a reasonable suggestion and he would speak to the staff about it, and I have no reason to believe that this has not been done.

There has been, as is indicated here, considerable done for the area. On the other hand, I think, Mr. Speaker, it is only fair to point out that a very active programme of crop insurance was promoted in the area with not great participation by the farmers involved, and I point to the fact that 13,000 letters were sent out to the individual soya bean growers throughout Essex, Kent, Lambton, Elgin and Middlesex counties with no great acceptance. There were only 285 policies written out of the 13,000 contacts made, after a personal letter had been sent out to each grower on June 9, followed up by visits of our crop insurance agents and head office staff, who concentrated in those various counties working with the local agents to suggest to the farmers that it might be useful if they were to consider crop insurance.

At that time of the year, the weather was anything but good and it looked as though it was going to be not the right type of spring for useful growth, but the date of applications was set at, I believe, June 20 or 21 if memory serves me correctly. All the farmer had to do was to tell the crop insurance agent or the agricultural representative that he wanted to put crop insurance on his crop of soybeans. Then he could plant it up to, I believe, early in July, and advise the agent then of the actual number of acres that he had planted so that he could be covered with crop insurance.

Even with all that, we had 285 contracts written and I was concerned about this. I asked the agents and I asked our head office staff why there was not a greater acceptance of this. I also discussed with farmers in the area, who had been contacted as I described, why they did not buy crop insurance in the spring and many of them said, "Well, we have never had a crop loss in the area of anything like the magnitude that appears to be this year. While we might have lost some type of crop, we always had something else and we were prepared to carry our own risks." I am sure that this is not an uncommon idea among many farmers throughout Ontario. Many farmers feel the same way because of the diversity of our crops and procedures in this province.

However, the loss did occur and we felt that if we were going to have a crop insurance programme in the province that we had better stick to the policy of crop insurance and not offer two programmes. Frankly, if we are going to have an adverse weather system programme offered each year, then I think it naturally follows that no one is going to avail himself of crop insurance.

I have discussed this at some length with the federal Department of Agriculture, the federal Minister, and he supports me in this position. Now this is not to say that the loss is not severe, it is severe, and I sympathize with every farmer in the area. There is no question that it is severe. However, I have been advised that because of the improvement in the weather in the latter part of the summer, many of the crops have yielded better than was indicated earlier and so I would hope that some of the distress has been relieved.

On the other hand, we are meeting with the agriculture committee of Essex county and I expect someone will be in from, I believe, Romney township in Kent county as well. The date has been set up but I do not happen to have it with me. It is in the next few days. We will be meeting with them to discuss their concern—and it is a concern, there is no question about it at all, Mr. Speaker.

Mr. Nixon: Mr. Speaker, if you will permit a supplementary question.

Is the Minister aware that the losses and damages are considerably greater than was originally estimated?

Second, I wonder if he could tell us how many dollars from his department went in by way of matching contributions to assist in the situation?

The Minister cannot tell me that the cost of the reamortizing—

Hon. Mr. Stewart: No, but I have not any idea as to what that amounts to.

The Junior Farmer Loan Board are looking after that and I do not know how many applications have been made for reamortization. I cannot tell you. Nor can I tell you how many dollars have been spent through the matching grants.

Mr. Nixon: But some have?

Hon. Mr. Stewart: Not to my knowledge as yet. Now whether there have been some collected or not, I do not know, because we do not administer that programme at all. It is administered in The Department of Municipal Affairs and whether applications have been made to that department for matching grants, I cannot answer.

We can get the information but to my knowledge it has not been done as yet. When we talked to them about getting the details, I was advised by some of the municipal people involved that they might like to take

as long a period of time as they could to gather up as much as they could and this was understandable. I said: "Whenever you are ready to submit your statement, then do so to The Department of Municipal Affairs and we will follow through in the natural course of events."

Mr. Speaker: The hon. member for Kent.

Mr. J. P. Spence (Kent): Mr. Speaker, I have a question to ask of the Minister of Agriculture and Food which comes in three parts.

How much of the $260,000 announced two years ago for blackbird control by the Minister has been used?

Will the Minister report the results of the programme to date?

Does the Minister have any indication that the blackbird menace is on the increase?

Hon. Mr. Stewart: Mr. Speaker, in reply to this question, the blackbird and starling research project was initiated by our department in the years 1964 and 1968, inclusive, by Dr. Dyer of the University of Guelph, cost $260,000. This cost was spread over the five-year period and covered expenses of laboratory research, extensive field testing in a very wide area in southwest Ontario by Dr. Dyer and his staff of research workers.

The cost also included the production of a report which clearly sets forth the findings of this team of research biologists. Mr. Speaker, if I may I would like to send this report over to the hon. member. I do not know if he has a copy of it or not.

We had 500 copies of this report printed at the time. They have all been sent out to the various people who asked for them, and we have another reprint of the report which will be ready, I understand, in just a few days and will be made available. However, I happened to have a spare one in the office and I will be glad to send it over to the member.

The report of the research work was printed in this report and we are, as I say, running it off again.

Now, Dr. Dyer has joined the research staff of the department of agriculture in the United States and is working, I believe, in Ohio, continuing in this same research project. While his services are not being paid for here in our province, we are working very closely with him in what he is trying to do over there. There is a co-ordination, but I hope no duplication.

Actually, there appears to be really no conventional method of control that works as far as blackbird population and elimination is concerned. Certain procedures suggested by the committee and by Dr. Dyer seemed to be a bit extreme and these were not pursued, but really the conventional methods of shooting or noise-makers are really only temporary and have very little effect considering the vast numbers of the birds that pass through on this natural flyway that we have. The breeding grounds are in northern Ontario and in the southern United States, and really that area of Essex county is simply in the flyway. While the report has been submitted there does not appear to be a great deal that can be done to eliminate this problem it admittedly faces.

Mr. Speaker: I do not have any further questions of the members who are here at the present time.

Mr. I. Deans (Wentworth): Mr. Speaker, I rise on a point of privilege and I regret that I have to do it in the absence of the member.

My point, sir, is based on statements made in this House last night by the member for Humber and reported in today's press, the Toronto *Globe and Mail*, and statements that were made subsequent to his challenges or allegations in the House last evening.

The member indicated that he considered members of this party to be liars and I personally take a great deal of umbrage at a statement such as this. I would not tolerate this kind of statement from any person in the street in my private capacity as a citizen, I will not tolerate it as a member of this Legislature.

Mr. Speaker: I wonder if the hon. member would allow me to make an observation. Then if he feels that he should carry on I would be glad to have him do so. It is my understanding that the incident about which the hon. member is now speaking occurred in committee, and one of the rules of procedure is that such matters are to be dealt with in committee, and thereafter by the House.

I would respectfully suggest to the hon. member that he might wait until the committee has dealt with it and then perhaps wish to raise it. If he wishes to proceed now I will be glad to hear him, but I can tell him that unless and until matters occurring in the committee are brought to the attention of the House in the proper manner neither Mr. Speaker, nor the House have any, shall I say, any standing in the matter.

Mr. Deans: Mr. Speaker, I suggest to you that the fact that the member went out of this House and made a statement to the press from his private office, which was reported in the *Globe and Mail* this morning, takes it out of the hands of the committee and brings it into the hands of this House.

I suggest, sir, that at the appropriate moment when this member enters the House, regardless of what debate is taking place, that he be requested to withdraw the statement labelling members of this party as liars.

Mr. Speaker: As I have advised the hon. member, in due course I believe this matter will come before this House and at that time it will be dealt with.

Orders of the day.

Clerk of the House: The second order; House in committee of supply, Mr. A. E. Reuter in the chair.

Mr. Chairman: Before we proceed with the estimates of The Department of Trade and Development, I think it might be appropriate if I would review a certain situation that developed last evening.

Mr. R. F. Nixon (Leader of the Opposition): Let us hear about the umbrage.

Mr. Chairman: I believe for the benefit of the committee members who perhaps were not present, also to refresh the minds of those who were present, it might be desirable if I would review briefly the various events that took place during a certain half-hour period last evening.

Mr. S. Lewis (Scarborough West): It appears to be reaching a head right now.

Mr. Chairman: The hon. member for High Park (Mr. Shulman) had introduced a certain topic during which he suggested that the president of a company producing a certain type of sunglasses had written a letter to the former Minister of Health (Mr. Dymond) and that he, the hon. member for High Park, would be glad to send up to his office for a copy for it. And at this moment I wish to emphasize that word "it".

He also stated that—and I refer to the hon. member for High Park—the former Minister of Health wrote back in reply, but the hon. member for High Park did not say he had a copy of that reply.

During this particular debate the hon. member for High Park at the very least made certain innuendos and allegations against the former Minister of Health in that the hon. member for High Park deemed the content of the letter the hon. Minister had written in reply—which indicated or implied he had knowledge of the content of the letter—in the view of the hon. member for High Park, the content of the letter was such that the hon. member himself deemed the reply to be improper. It would appear the hon. member for High Park was casting certain aspersions against the former Minister of Health.

Mr. Lewis: Indeed so have we all.

Mr. Chairman: I just want to very clearly and slowly bring the members of the committee up to date.

At that point the hon. member for Humber (Mr. Ben) moved that the letters be tabled but the hon. member for High Park stated that he did not have all the letters, only one. At that point the hon. member for Dovercourt (Mr. De Monte) rose on a point of order and he stated that in his view the hon. member for High Park had said he had two letters and the hon. member for Dovercourt also suggested that the hon. member for High Park had imputed the reputation of another member of the House and that the hon. member for High Park should be reprimanded.

At this point the hon. member for Humber stated—and I would ask the committee members to please pay attention to this—the hon. member for Humber stated that "We have nothing but liars over there." The hon. member for Humber also asked, in fact insisted, that he be brought before the committee on elections and privileges; he himself. He wished to be brought before the committee in order to bring this particular matter to a head. Those were, I believe, his words.

At that time I, as Chairman, directed the hon. member for Humber to withdraw his remarks in which he suggested that all members of the New Democratic Party were liars. The hon. member for Humber refused to do so and intimated to the committee that he had deliberately used the term liar and he refused to obey the direction of the Chair to withdraw the remark.

At this point, or a very few moments after, the hon. member for Humber left the Chamber voluntarily. He was not directed to leave but he did so voluntarily.

As I find it, that is a report of what happened. There were two members who had risen on points of order and requested that the Chair deal with the matters. I pointed out that being in the peculiar position of Acting Speaker and also Chairman, I could

not very well report to myself and therefore nothing could be done to clarify the situation last evening. I did undertake—have I gone astray? The hon. member for Scarborough West?

I did undertake to review the situation, because I told the committee I was not certain exactly what had been said. I wanted to check the tape in the *Hansard* office, and review the transcript. This I have done and clearly the hon. member for High Park did not in any way indicate that he had copies of two letters. He may have implied that he had the other copy of the reply from the former Minister of Health but he certainly did not say he had two letters.

However, it seems to me that the very fact that the hon. member for High Park did cast allegations against the integrity of a member of this House, as suggested by the hon. member for Dovercourt, is an offence against the procedures of this House in committee or in session.

Now to deal with the whole thing as one package, it seems to me, too, that the refusal of the hon. member for Humber to obey the direction of the Chair to withdraw the suggestion that all NDP members were liars, constitutes a breach of right and privileges in this House. It seems to me that this matter should also be brought before the House for consideration.

I again repeat that, as Chairman, I have no authority to deal with what I feel to be a breach of the procedures by the hon. member for High Park nor by the hon. member for Humber. The only method by which this can be done is by motion from the committee to report the incident to Mr. Speaker. So at this time I will entertain such a motion to rise and to report the incidents to Mr. Speaker for his disposition and to ask for leave to sit again.

Mr. I. Deans (Wentworth): Mr. Chairman, I move that the committee rise and report this incident to Mr. Speaker for his adjudication.

Mr. Chairman: Mr. Deans moves that the committee rise and report the incidents of last evening's sitting to Mr. Speaker for his disposition.

Shall the motion carry?

Mr. Nixon: Mr. Chairman, just before you put the motion, I believe something can be said on it at this time.

I was not present for all the altercation but I was here during its subsequent discussion and I recall, very distinctly, the hon. member for High Park telling the House that on one occasion at least—and in fact his remarks indicated that he had done it twice—he had called hon. members of this House liars. He indicated directly that he had called the Minister of Correctional Services (Mr. Grossman) a liar, the hon. Minister of Social and Family Services (Mr. Yaremko) a liar. Certainly that is the way I heard it. If you are going to report these matters to Mr. Speaker, Mr. Chairman, surely you should report the matter associated with the subsequent statements of the hon. member for High Park.

Mr. Chairman: The point of order is well taken—

Mr. M. Shulman (High Park): On a point of order—I just wish to point out to you, sir, that I did call the hon. Minister from St. Andrew-St. Patrick (Mr. Grossman) a liar. I was asked to withdraw and I withdrew, sir.

Mr. Nixon: What about the other cases?

Mr. Shulman: He called me a liar and I could hardly withdraw that.

Mr. Lewis: It is hard to tell one liar from another liar in this House.

Mr. Chairman: May I say to the committee that I believe, to comply with proper parliamentary procedure, we have points of order before the committee with which I must deal very briefly.

Mr. G. Ben (Humber): Mr. Chairman, I imagine that, being the centre of the discussion—

Mr. Chairman: Is this a point of order?

Mr. Ben: It is a point of personal privilege.

Being the topic of discussion I here think I am entitled to a word or two. First of all, Mr. Chairman, I think I stressed last night that I used the word that I did, deliberately to make a point. I do take exception, Mr. Chairman, when you say that I said all NDP members are liars. I did not use the phrase. The phrase was that all those over there are liars—

Interjections by hon. members.

Mr. Ben: Less than half of the members were there. Now, Mr. Chairman, I did it so that this matter would come up before a proper committee, and fortunately it has been

moved—and I am grateful to the member—so that it would come up before a committee. Since it was moved from that side I am sure it will carry, so now I am permitted to say something.

Now that it has been moved that it be referred to Mr. Speaker, I can say that I am quite aware, having checked the annals previously, which words are not parliamentary and which are and liar is a word that is unparliamentary. I said I acknowledged that yesterday, and I withdraw the use of the word "liar".

Not only that, but I do think, Mr. Chairman, my remark I believe was, "all those over there are liars". I want it to go on record that I do not believe that all those over there are liars.

Mr. Chairman: All right. Now if I may deal with the points of order—

Mr. Ben: One other thing. I believe the mover of the motion, while I was waiting for you to go into committee—I did not enter the House until we went into committee—referred to the newspaper. I think you made it clear—the newspaper reports me as saying that the hon. member for High Park had two letters—I think you made it clear it was the hon. member for Dovercourt that said the hon. member for High Park had two letters.

Mr. Chairman: All right. Both points of order have been well taken.

I had invited a motion, I had received a motion, however I have not put the motion to the House nor have I received a vote on it. It seems to me that the hon. member for High Park should be given the opportunity to withdraw the allegations against the former Minister as well as the hon. member for Humber withdrawing his allegation of "liar".

Mr. H. Peacock (Windsor West): Mr. Chairman, you did not refresh my memory as to what those allegations were.

Mr. Shulman: Yes, I would like to know what the allegation was. You said nothing about the member's name.

Mr. Chairman: The words of the hon. member for High Park in reference to the reply made by the former Minister of Health were to the effect that the hon. Minister had replied in a manner that the hon. member for High Park deemed improper, and this is the matter that was offensive to the hon. member for Dovercourt and indeed to many of the other members. It seems to me that—I mean there was no evidence submitted that there was in fact a letter—so that the hon. member did cast some reflection against the integrity of the former Minister of Health.

Mr. Ben: On a point of order, Mr. Chairman.

I rose last night because the allegation, to my mind, was that the then Minister of Health had knowingly permitted 60,000 defective, dangerous, sunglasses to be circulated among the people of the province of Ontario. The implication was that it was knowingly and deliberately, in order to prevent the distributor from suffering a financial loss. And I said that if we had such a Minister and if he did do such a thing, and the hon. member can prove it, then we ought to chuck such hon. member out.

To my mind, the allegation was that the former Minister of Health knowingly permitted 60,000 pairs of dangerous sunglasses to be circulated among the people of Ontario, dangerous to their welfare.

Mr. Shulman: Mr. Speaker, speaking to this point of order, I now have filed with you a copy of the letter from Argus Optical Company which I referred to last night. The fact is that at this time the various sunglasses which they referred to in this letter, have now been sold. So, if this is the allegation, I can hardly back away from it because it happens to be the truth.

Mr. Ben: I am not arguing whether the glasses have been sold or not. The innuendo was, that the former Minister, knowing that these glasses were dangerous, allowed them to be sold.

Mr. Shulman: This letter is addressed to Mr. Dymond, Minister of Health, Parliament Buildings, Ontario. It came here to his department.

Mr. Chairman: It does seem to me that whether or not the hon. member for High Park intentionally or otherwise cast reflections against the former Minister of Health, then it does seem to me that many of the members of the committee felt that there were reflections against the character and integrity of the former Minister; but perhaps the hon. member for High Park may not have intended it that way. I suggest to him therefore, that whether they were intentional or otherwise, he should withdraw the statements.

Mr. Shulman: I cannot withdraw the statements; they are true. If, however, the former Minister of Health will rise in this House and say that he was unaware of this letter, I will be happy to apologize.

Mr. Chairman: I do not think that is what the committee or the hon. members believe should be done. There is no evidence of what was actually in the reply made by the hon. Minister, and in the absence of that, or any evidence that a reply in fact had been made, it seems to me that the hon. members of the committee were quite properly provoked because the innuendoes and reflections were against the former Minister.

Mr. Shulman: I can hardly withdraw facts which I have in front of me, sir. If the former Minister was unaware of this and the reply was sent without his knowledge, and he was unaware of this letter coming to his department, I will give you my personal apology. I will rise in the House and say so.

Mr. Chairman: I accept the words of the hon. member for High Park that he does not believe that he has anything to withdraw and therefore will withdraw nothing.

Now, do I understand from the hon. member for Humber that he his withdrawn his allegations?

We have a motion before the committee to rise and report to Mr. Speaker.

Mr. Deans: Mr. Chairman, if I may, in view of the capituation of the member for Humber, I am prepared to withdraw my motion.

Interjections by hon. members.

Mr. Chairman: The motion is before the House and we would require the complete approval of the committee before it could be withdrawn.

Those in favour of Mr. Dean's motion, will please say, "aye."

Those opposed will please say, "nay."

I declare the motion carried.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report to you, sir, on certain incidents which took place in the Chamber last evening during the consideration of the estimates of The Department of Financial and Commercial Affairs.

You, sir, have become familiar with the incidents and I would bring to you a report that the hon. member for High Park (Mr. Shulman) has not withdrawn the offensive words used by him and on which members have risen on points of order to protest. The hon. member for Humber (Mr. Ben) has withdrawn his allegations and I present this report to you, sir, for your consideration and ask for leave to sit again.

Mr. Speaker: The committee of supply reports certain incidents which occurred in committee last evening and this morning, and asks for leave to sit again. Is it the pleasure of the House that the report be received and adopted?

Carried.

I would understand from the report presented by the Chairman of the committee that the incident with respect to the hon. member for Humber is now closed and has been closed in the committee.

I would further understand from the report that has been given that there are certain questions arising from statements alleged to have been made in the committee by the member for High Park. As is customary in the House, I think the House should now give the hon. member for High Park the opportunity of explaining, not only because the rules so require, but I think it has always been a policy of this House that anyone whose conduct or words have brought him to question should have the fullest opportunity of justifying the same or withdrawing. Therefore, if the House pleases, we would hear the hon. member for High Park.

Mr. M. Shulman (High Park): Sir, I am not sure what I am defending but apparently I have made allegations against the former Minister of Health (Mr. Dymond).

The facts are, as I understand them, that last winter I introduced a bill which would have banned the sale of flammable glasses in this province. Subsequent to my introducing that bill and receiving first reading, a Mr. Thomas Laszlo, president of Argus Optical Company, sent a letter to the then Minister of Health, requesting that this bill not be propagated into law because he had a large inventory of such glasses and wished to have an opportunity to sell them before such a law would come into effect, as otherwise it would cause grave financial hardship to his firm. I have filed a copy of that letter with the Chairman of the committee.

I stated last night that I had a copy of this letter in the file and apparently this was misunderstood by the members to my right who thought I had said that I also had a copy of a reply, to which I referred, from the Minister of Health to Mr. Laszlo. I was informed of this reply but I do not have a copy.

If I have been misinformed and this information is not correct, I will be only too happy to apologize to the former Minister of Health. All I ask is that he or the present Minister of Health (Mr. Wells) who has a copy of the letter in his files, will rise and say this is not so. I will then be only too pleased to apologize.

Mr. Speaker: I may say that I took the opportunity of listening carefully last evening to the tapes. The tapes indicate that the hon. member for High Park said, in respect of a letter to the Minister, that the Minister had written to the president of the company saying all would be well, he need not worry. Those words will appear in the written transcript. Until they appear and until the hon. member for Ontario (Mr. Dymond) is present in the House, I do not think it is proper or incumbent on me or the House to take action. I would strongly suggest that all the members who are interested would read the transcript in the *Hansard* when it comes through. I very much fear that the whole matter has not been properly presented to the House and that can only be done when we have the printed *Hansard*.

Therefore, with the approval of the House, I will take this matter under advisement.

Now the hon. member for Ontario has arrived but I do not know whether he is in a position to speak to the matter or not. If he is, I am sure we will be glad to hear him but I do not think this matter can be satisfactorily resolved until we have the printed *Hansard* which indicates what actually was said last evening in committee. As I say, I have listened to it and the circumstances as I heard them are not the same as have been reported to the committee or to the House. At least, they are more than have been reported.

Does the hon. member for Ontario wish the floor? I am sure the House would be glad to hear him. If not, if he wishes to wait until the printed *Hansard* is out, that would certainly be in order.

Mr. M. B. Dymond (Ontario): Mr. Speaker, the only report I have of what was said came through the press and the radio. As usual one does not comment on what this hon. member says. However, I would like to wait until I read *Hansard*.

Mr. Speaker: Do I have the approval of the House, then, to take this important matter under advisement and for all of us as members of the House to peruse *Hansard* and find out whether the allegations of the hon. member for Dovercourt (Mr. De Monte) to which the Chairman referred—and which might be substantiated by the actual words when they are printed—are true? And if so, then the matter can be dealt with?

On the other hand, if it is as the hon. member for High Park has said and the hon. member for Ontario wishes to make any statement, it can then be dealt with at that time in that manner.

I think it is only fair to the House as a whole that we have all the facts properly before us before we attempt to deal with it because, hon. members, this is important. Our House has lost a great deal of dignity, and I think it is time we endeavoured to restore it; and there is no use restoring it unless we restore it on a proper basis.

If there is nothing further to be said at this time, then I would entertain the motion for the committee to resume its work.

Clerk of the House: The second order; House in committee of supply, Mr. R. D. Rowe in the chair.

ESTIMATES, THE DEPARTMENT OF TRADE AND DEVELOPMENT

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, in presenting my department's estimates, I draw to the attention of the hon. members the fact that manufacturing production in Ontario is the largest single contributor to the gross provincial product—about 38 per cent—a highly significant figure when you consider the revenues accruing to the province through corporate, sales, excise, property, and personal income taxes.

In the months ahead, my department will continue to implement, and improve wherever possible, its many programmes designed to expand industrial development, increase exports, and improve manufacturing productivity.

Through industrial development, we provide a broader base for exports. New plants, joint ventures and licensing arrangements

from abroad bring in new technology and consequently improve productivity in the economy. Plant expansions facilitate lower production costs, which make our exports more competitive. To direct our industrial development projects towards achieving greater productivity, emphasis is being placed on developing and assisting the growth industries that can provide maximum benefits to the Ontario economy.

The implications of lower tariffs, the rise of young developing nations, and a liberalization of world trade have made it imperative that Ontario expand its manufacturing activities beyond Canada's borders. Our manufacturers are faced with increasing outside competition. Ontario trade missions to foreign markets and Ontario participation in international exhibitions will remain as a key programme in my department, for exports are equal to 22 per cent of the Gross Provincial Product.

The department's trade and industry division alone has more than 20 programmes aimed at further developing the Ontario economy. Briefly, here are some of the things we are doing:

Locating new branch plants for Ontario; finding joint ventures for Ontario manufacturers; bringing in new technology through licensing agreements; seeking development capital; organizing Ontario trade missions; selecting reliable agents and distributors for Ontario products; finding opportunities abroad for Ontario engineering firms; assisting Ontario manufacturers to establish branch plants or licensing agreements in foreign countries; showing Ontario products in international trade fairs, and increasing productivity through technology exchange.

We are being assisted in this work by our trade and industrial counsellors located in major commercial centres throughout the world. The province of Ontario now has 14 branch offices; the latest is Tokyo, Japan, opened a few weeks ago.

I know the hon. members will be interested in the fact that the province of Ontario this year will observe its 100th year of representation in the United Kingdom. To commemorate this event, Queen Elizabeth will pay an official visit to Ontario House in London on October 23. Our Prime Minister (Mr. Robarts), as well as the leader of the Opposition (Mr. Nixon) and the hon. member for York South (Mr. MacDonald), will participate in this commemorative event.

My department is continuing its search for skilled and professional personnel required by industry throughout the province. In the first half of this year, nearly 300 employers provided 1,225 jobs to qualified personnel recruited outside Canada through my department's immigration branch—a 71 per cent increase in recruitment compared to the same period last year.

Our women's advisory committee, representing all economic regions of the province, will again hold a series of conferences in a number of municipalities to advise women of the vital role they can play in building an even stronger Ontario economy.

I am happy to report to the hon. members that my department is ahead of schedule on two of its major special projects—the Ontario Pavilion for Expo '70 and the Ontario Place complex on the Metro Toronto waterfront.

Our pavilion at Osaka, Japan, has been constructed—one month ahead of schedule—and work will start within two weeks on the installation of exhibits. Meanwhile, our 27 pavilion hosts and hostesses and 16 Ontario Provincial Police officers are involved in an intensive Japanese language course to prepare for the March 15 opening of Expo '70.

Our exhibition pavilion for Ontario Place—a showcase for all aspects of provincial life—will begin to take shape in the next few days as steel begins to rise. For the last several months, trucks have dumped about 1,000 loads of fill a day into Lake Ontario to form two man-made islands that will provide exciting recreation areas as an adjunct to the pavilion itself. This fill has come from Metro construction sites and reflects the boom-town atmosphere of our provincial capital—growth that is happening simultaneously all across the province.

Turning to the Ontario Development Corporation, the Equalization of Industrial Opportunity programme continued to gather momentum during the 1968-69 fiscal year. At the start of the year, 20 loans had been approved. By March 31, 1969, this number had increased to 113. By August 31, 1969, the number of forgivable loans had increased to 186.

These EIO loans, totalling $30.3 million, have created or are creating 7,071 new jobs. This employment figure should rise to about 15,000 new jobs over the next five years. And these EIO loans will provide 5,200,000 square feet of new and efficient plant space in Ontario and result in an over-all investment

(including investment by the companies involved) of $126 million in new buildings, machinery, and equipment.

I must point out that if the EIO programme had not been in effect, much of this accelerated industrial growth might not have taken place within Ontario or may have taken place in locations other than our slow growth areas.

All of the impact of this growth has been felt in the smaller centres of population. For example, 118 of the 186 loans were made to companies either locating new facilities or expanding existing facilities in municipalities of 10,000 populaton or less. In fact, more than 80 per cent went to municipalities with populations of 20,000 or less. Of the remaining 31 loans, 28 were made to municipalities situated in eastern and northern Ontario—19 in eastern Ontario, and nine in northern Ontario.

The programme is helping to change the industrial face of eastern Ontario. Of the 186 loans approved, 67 went to eastern Ontario, 24 to northern Ontario, and 95 to the rest of the province. In dollar terms, $13.5 million was invested in eastern Ontario, $4.7 million in northern Ontario, and $12 million in the rest of the province.

The corporation's conventional loan programme by the end of August this year had committed 40 term loans amounting to $8.5 million for industrial development in the smaller municipalities of Ontario. This programme has created or will create 1,006 new jobs initially, which will be increased to 1,324 additional jobs over the next five years.

In total, these two programmes will create 8,077 new jobs, 5.5 million square feet of new industrial space, and an over-all investment of $133 million.

The corporation continued to supply advisory services to small businesses during the year and made visits to 29 municipalities, including regular visits to northern Ontario.

Operations at Centralia Industrial Park were also highly successful. There are now eight companies in operation, producing a wide variety of products. The Centralia College of Agricultural Technology is expanding its operations to include veterinary services. Enrolment has been at a high level. Reflecting the success of the park, new service industries have established there, including a modern restaurant and cafeteria, gas station, and supermarket. Over-all employment at the base now numbers more than 500 persons.

The financial operations of ODC can be termed highly successful. After transferring $580,000 to reserve for losses, bringing this reserve to $1,280,000, the corporation's surplus was increased by $3,940.26. Operations at Centralia, which in the previous year had shown a deficit of $43,000, were reversed and at the end of the 1968-1969 fiscal year a profit of $75,000 was achieved before provision for depreciation and long term maintenance. The park is entirely self-supporting.

In accordance with previously announced policies, the EIO programme was completely reviewed. Effective July 1, 1969, a number of major changes were introduced. The maximum grant in southwestern Ontario was reduced from $250,000 to $100,000. Greater assistance by way of conventional loans was made available to smaller municipalities in eastern and northern Ontario. We hope that this increased aid will further hasten the development of the regions. The corporation is reviewing applications for benefits under the new programme, which is to run from July 1, 1969 to June 30, 1971.

I would like to draw the attention of the House to the following matter, and, Mr. Chairman, I would like to draw this matter to your attention because it will come under our votes: Under vote 2207, two itesms—"Equalization of Industrial Opportunity—Loan Forgiveness—$750,000," and "Loans—Equalization of Industrial Opportunity Programme —$19,765,000," are shown as statutory items. I am informed by the Provincial Auditor that these two appropriations should be non-statutory and numbered items 2 and 3 respectively. In other words, they can be debated and we want to make sure that they are.

I would crave the indulgence of the House in treating these items as non-statutory and I am sure that they will be fully and constructively debated.

Mr. Chairman, I would now like to outline the current activities of Ontario Housing Corporation and Ontario Student Housing Corporation.

Earlier this year I had my staff circulate to each member a copy of a report made to the standing committee on commissions which covered development techniques, our programme to the end of 1968 and other matters. For the reason I will only deal now with highlights since our last estimates discussion, bring you up-to-date on the programme and look at several matters which have had considerable bearing on our operations.

As you are all aware, everything done by these two corporations falls under the Home Ownership Made Easy plan. I will take several of the most important HOME programmes and discuss them in the context I have just mentioned.

Looking first at family and senior citizen housing, our total development plus management programme at the end of August, 1969, consisted of 45,016 dwelling units across the province. Of this total, some 24,915 units were under management, another 6,776 dwellings were under construction and 13,325 units were under development. Of the total of more than 45,000 units, some 9,736 are senior citizen dwellings.

We anticipate increased involvement in senior citizen developments for several reasons. In Metropolitan Toronto, housing for the elderly is built and managed by a municipally-owned company. Metropolitan Toronto has requested Ontario Housing Corporation to consider undertaking the construction of senior citizen units and, if this is agreed upon, our involvement in this worthwhile programme will increase greatly. A look at Metropolitan Toronto's share of our family housing programme will give an indication of what I mean. Of the 22,233 family units under management in Ontario, Metro accounts for 13,193 or 59 per cent.

Another factor having a bearing on senior citizen housing is the new financial deal we have established with municipalities. Under the old financial arrangements, municipalities received from OHC an annual $25 per unit grant in lieu of taxes and did not share in any operating deficit. In 1969, we placed senior citizen housing on the same basis as family housing—that is, we now pay grants equal to full taxes and ask the municipality to contribute only 7.5 per cent of any operating deficit. This is a very good deal for the municipalities, for on the average it means increased revenue to them of about $100 a unit compared with the former arrangement.

Two other matters which have had considerable bearing on the family and senior citizen programme have been the various work stoppages across the province and the federal reappraisal of public housing arising from the report of the task force on housing and urban renewal. Despite the work stoppages, which set back completion dates for units under construction, we anticipate 7,000 completions during 1969 which will be our best year in this regard in the five years OHC has been in operation.

The federal reappraisal of priorities and guidelines for public housing has had a more serious effect on the overall programme. Beginning several months before the task force presented its report, the federal government put a freeze on loan approvals for public housing from October, 1968, to May of this year. At one point, Ontario Housing Corporation had loan applications for nearly 3,000 units in 45 projects totalling $38.5 million awaiting approval in Ottawa. The new federal Minister, the Hon. Robert Andras, broke the log-jam in the spring, and we anticipate it will take a few years to make up for this interruption in the momentum of our construction programme.

The half-year delay occurred at a time when material and labour costs were increasing rapidly. Without federal approval, OHC could not enter into firm price agreements with contractors. When approvals finally came through, new agreements had to be negotiated with contractors, resulting in price increases of about $2 million.

This delay was a major factor in the number of OHC housing starts dropping to about 5,000 in 1968 from more than 7,100 the previous year. Although approvals were not forthcoming on loan applications in the first quarter of this year, we are still aiming at the 7,000 start total for 1969 which will equal anticipated completions.

Of course, the public housing freeze did not affect Ontario alone, so a better yardstick of our 1968 operation is the comparison of our effort to the rest of Canada. In 1968, OHC accounted for 93.5 per cent of all public housing starts in Canada compared with the 98.1 per cent in the previous year.

To date, the federal guidelines on public housing have not been established and this is making itself felt in large areas like Metropolitan Toronto where uncertainty over size and design is affecting planning for future projects. Beginning next year, we have been requested to undertake a programme of 35,000 public housing units in Metro over the next decade. This is conditional on federal money being available, suitable sites being found and the new guidelines. For these reasons I can assure the hon. members we are most anxious to co-operate with the federal government in this programme.

I would now like to discuss student housing. We were active at 15 institutions seeking to accommodate 14,453 students as of August 31. Of this total, accommodation for 4,218 students has been completed and accommodation for a further 3,508 is under

construction. Ottawa has indicated student housing will be given a lower priority by them in the future. In point of fact, we were informed in July that we have used up all the money allocated this year to Ontario Student Housing Corporation. A number of student housing projects were severely delayed by strikes, most notably those at Laurentian, the Lakehead, Western and York universities.

In our land assembly programme we have made 24 offerings of serviced lots in 16 municipalities. At the end of August we had offered some 4,468 lots and 3,903 or 87.8 per cent had been picked up. Of this total, 67.5 per cent were leased, 27.9 per cent were on a 35-year agreement of sale with no down payment, and 4.6 per cent were sold for cash.

In some of our more recent offerings there has been evidence of a growing number of individuals who have been purchasing lots for cash to escape the maximum restrictions on the value of the house which may be constructed. This has resulted in the anomaly of more expensive homes being built in subdivisions developed under the HOME plan for moderate income families.

It was our feeling that purchasers with all cash can be looked after by the private market and that freehold purchase for the purpose of building an expensive house was not in keeping with the spirit of the HOME programme. For this reason, we will dispose of all future lots on a lease basis only. The option to own the lot remains, for at any time after five years, the home owner may elect to buy the lot for cash or on a long-term agreement of sale. Lots are leased at book value which is their cost to OHC. Leasing will allow the corporation to exercise control on the value of the house and ensure that the programme benefits the moderate income buyer.

An integral part of the HOME plan is condominium housing. This programme of making multiple units available for ownership is of particular use in high-land-cost municipalities. OHC's role consists of providing a site for condominium development, limiting the price of the dwellings that may be built on this land, providing secondary financing and certain guarantees to both the builder and the lender.

It should be understood that under the condominium legislation we cannot offer leasehold tenure as we do on individual lots. However, although condominium units are sold as a package of dwelling and land, the cost of the dwelling is subject to the same restrictions as for single family homes. Furthermore, the purchaser makes no down payment on the land and payments are spread over 35 years.

These HOME land development programmes, to the end of August, produced and made available to individuals and builders enough land for 8,592 dwellings, and developments now underway will produce enough land this year for a further 1,184 dwellings.

As well as being active in subdivision development, OHC is active in the development of three large projects which are part of our land bank—Malvern, Saltfleet and Waterloo.

The 1,707-acre Malvern assembly in Scarborough will be a totally integrated community containing all essential services including industrial, institutional, commercial development as well as residential. Last February, our provisional technical report was submitted to the municipality and, since then, we have worked with the borough planning board on the finalization of the detailed or secondary planning. At the same time, final details of the first-stage development are being completed, including the plan of subdivision. Servicing of the first stage, which will consist of approximately 2,200 units, will start in early 1970 and coincide with the arrival of Metro trunk services.

The Saltfleet land development consists of 1,605 acres adjacent to the city of Hamilton and the development report is now being reviewed prior to presentation to the municipalities concerned. It is the intention of OHC to produce a balanced community in Saltfleet with the first phase of 200 acres to contain approximately 600 units. This project will be developed in parallel with our remaining 762 acres on Hamilton Mountain.

OHC's 3,000 acres in the Waterloo area will be planned to mesh with and complement the overall plan of the Waterloo-South Wellington area. I recently announced the appointment of Canadian Systems/TRW Limited to assist in the planning of this huge development which will be done in close co-operation with the local planning authorities.

We have no preconceived notions as to the specific nature of the final development and we look to our consultants and the people of the area to describe for us what should best be done in the Waterloo area.

Before closing, I would like to deal with a programme we will be moving into now that initial studies have been completed. As the hon. members will recall, we offered for sale to tenants in Guelph some 70 public housing units. The response has been most gratifying. As of the end of August, 26 sales

had been completed and five others had indicated an interest in buying their homes.

We are now planning to extend this programme across the province. It is anticipated that at a future date we will be able to include it in the sale of multiple public housing units on a condominium basis. The federal government has agreed to this programme in principle, subject to Central Mortgage and Housing Corporation's right to approve projects on an individual basis. We have now submitted to CMHC an initial programme of about 5,000 single and semi-detached dwellings in 70 communities.

Immediately a favourable response is received we will undertake the necessary appraisals and structural inspections prior to offering them to eligible tenants. All such tenants will be given complete details immediately this preliminary work has been carried out.

Mr. Chairman, these are the main highlights of our programmes and I will welcome the opportunity to go on into these in greater detail during the discussion of the housing estimates.

Mr. H. Edighoffer (Perth): It is with pleasure that I rise to criticize the estimates of The Department of Trade and Development, because my previous responsibility allowed me only to get at the hon. Treasurer (Mr. MacNaughton), and I knew instictively that a double-barrelled attack would be more decisive.

Now, instead of just scratching the surface as it were, I have been granted the privilege by my leader of assaulting the very citadel of the *malaise* which for a quarter of a century has afflicted this province. I refer to the department which currently goes by the name of Trade and Development but which with an appostrophe "s" after it, because if any Minister ever made a department his own bailiwick and moulded it in his own image, it is this one.

However, I intend to be polite and constructive and not to refer to the department by the many nicknames that are used offstage, as it were. After all, the CBC, I understand, has a copyright on the title "Mister Dressup" for one of its shows, and so this most fitting designation cannot be used here.

Mention of "designation" leads the mind inevitably to the term "designated areas" and the equalization of industrial opportunity programme. This is, I suppose, the reason for the *domestic* existence of this department, as distinct from its world image, which is also unique.

Before I get into the EIO programme and other detail, however, I should inform the Minister and the House, through you Mr. Chairman, that my esteemed colleague from Parkdale (Mr. Trotter) will deal with housing and related matters, in which he has consistently specialized.

I am more concerned at this juncture with the "wall-to-wall" image-making of the Minister, as reflected in the havoc he has spread wall-to-wall through the length and breadth of the province, simply because there is no master plan for Ontario.

Even if there were such a plan, it is doubtful if this Minister would do more than pay lip service to it. His entry into the real estate field in the Kitchener-Waterloo area, and his subsequent engagement of the TRW "think-tank", as his outside consultants to develop the land at a price of $719,000, has left the local planners smarting and frustrated, and has probably caused Dr. Fyfe to decide that his report on the area, already long overdue, can wait a while longer while he teaches a few more semesters and lets the Minister of Municipal Affairs (Mr. McKeough) sweat it out.

Speaking of "wall-to-wall" this and that, I well recall that the Minister beamed at the Premier (Mr. Robarts) at the Royal York Hotel this spring, and said: "Look, I promised you wall-to-wall women, and here they are." It always struck me that that was a showman's remark.

Since this April event was organized by the women's advisory committee—page 165 of your estimates, gentlemen—it is evident to me that this $68,000 is just one more avenue of promotion of the peculiar kind in which the Minister excels.

Two ladies are on the payroll in this department, but my letter of April 30, 1969 to Mrs. Lymburner, designed to discover what they are up to, has not to this day been answered, so I think it is fair to conclude that they do not have a very clear idea, either, as to their role and function, except in the vague terms of euphoric anticipation that infects all the public servants who are caught by the magnet of this Minister's particular charm.

To turn to bigger things, in terms of moneys spent, I must say that everyone I talk to regarding the implementation of the equality of industrial opportunity programme seems to be united in his concern that it perpetuates INequality, because of the arbitrary nature

of the decisions that are made under this heading.

The Minister in June made a statement. That statement contained nothing specific about municipalities having to re-apply for designation or what definite areas were to be redesignated. That alone produced a great deal of confusion.

Another common criticism is the lack of a record of the early counselling and consultation procedures that take place between the department, firms and municipalities. If there were more formalization of the early reasons for discouragement of endeavour, then firms and municipalities could come to this court, the Legislature, with concrete evidence of discrimination against them, according to their rights, and the question period and these estimates could be the vehicle for airing the grievances.

However, so very often, I am told, initial enthusiasm is dampened by a verbal exchange and when the originator of an application comes to reassess his position in the light of the negative reaction of the department, he is at a loss for documentation to support his position. Consequently, many legitimate applications do not have the benefit of re-examination by third parties, and a good deal of initiative and enterprise is discouraged, sometimes perhaps on narrow technical grounds.

Last Tuesday's answer regarding the Timmins enterprise which cannot qualify because it is insolvent, demonstrates the finality of the Minister's answer. I do not quarrel with his decision in this instance, except for its utter finality. Provision ought to be made for the firm to put its case to some independent board or tribunal held in the open—since the public is vitally involved in this decision.

There ought also be provision for actuarial counselling for this firm, if that is the only thing standing in the way of keeping the firm going and providing employment. Any cost-benefit analysis of this situation should also include the cost of the alternative—that is the unpalatable alternative of people on unemployment insurance or welfare or going hungry.

As I scan my files, I am constantly reminded that an overall plan for Ontario is the only guideline that makes any sense today, and I keep asking myself what is Dr. Thoman doing over in the Treasury Department while all this is going on in Trade and Development? To hear Dr. Thoman speak at regional development conferences is to hear a very different story from that being told by Trade and Development, or from the actual designation programme that is being spawned in such a haphazard fashion today.

In passing, I just have to add that yet another magic web is spun by the Minister of Municipal Affairs, but that has now turned into black magic.

As now carried on, the EIO programme is like the finger of death, pointing here and there in a most capricious fashion, setting up some areas, like Trenton, while destroying the viability of others.

The town of Ingersoll affords a good example of a municipality caught between large urban centres and having its very lifeblood drained away by the EIO policy. Ingersoll has been told that because it is within a 40- to 50-mile commuting distance of such large centres, it cannot be assisted. It is thus condemned, in the long haul, to a dormitory role.

The automobile, which was foreseen as such a blessing, is now not only a menace in terms of highway carnage, pollution, and as a cause of misuse of land on a large scale. It is now having this secondary social effect of causing towns to die.

As Professor Pleva of Western puts it so simply: "There are now no roads to resources, but only roads from resources, to the large urban centres along the Grand Trunk route." Ingersoll is right on that Grand Trunk route, but will stagnate unless it is allowed to retain its essential character as a place to live and work in its own right.

I think this example affords proof of the enormous power for good or evil that the Minister wields, and it shows why we must have a master plan for Ontario—including sociological studies that will predict the consequences of what we do in all related fields —without further delay. Without this integrated plan, we can no longer go on.

Until we get such a plan, the situation will remain as it was documented by the Minister in page 6378, *Hansard* No. 165, June 27—the day we recessed for the summer. I would ask members to look this up and read it at their convenience. In particular I would refer you to answer No. 4. The Minister says that the term "small municipality" refers to municipalities which are not major centres of population and industry. Then in answer to the member for Peterborough's (Mr. Pitman) supplementary question, he affirms that Peterborough is considered a small municipality. Later he speaks of a "graveyard with lights."

I say he is pursuing policies that make even Ingersoll face a future as a potential graveyard with lights. In my own constituency, the city of Stratford, home of the festival, has been discouraged from pursuing a designated status.

In that same answer the Minister has indicated quite clearly, at the top of page 6379, that the coming of regional government will accelerate the process of gross centre consolidation so perhaps we should be grateful that regional government is facing the opposition that it is. Perhaps the Minister of Municipal Affairs is saving the bacon of the Minister of Trade and Development (Mr. Randall), at least in an indirect way.

Now I would like to read into the record from an editorial from the Brockville *Recorder* of April 3, 1968. It cites two instances of government treating Brockville unfairly. One, regarding hospital land appraisal, is irrelevant here, but the other concerns the EIO programme.

The city, we are told, was turned down in its bid to become designated for aid under the Ontario Development Corporation's incentive loans to industry for locating or expanding in selected areas.

The editorial says:

> This blow, coming on top of the other, is enough to cause a municipality to lose faith in the government. Brockville feels, and rightly so we believe, that the province has failed to understand the special problems of this region.

I am still quoting:

> In this regard Brockville is not alone. Many municipalities are upset at the government's cavalier attitude in regards to the industrial incentive programme, with some of them claiming it is a simple matter of politics.
>
> This feeling has reached into the Ontario Legislature and the case of Peterborough vs. Lindsay in regards to designation for industrial loans was cited. It is similar to the Brockville case.
>
> Peterborough's application was turned down for the same, seemingly asinine, reason for Brockville's refusal. The municipality (Peterborough) in the past five years had three new industries and six expansions, creating 125 and 143 new jobs, respectively. Yet nearby Lindsay qualified, although it had five new plants and five expansions for a total of 390 new jobs in the past five years.
>
> In Brockville's case, the government refused the application because the city had had one new plant and 50 new jobs in the past five years.
>
> In the cases of Peterborough and Lindsay, charges have been made that it was a political decision because Lindsay had remained loyal to the Conservative Party in the last election while Peterborough switched to NDP.
>
> Brockville's experience would seem to counter this argument since the Conservative member was re-elected here with an overwhelming majority. Certainly Brockville could not be faulted for being unfaithful to the Conservative cause provincially. There must be some other reason, but no one seems to be able to give any understandable answers. It is almost as though some of the Toronto bureaucrats have been given too much power and they are choosing municipalities by flipping a coin.
>
> Now, while the Legislature is in session, it would seem to be a good time for the government to explain its position in this important matter. Most municipalities outside of Metropolitan Toronto thought the aid was going to be spread around the rest of the province to entice new industry away from the congested areas of Toronto-Hamilton and southern Ontario but it hasn't worked that way. Why, we wonder?

That was an April editorial. By May 25, the Brockville *Recorder* was able to report in a news item that Brockville had been granted "limited participation" by order-in-council. It is important that this item be inserted in the record. Here is what it says:

> Brockville will be admitted to the Ontario government's industrial opportunities equalization programme on a limited basis, Hon. James A. C. Auld, MLA for Leeds and Minister of Tourism and Information, announced today in Toronto.
>
> Mr. Auld said full details of Brockville's participation were being forwarded to Mayor John Broome and city council. He said that Brockville would qualify for the incentive loans programmes to the extent that benefits would apply to any industry locating in this city which would provide up to 100 jobs. Once such a plant was established, the city would be ineligible unless a further review of Brockville's requirements decided otherwise.
>
> Mr. Auld said that the city's application for consideration as an area eligible

> for the forgivable loans was reconsidered by the Ontario government Thursday and an order-in-council was issued granting Brockville limited participation.
>
> The forgivable loans are made to industries by the Ontario Development Corporation. They will apply to firms wishing to build new plants in the city or expand exciting facilities, up to a maximum of 100 new jobs.

Now what, I want to know, is "limited participation"? Is this a new and special category of assistance dreamed up by "Randall's Rangers" in a small back room?

It seems that Brockville was to be assisted to the extent of giving 100 men employment but beyond that there would be nothing—no forgivable loans beyond that magic figure of 100 jobs.

Now on what Olympian heights do these men sit, that they can cast lots in this fashion and determine the fate of other men? One hundred shall work and the rest can go hang. Has it come to this, that the government shall tell us when we live and when we die? And not just government but invisible men who prepare the orders-in-council that are signed as a matter of form?

This is not a Cabinet reflecting the view of the people. It is indeed the cabinet of Doctor Caligari, the sinister other side of an agency which shows its best face to the rest of the world at Osaka and at the CNE.

Let me give you yet another illustration of how this government, and this agency in particular, stifles real incentive even as it is window-dressing elsewhere.

Now this illustration, I must admit, is maybe a borderline case as I am fully aware that the EIO programme outlines that primary industry is not eligible. However, your new brochure has the new title "Programmes for Prosperity" and I am not a believer in discrimination. I believe that more consideration should be given to a basic industry if there is any possible way of improving the net result.

The story goes something like this. Two farmers—or I might say, as is usually said by my colleague from Huron-Bruce (Mr. Gaunt), two agri-men—from my home area learned that the mainland of France would afford a good market for dried green beans. They also reasoned that the seed which would afford the best crops suitable to the French taste would be found in France, but research and expert advice was in order as to varieties, growing season and optimum conditions for just the right crop that would capture this particular market.

Their request to the department was initially confined to assistance in flying over to France to research the market themselves. Later they sought help with the silo building and packaging machinery which their research had suggested would spell the success to their enterprise.

They got nowhere on either count. So, with some financial difficulty, they paid their own way to France and got their business going. They still are only halfway there to their market because they are sacking their dried beans instead of packaging them attractively as they had planned to do. Their potential market is reduced because they do not yet have the capital to do the job from beginning to end.

Now here is the kicker to this story. They are now in receipt of regular visits from government officials from The Department of Agriculture and Food, which also declined to assist them, and from other government departments. These men come down regularly to watch the beans grow and to marvel at the free enterprise that can still flourish in this day and age.

Mr. Chairman, I hope that members will remember this story when they recall the picture of the Minister turning the sod in Osaka, or next they see the Minister's picture in the press as he opens the pavilion at Osaka or brings a rock back from the moon.

In the end, "the showman will out"; but in the long run, too, the people of Ontario will take note that the really effective policies of assistance when it would truly help are denied—and that behind the façade of the smiling ambassador of Ontario, there lurks the shadow of an unpredictable establishment that picks people up and drops them down without regard to the elementary principles of planning or the social consequences of arbitrary disruption of enterprise.

We have made illegal the granting of taxation favours by municipalities, but the system that has replaced it is just as open to abuse. If we ever forget that, we are failing in our duty as an Opposition, and failing in our responsibility to the people of Ontario.

Mr. Chairman: The hon. member for Windsor West.

Mr. H. Peacock (Windsor West): Mr. Chairman, it is always a pleasure to listen to the Minister of Trade and Development introduce his estimates in this House, particularly I think because his language is much more

graceful and restrained than the texts of the speeches that he sometimes uses on his road trips outside this House to the opening of various enterprises and the awards of certain letters to fashion people and so on.

I must say that despite all the criticisms offered by members in the Opposition parties and members of the Minister's own party about his policies and programmes, that he certainly has few challengers on the government benches when it comes to energy and dedication. It is unfortunate, Mr. Chairman, that so much of that energy, so much of that showmanship, so much of that salesmanship, is misdirected—misdirected away from the policy area that we have urged this government to give so much more attention to than it has in the past and will refuse to do in the future, the area of housing—meeting the housing needs of the people of this province. The Minister's instinct and training and experience, I think by and large, are those of his years in business and the skills he has acquired there. The native drive and salesmanship bent that he has, are just not the tools that are needed to solve the housing crisis in this province. They are extremely effective, I will grant, in representing this jurisdiction, Ontario, in the market places of the world, where bankers and production managers, and sales managers are the persons with whom he is dealing.

But, when it comes to dealing with the, if I may continue with the analogy that the Minister is so fond of using, of salesmanship, when it comes to dealing with the customers of his department, and its agency, the Ontario Housing Corporation, there is a long queue of people around this province, who, if they were brought to the parking area in front of the Parliament buildings, would extend down University Avenue to the Lakeshore, and divide at Front Street or Lakeshore Boulevard and extend in both directions to the Quebec border on the east and the Ontario-Michigan border on the west, waiting to get proper housing accommodation in this province.

And from the statement that the Minister has read in introducing his estimates to us today, that line-up is going to grow longer and longer, because the deficiencies in the Minister's programme, the road blocks that he has faced, in Ottawa, have in no way reduced the queue.

We have in this province wartime scarcity in the field of housing supply. No other commodity in this province, Mr. Chairman, is in such short supply or so close to wartime conditions as is adequate housing at prices that people can afford. The Minister, of course, acknowledges that the problem exists, yet continuously asserts, and again I grant him, accurately, that the effects of this province are far greater than perhaps all of the other provinces in this country put together. He has also claimed that in proportion to our population, greater than the effort being made in the United States of America in achieving a solution to their housing programmes. But, what he has yet to say to this Legislature, and the people of Ontario, is that there is a policy commitment, there is an overall economic and social objective to solve the housing crisis in this province. To put it in terms of the numbers of units of families, senior citizens and student housing units that are needed to provide accommodation and shelter for all the people that need it.

The Minister has never brought before this House a housing policy objective, expressed even in the volume of housing that is required to meet the needs of his clients, or to express any objective for the quality of the housing that is required. The latest figures that the Toronto housing registry has published, I think for June 1969—I believe that the latest three-month figures are in preparation and about to be released, but I do not have them—show that families applying for housing in the Metro area numbered almost 15,000 at the end of June. Senior citizens numbered almost 5,600. That is a total of 20,600 applications on file with the Toronto Housing Authority at the end of June of this year.

The applications, I am told, are coming in at the rate of 70 families per day compared with 45, this time last year. Yet, according to the Minister, there is, under construction and development something less than 10,000 units of family and senior citizens' housing in the Metropolitan Toronto area to meet an effective demand at the end of June of over 20,000 places.

In the city of Windsor, where I represent the west side, the local housing authority had, at the end of August, over 2,000 applications on its files from families and senior citizens in the city of Windsor who cannot get accommodation at prices they can afford in order to escape from the kind of substandard housing that the municipalities, in many parts of this province, have found themselves incapable of dealing with through minimum bylaw standards or alternatively rehabilitation through grants or urban renewal programmes.

The squeeze in the housing market is such that families earning $8,000 a year and perhaps over, are themselves putting in applications to Ontario housing and local housing authorities. This is the very income bracket that only a few years ago was taking the bulk of NHA insured loans through Central Mortgage and Housing Corporation. The Minister says that he has the answer in condominium housing.

He has the answer for the same group of people, the top third of our population in the housing market, for whom NHA used to be the answer in the first 20 years of the postwar period—those people that have now been left behind by the spiralling interest rates established by the federal housing authority, and the Minister has simply moved in through his condominium legislation, or rather his condominium promotion, to take over where NHA and the federal government have opted out. For that broad group of families and senior citizens in the middle income bracket, that middle third, there are still no policy objectives from either the federal government or this provincial government.

Yes, the president and managing director, like the Minister in the store, can say: "I have 70 units in Guelph I am willing to sell, so that you tenants can become home owners." It reminds me of the wartime scarcities in the old country, Mr. Chairman, where a long line of customers would get to the counter and the shopkeeper would say, "I am sorry I am all out of that"; but if the next person who came along happened to know the shopkeeper pretty well, the shopkeeper reached underneath the counter top and pulled out the package of sugar or tea or marmalade or whatever item was in such scarce supply at that time.

The Minister acts like that kind of shopkeeper. I am not suggesting that he carries on any policy of discrimination between any groups of people in our society, but he is engaged in a very, very selective rationing of a very, very scarce commodity, and most of the beneficiaries of his reserves of housing stocks that are available, are going to those persons that he admitted at one point of his opening statement, really do not need to be served by the Ontario Housing Corporation or its HOME development programme.

I think the Minister's admission, in respect to those persons who can afford to pay cash down payments for the purchase of HOME lots, can certainly be extended to a large number of other persons who get into the HOME programme on leasehold or agreement for sale, or condominium purchase arrangements. Those persons used to be served by NHA; they are now served by the Ontario Housing Corporation.

All that we have had in meeting the effective demand for housing in this province—as far as that group of people above the line where they are in no way able to provide housing for themselves, that bottom third—is that we have had the subsidization of new housing shifted from the federal level to the provincial level. When the federal government has run out of funds the Minister of Trade and Development has gone out to scrape to see if the province cannot take over for them.

The Minister has said, he said it on television—I think as recently as the day on which he discussed the anticipation of the 12 per cent mortgage interest rates—that public housing is not the answer. He did not expand on that. I do not assert that he has no use for public housing, but I do assert that he regards it as an extremely limited tool in solving the housing problems of this province. Once upon a time, it was regarded as a transition to home ownership and the Minister introduced his HOME programme saying that he was providing the stepping stone from public housing to real home ownership. Well, that step has not been taken, because as we know, despite the Minister's belated action in imposing that rent freeze at May 1, 1968 rates, families who get into the rent-geared-to income projects get themselves locked into a situation they cannot get out of, if they have any hopes of purchasing their own household.

There are the 70 units in Guelph, and there are the condominium projects and there is the possibility of agreement from the Central Mortgage and Housing Corporation for the sale to tenants of another, I believe, 5,000 units, Mr. Chairman. But again, it is this business of reaching under the counter for a particular few individuals over a very long period of time and it is doing nothing to reduce the lineup.

I say that the Minister, despite his efforts, has not been vigorous enough in dealing with his counterparts at Ottawa to break that log jam that he said the new Minister of Housing, Mr. Andras, had broken in the spring.

Hon. Mr. Randall: I dealt with Hellyer.

Mr. Peacock: I once helped to campaign against him, unsuccessfully, like the Minister. However, Mr. Hellyer's political career at

Ottawa seems to have passed and the Minister's star here should have been on the rise a lot sooner than Mr. Hellyer's resignation from the Cabinet. I am saying that the Minister of Trade and Development did not speak out for the people of Ontario in that line-up who are waiting for housing when the Hellyer task force came to Toronto. Whatever had been happening in the relationship between the Minister here and the Minister at Ottawa —whether it be acrimonious or whatever, I do not know, whether it were the change to rigid attitudes of the Minister at Ottawa, I do not know—but this Minister here in this House should have made every effort to see that the Hellyer task force, headed by its Minister, sat here in the city of Toronto and visited every other community in this province with a housing problem and heard from the Ontario Housing Corporation and its officers in full about the housing problems they were facing and about their proposals for solutions to the problems. The Minister has probably discussed these on a number of occasions with his counterparts in Ottawa, but behind the scenes, so to speak, and that is not good enough for the people of Ontario.

This Minister could have mobilized tremendous public support for the breakthrough in housing had he gone to the press, as he so frequently does in announcing his condominium projects and HOME lot offerings and Marvern developments and tenant purchase plans. If he had used the same flair for publicity in dealing with the Hellyer task force he could have mobilized public support in this province against the Hellyer report or the recommendations that the task force was reaching, that led to the suspension of housing activity in this province for, I think, about eight months.

The Minister helped get himself in that difficulty, not simply by his standoffishness and reluctance to deal with the Minister of Transport of that day, saying to himself and his officers, "Here we are, we'll wait for him to come and see us". He got himself into difficulty by some of his other bull-in-a-china shop tactics such as in the Waterloo South-Wellington land assembly area which, the research director for that project stated, may well have caused the Hellyer task force to have second thoughts about any further developments on the scale that Ontario Housing Corporation had then before the Central Mortgage and Housing Corporation for approval. The Minister rushed in without notice, without warning. He assembled first 1,500 acres, and then, I believe, another 1,500 acres, after the three-city planning area had already been established, and left the task force wondering how many more Regent Park Souths might be about to rise on that location.

I say that the Minister got himself into those difficulties by not being vigorous enough in representing the people of this province before the Hellyer task force and knocking down some of the assumptions that the task force had made, that led to the suspension of housing activity in this province.

Yes, the Minister can point to that roadblock in Ottawa for the drop in starts in 1968 to 5,000 from 7,100 the year before. But now that he claims the log jam is broken, it seems that the corporation will achieve only something like 7,000 starts in 1969, if he can get the money. In other words, Mr. Chairman, we are going to have a programme carried on by the Ontario Housing Corporation at a 1967 level of activity to meet a 1970 problem. I think that is the accurate way to express it—a 1967 level of activity at 7,000 units for a lineup of people 21,000 strong in Metro and possibly double that number in entirety around the province. The gap between effective supply and demand for housing in this province is getting ever greater and the programme that the Minister has brought before us today in that paragraph on page 4 shows that there is absolutely no hope of closing it at all in the relatively near future. In fact, there is not even a start being made on closing that gap in the programme that the Minister has announced to us today.

I recall how insistent he was in his estimates of last year that his direct investments through the Ontario Housing Corporation were going to generate $400 million worth of housing and land development. Well, Mr. Chairman, I do not know what the actual overall value of the corporation's housing and land development programme actually reached in 1968-69. I do know from the Budget statement of the Treasurer that the actual direct investment forecast for 1968-69 was a pitiable $19.4 million. I do not know just what portion of the $400 million of total activity that $19.4 million direct investment accounts for. I know it is down $15 million from the direct investment the corporation made in the previous fiscal year, 1967-68, of $34.4 million, and I have learned from the Minister's statement this morning something which I think reinforces my assertion at the outset of these remarks, that his priorities are all upside down, that his skills and experience have gotten into the wrong vocation or assignment or jurisdiction in this Cabinet because he announced that his EIO no-interest,

non-repayable loans—from the time the programme was introduced to June of 1969, which I think is about an 18-month period—totalled $30.3 million.

Now, that is an achievement of misdirected and misguided priorities if I ever heard one, Mr. Chairman, that the Minister responsible for both the housing policies of this province and its industrial development should have spent one-third more money on his wall-to-wall of factories from Toronto to the Ontario-Quebec border in that 18-month period of time, than he had spent in the fiscal year 1968-69 on housing. No wonder we have a crisis of the proportions that face us today.

That is why, Mr. Chairman, we have been so insistent in this group that there be established a completely separate department of housing and urban affairs. We simply cannot do without one any longer.

A few weeks after the Budget was delivered in this House by the Treasurer, the Minister of Trade and Development announced a $13 million expenditure for the new Ontario pavilion on the CNE waterfront—the Randall land-fill site for Metro's envy of Expo, I think nothing else. I think I can get away with saying that, as a member representing a riding outside Toronto. A vain showplace to satisfy Metro's envy of the federal and provincial aid that went into Expo in Montreal, and Man and His World that followed—oddly it was the very same amount that the Minister of Health (Mr. Dymond) slashed from his grants to hospital construction: $13 million.

Some time earlier in the spring the Minister of Highways (Mr. Gomme) announced a $50 million expenditure on one interchange to eliminate the bottleneck at Highway 27 and 401. What kind of priority planning do we have in this Cabinet and from a Minister who sits on the Cabinet's economic and regional development co-ordinating committee?

He goes from Yugoslavia to Ypsilanti with one trade mission after another, from Quaker Oats at its cream puff factory in Trenton on the east to Colonial Cookies on the west, saying *che sera, sera,* for housing—whatever will be, will be—the Minister simply does not have the time and I do not think the inclination to make a full-time job of solving the housing crisis in this province, and has yet to represent to his leader and Prime Minister that it should be such, that there should be a full-time department of housing and urban development established.

There are just too many distractions for him.

The trade missions, and the ribbon-cutting, and Expo 70 and Expo 67, and the opening of new trade offices, and celebration of 100 years of residency in the United Kingdom—he is good at it, no one denies him that. He is Ontario's super salesman and showman, but he is not the Minister to cope with the problems that are growing more and more beyond our reach to handle in the housing rehabilitation and redevelopment field. I do not know when we are going to get that through to the Prime Minister. I know that we are not going to succeed with the Minister of Trade and Development because in his eyes and those of many of us in this House he is doing a capable job.

There is only one way, I think, that we are going to get it through, and in the meantime that queue of customers outside his shop is going to get longer between now and the next provincial election in 1971. There are going to be a lot of unhappy customers lining up at that ballot box in the provincial election in 1971.

A lot of them are going to be in another queue, Mr. Chairman, one that was referred to earlier by the critic from the official Opposition on these estimates, and that is over the Minister's blunderbuss, or scattergun technique of industrial development. We have been through several estimates in this session of the Legislature in which it came out that the right hand of this government just does not know what the left hand is doing. We thought we had reached the acme with The Department of Social and Family Services and the interdepartment committee on Indian affairs, but when it comes to the activities of the interdepartmental committee on regional development and economic development, let me tell you, Mr. Chairman, that the actions of the Minister of Social and Family Services (Mr. Yaremko) are coherent by comparison.

We have ten economic regions in this province and ten regional economic councils representative of the municipalities, industry, and so on, sitting down at the request of the Treasurer of this province to develop regional economic bench marks and plans. Last November each one of the ten reported to the Treasurer of the province. "Here is the pattern for development in our region," they said to him. They got their point across to the Treasurer of Ontario through very comprehensive studies, most of them done by very competent geographers or social scientists, indicating what the inventories of resources,

natural and otherwise, in those regions are; setting up an itinerary or schedule for development, and setting down item-by-item what the objectives for development in those regions ought to be.

I do not know whether the Minister of Trade and Development in his EIO programme has perused those reports. I doubt it, because in instance after instance, recommendations for community and regional development have just been ignored by the loans that the Minister has been using to encourage industry in slow growth municipalities. Look at the statistics in his lead-off speech this morning. Eighty per cent of the 186 foregiveness loans that have been made have gone to plants moving into communities of less than 20,000 population, and while I have not worked out the figures yet, the preceding statistics in his statement of, I believe, 118 loans going to plants moving into communities of 10,000 or less still is a very significant proportion.

In what way can the Minister rationalize that kind of approach to regional development in this province? That every hamlet, every valley, shall be made great—or whatever the Bible says, Mr. Chairman—from this benefactor, the Minister of Trade and Development. Never mind the regional development reports that suggest concentration of industry in this part of the region, or in this particular community because it is well served by its natural location, its water supply, its sewage treatment, its access to markets, its relationship to good housing in nearby communities, its relationship to parks and developments—never mind all that. There is a good-looking beach area, or resort area, or recreational facility, or retired citizens' community. Give the plant in that community a $250,000 development loan interest-free. No consideration at all, Mr. Chairman, for those recommendations—I am sorry I cannot list them all – those recommendations of the regional development councils which have been violated, I would think, in every part of the province where the Minister is carrying on his EIO programme, and that is just about, I would think, 75 per cent of the land area of Ontario.

What kind of rational economic and municipal development are we going to have in this province? Will we ever have it, if the Minister is permitted to continue his EIO programme in this manner? Building that wall-to-wall corridor of factories from Toronto to Cornwall; putting more and more pressure on the Ontario north shore; bringing more ancillary services and industries and housing to parts of those regions along the shore that just should not happen, I do not care what the political consequences are. We will have such a distortion of the economic development of our province if the Minister continues in his present course under the EIO programme that it will be impossible to repair.

Communities which have no potential for growth, no services, no relationship to the other major growth points in their regions, are getting EIO loans. All kinds of suggestions have been made as to the reasons—influence and the size of the plant, and the Minister's haste to continentalize our provincial economy by bringing in all the major international corporations and U.S. firms that he can to pick up these loans—as reasons for his impetus in handing out such a volume of the taxpayers' money, free of charge to these corporations. This is another unfathomable part of the programme altogether, which I will not deal with now. We intend, Mr. Chairman, when we get to that vote on the EIO, to expand on it considerably.

What in heaven's name is the Minister doing to our regional and rural economies in this province? Fine farm lands, recreational areas, areas that ought to be developed for residential use, all go by the board, as far as the EIO programme is concerned.

Now that the Prime Minister has returned to the House, Mr. Chairman—and I was not just waiting for him to do that—I want to repeat what I said earlier. He has heard it before, and I want him to hear it again. We in this group want the Prime Minister of this province, before 1971, to establish a department of housing and urban affairs. His Minister of Trade and Development, albeit energetic, skillful as a salesman, a great showman, and so on, is just not solving the housing crisis in this province. The Prime Minister, I know, has probably put his thoughts in these terms more and more frequently recently. He is getting deeper and deeper into political trouble in this province. He will reach the bottom of the barrel of political trouble if he does not move to speed up his housing corporation's programme of house building for families and senior citizens of this province and solve the housing problems of that middle third of our population who are just not able to get into the private housing market any more and are too well off to qualify for the Ontario housing programme. That is what the Prime Minister has got to achieve. He has to achieve it out of sheer political necessity by 1971. It is one of those other

problems that is mounting up against him which, if he allows them to go on unattended much longer, are going to result in his political defeat when he calls the next election. That should not be the rationale for urging him to be more vigorous in solving the housing problem, but what else can one use to appeal to him, Mr. Chairman? What else?

We have tried every other form of appeal, we have proposed at the opening of sessions in 1968 and 1969 that a standing committee on housing and urban affairs be established along with the other present standing committees so that some members of the Legislature can pay proper attention to this problem. The Prime Minister has said, no. We have introduced resolutions calling for the establishment of a separate department of housing and urban affairs. We have argued with the Minister of Trade and Development about it in his estimates. Again no response.

What other appeal is there to make to the Prime Minister of this province except that out of sheer political necessity he has got to establish a new and distinct and wholly preoccupied department of housing and development?

Mr. Chairman, that completes my opening remarks. When we get into vote-by-vote consideration I think we will want to spend some time discussing with the Minister the EIO programme and the administrative policies of Ontario housing and student housing corporations.

Hon. Mr. Randall: Mr. Chairman, first let me say a few words to my hon. friend on the Liberal benches about that *malaise* that seems to affect this province. That *malaise* has been responsible for the ecenomy of this province going from a gross provincial product of $17 billion in 1963 to an estimated gross provincial product this year of $29.2 billion. If that is *malaise* we should have more of it.

Let me also say that my hon. young friend referred to me as "dress-up." Frankly, I tell you, I dress for the occasion. If I am going to talk to undertakers I will look like an undertaker. If I am going to talk to bankers I will look like a banker. If I am going to talk to salesmen I hope I look like a salesman.

Mr. R. F. Nixon (Leader of the Opposition): And when you talk to tenants of Ontario Housing Corporation?

Hon. Mr. Randall: When I talk to these academics I look like an academic.

Mr. Nixon: No, no!

Mr. J. B. Trotter (Parkdale): No way.

Hon. Mr. Randall: But not a weirdo.

Mr. C. G. Pilkey (Oshawa): What happens if you go to a nudist colony?

Hon. Mr. Randall: I would look like a nudist. I had a salesman working for me at one time called Plumber Speed, from Georgia; and Plumber Speed said whenever he walked in with something new on, I looked and I said, "Plumber, you have a new tie on today." And he said, "Man, there is no use being poor and advertising the fact." So that is the reason why I afford to get dressed once in a while.

Now, you have referred to wall-to-wall factories. Let me say that I recognize the difficulties that industrial development will perhaps bring to certain communities, but I have never been in one yet that does not want more industry. So there is a conflict of interest here, I think, in your mind and perhaps in the minds of some of your colleagues over there. What do you do with the economy? Do you want industry or do you not want industry? In fact, as far as I know, of all the people I have talked to in the last five or six years there is not a mayor or reeve anywhere who has not said, "Get us some industry," which is what we are trying to do, and we are being very successful in doing it.

I think you referred to TRW, the local planners up in Waterloo. I might tell you that the TRW gentleman you referred to earlier has gone on the planning board up there in an advisory capacity to help Mr. Fyfe—I think it is Mr. Forester. And that will be one of the best planned developments anywhere in North America when they have finished with it.

I might also say to you that TRW has about 600 Canadian engineers there and many of them would like to come back to Ontario. When the Prime Minister and I were out there a year ago January, opening our Los Angeles office, we visited that space centre where they have about 30,000 people working, they have a total of 70 Canadian engineers, and I suggested that perhaps they would like to come to Ontario and set up a similar facility. They talked to us about it over a few months and they came here and they have opened up an office and they are in business.

And I hope that one of these days, through the planning that they are going to do at their 3,000 acres, we will have a TRW centre here because these are the people that put the men on the moon. These are

the people that have five or six space craft up there now sending back more information from each space craft in 24 hours than you can read in the Sunday New York *Times* over the whole weekend. This is the kind of sophistication and the kind of knowledge that we want in this province.

The women's advisory committee to which you referred—when I suggested to the Prime Minister that we had wall-to-wall women, we had 1,500 women in there and we could have had 2,000 if we could have put them in. I do not think you should overlook the women in this province and the contribution they can make. I think your wife and your sisters are interested in what is happening in the economy because if they do not eat they get interested very quickly.

I think you would be surprised, if you attended some of these women's meetings at how interested the women are. I might say the members get an invitation to go whenever we have a seminar, and I suggest, particularly to my Opposition friends, that you go to those meetings and see what the women are after, what questions they are asking, see what they are doing. I think you will find that they have a great interest in what you, as a member in this House, and perhaps as a professional man or worker have to do with regard to the economy of this province.

I am told, at least I think you said you were told that this happened and that happened. I cannot work on hearsay. If you give me any facts about some of the difficulties you say you have experienced with the EIO programme—I know we have had some conversations, in fact you have one or two industries in your bailiwick; and they are very happy, I think, and the towns are very glad to get them.

I say there is no finality in this programme of ours. It is a very elastic programme. In fact, it is so elastic that Mr. Tom Kent came down with his associates, the Deputy Ministers of Regional Economic Expansion under Mr. Marchand. They sat with our people for two days and they said, "We are going to work out a programme like yours because of its flexibility." If you study the federal programme, you will find, I think, that they have done exactly that. They have worked out a programme similar to the one we have in ODC.

I think as you look at that situation you will recognize that if Ottawa is going to copy some of the things we are doing here now, we are not doing too badly.

You mention the situation at Timmins, and I think I spelled it out very clearly the other day that we had gone into the plant at Timmins, we had people up there and it is too bad that they did not come to us before they went bankrupt. No government should pick up a bankrupt company, and I said the other day, if they get themselves reorganized with some more of their own equity, certainly we will help them get started. But we are not going to go in and give them $200,000 or $300,000 to pay off their creditors and let them run another $200,000 or $300,000 of the taxpayers' money down the drain as they ran their own.

You referred to the town of Ingersoll and I want to assure you and your colleague over there—I talked to him about it on many occasions—that they judge themselves as to whether they qualify for ODC. We do not judge them; they send in the necessary forms. They have to compete with every other municipality in the province. They have a perfect right to put on that form what they think will qualify them. If they cannot qualify, it means that they certainly do not qualify as a means of a designated area programme and if we want to give it to everybody, then there is no use having a programme. I simply suggest to you that if Ingersoll feels it has been mistreated, it should come back again and make another application. We will look at it and tell them whether they can qualify or not as their circumstances change.

The member referred to Brockville on a number of occasions. Sure, Brockville had two or three plants, as I recall it, where men were laid off or the plants closed down. I have the facts here; we can get into them in our estimates. We qualified Brockville for 100 jobs; we just got the 100 jobs and another plant went down. So then we continued on with their qualification. Today I think if you go down to Brockville you will find it a very highly industrialized centre in eastern Ontario and they are very happy with the EIO programme.

The member referred, I think, the odd time to regional government as it should be established, and my hon. friend from the NDP did the same thing. I have said before, perhaps we will move to growth centres one of these days, but I do not believe that today is the day to move. I will be glad to discuss that a little later. I also suggest to you that we talk about regional government and getting those centres, but I do not know what comes first—if you do not have industry, I do not know how you can have regional

government, if only one centre is going to provide money for five or six sick ones. Far better the five or six sick ones who have a financial imbalance are brought up to standard before they form the regional government. I think this way they would have a better chance of success. We can argue which comes first – the good industrial base or regional government.

Mr. Chairman, let me say in concluding these comments—it is 1.00 o'clock—that we did the same thing for the town of Orillia, we did the same thing for the town of Owen Sound. We gave them limited designation and there is no doubt in our minds what limited designated means. It means that if a town has lost a company, by bankruptcy or going out of business, and it has laid off 100 people, we will take a look at it. That immediately changes the information they have given us, and we will try and replace those 100 jobs, instead of sitting back and saying, "Well, you will have to wait until 1971 when this programme is all over and then we will take a look at you." By that time, these 100 people could be on relief, lose their homes, and be in dire circumstances. So the programme has got flexibility. The programme is designed to help in an emergency situation.

I can perhaps say a few more things, and I am sure that when we get into discussing our estimates, we can discuss regional development and many other things that go with it. So, Mr. Chairman, I will leave it until Monday.

Hon. J. P. Robarts (Prime Minister): Mr. Chairman, I assume that the Minister can continue these remarks in answer to these comments if he feels so inclined on Monday?

Hon. Mr. Robarts moves that the committee rise and report and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

Hon. J. P. Robarts (Prime Minister): Mr. Speaker, on Monday we will resume these estimates. I understand there is to be a private members' hour on Monday and we will, of course, be sitting Monday night.

Hon. Mr. Robarts moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1.00 o'clock, p.m.

No. 172

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Monday, October 6, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Monday, October 6, 1969

Commemoration of 200th anniversary of birth of Sir Isaac Brock, Mr. Welch, Mr. Nixon, Mr. MacDonald 6635

Northern and Central Gas Corporation rates, questions to Mr. Kerr, Mr. Nixon and Mr. MacDonald 6639

Property tax rebate programme, questions to Mr. McKeough, Mr. Nixon 6639

Hamilton secondary sewage treatment plant, questions to Mr. Kerr, Mr. J. R. Smith 6641

Study on student aid and access to higher education in Ontario, questions to Mr. Davis, Mr. T. Reid 6641

Dr. Watson's study of effectiveness of the Ontario student awards programme last year, questions to Mr. Davis, Mr. T. Reid 6641

Faculty of education at Windsor to provide for training of Ontario teachers, question to Mr. Davis, Mr. T. Reid 6642

Informal committee to study pensions of superannuated teachers of Ontario, question to Mr. Davis, Mr. T. Reid 6642

Commission to study post-secondary education, question to Mr. Davis, Mr. T. Reid 6643

Hearing of an appeal by a school board from a student suspended by a school board, question to Mr. Davis, Mr. T. Reid 6643

Air pollution over Metro Toronto, questions to Mr. Kerr, Mr. Burr 6643

Supervisors to oversee work of county agricultural representatives, question to Mr. Stewart, Mr. Burr 6644

Evictions from OHC properties, questions to Mr. Randall, Mr. Trotter 6644

Refusal by caretakers at OHC projects in Metro to operate incinerators, questions to Mr. Randall, Mr. Trotter 6644

Westclox and EIO programme, question to Mr. Randall, Mr. Trotter 6645

School boards which operate their own bus services in Ontario, questions to Mr. Davis, Mr. Spence 6645

Water level at Catfish Creek, question to Mr. Kerr, Mr. Spence 6645

Welfare services for people unemployed due to strikes, but not on strike, questions to Mr. Yaremko, Mr. Martel 6646

Authorization to issue pre-signed government of Ontario cheques, questions to Mr. MacNaughton, Mr. Ben 6646

Ban on phosphates in detergents, questions to Mr. Kerr, Mr. Ben 6646

Cost of GFO vote in June, questions to Mr. Stewart, Mr. Gaunt 6647

Prices of beef to consumers, questions to Mr. Stewart, Mr. Gaunt 6647

Eviction notices from OHC geared-to-income properties in Guelph, questions to Mr. Randall, Mr. Nixon 6648

Atomic power facilities, questions to Mr. Kerr, Mr. Nixon 6648

Sale of fireworks in Ontario, questions to Mr. Wishart, Mr. Deans 6649

Regulations to control use of mace and of glue-sniffing, questions to Mr. Wishart, Mr. Trotter 6650

Estimates, Department of Trade and Development, Mr. Randall, continued 6650

Recess, 6 o'clock 6683

LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, OCTOBER 6, 1969

The House met at 2 o'clock, p.m.

Prayers.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, on appropriate occasions in this assembly, it has become our custom to suspend partisan debate for a brief period in order to make common cause in paying tribute to the men and the women who have made our history and shaped our destiny.

Today is such an occasion. It is the 200th anniversary of the birth of Major-General Sir Isaac Brock, the great patriot, soldier and hero of Upper Canada, who was born on this date in 1769 on the Island of Guernsey.

I am sure you will agree, Mr. Speaker, that this is not the occasion to review in any great detail the dramatic events of 1812, sometimes referred to as our "war of independence"—I have often wondered why no Canadian composer has turned his hand to producing an 1812 overture of our own—I need hardly assure you that it is not my purpose to revive old prejudices or reopen old wounds.

Suffice it to say that there were young warhawks across the border in those days, and Canada was to be the coveted prize.

The history books tell the story of how the 34-year-old Henry Clay of Kentucky boasted that the militia of that state alone could quickly effect the conquest of our country, while the 29-year-old James C. Calhoun of South Carolina averred that it would be all over in 30 days. The United States Secretary of War went one better and said, "We can take Canada without soldiers; we have only to send officers into the province and the people will rally round our standard". And it was Thomas Jefferson who said it would be "a mere matter of marching".

Now it should be said, of course, that the relationship of armed forces at the time appeared to support such hopes. Upper and Lower Canada together had a population of less than 500,000 as against 8,000,000 Americans, and had only 4,500 regular troops to match against 35,000.

But the history books record that the quick victory did not materialize and, instead of the Americans conquering Canada in 30 days, the Canadian border at one stage of the conflict had been pushed down to the Wabash and Ohio Rivers with vast areas, including what is now Detroit, falling to Brock's forces. There are, of course, many explanations for that debacle, including the gross incompetence of some of the American generals.

But one of the main reasons I would suggest for our victories was Brock's skill in building an army of citizen soldiers into a vital offensive force. As the Upper Canada Assembly declared in a resolution at the termination of the struggle—and I quote from the records:

> By the wisdom of his counsels, the energy of his character, and the vigour with which he carried all his plans into effect, the inhabitants of this province, at a time when the country was almost destitute of regular troops, were inspired with the fullest confidence, and in themselves.

Some historians have taken the view that in the War of 1812 the imperial regulars all but saved the colony, but I think there is something more to be said. It was in the course of that struggle that the people of the two Canadas began to develop a collective image of themselves. It was the beginning of national consciousness; half the fighting forces of the time were Canadians—there were Indians, English and French. They included the Canadian Fencibles; Canadian Voltigeurs; the Royal Newfoundland Regiment; the New Brunswick Regiment; and the Royal Veterans and Glengarries; together with 4,000 militiamen; and to these should be added what I have referred to as the "citizen soldiers". In a word, the struggle had many of the aspects of a people's war.

In the words of Brock's biographer, and I quote again:

> The old men left their farms and their ploughshares to bear arms for their beloved country. The wives and daughters supplied the place of husbands and fathers in the drudgery of farm life. The women could be seen sowing the land in the spring and

reaping in the fall. They thought no sacrifice too great to be made, so that their hearthstones might be protected from the hands of the invader. There were many Laura Secords in the land in those days.

I am sure that my friends, the leader of the Opposition (Mr. Nixon) and the leader of the New Democratic Party (Mr. MacDonald), would probably agree with me that the outcome of the struggle of 1812 was a vital turning point in the history of our country. And that the confidence gained in themselves by the people of that day became a powerful factor in setting in motion the great reform movement of the 1830s which culminated in the achievement of responsible government, which in turn led to Confederation.

Mr. Speaker, in paying tribute to the memory of General Brock on the anniversary of his birth, it is appropriate that we should also speak of his comrade-in-arms, the great Shawnee chief, Tecumseh, who was born a year earlier than Brock and followed him in death in the Battle of the Thames at Moraviantown on October 5, 1813. Speaking of Tecumseh, Brock said: " A more sagacious and more gallant warrior does not, I believe, exist," while Tecumseh said of Brock, "This is a man!"

It is symbolic of the close bond between these two valiant men that when they died on the battlefield a year apart, they were wearing the sashes they had exchanged at the outset of the struggle. In paying tribute to Tecumseh, we must include his people, whose contribution was often decisive. The debt to them is, as yet, unpaid.

Mr. Speaker, earlier today I had the honour, on behalf of the government and of this assembly, to join with His Excellency the Governor General and the bailiff of the island of Guernsey in placing floral tributes at Brock's monument at Queenston Heights.

I should also like the record to show that I was assisted at that particular service by Miss Darlene Jazlowieck and Master Reggie Rancourt, who are pupils of the St. John's Fisher School, of St. David's Ontario.

On June 13 of this year my colleague, the Minister of Tourism and Information (Mr. Auld), unveiled a plaque in tribute to Brock at his birthplace on the island of Guernsey. Shortly before we assembled our colleague, the member for Hamilton West (Mrs. Pritchard), placed a floral tribute below Brock's portrait in the rotunda.

The location of the grave of Tecumseh is, of course, unknown. When he was killed at Moraviantown in 1813, his faithful followers carried his body deep into the forest for secret burial, but it may very well be that the remains of this gallant warrior rest in the good earth of the land whose independence he did so much to ensure.

Mr. Speaker, to commemorate the 200th anniversary of Brock and Tecumseh, it is my privilege to present to you, to the leader of the Opposition, to the leader of the New Democratic Party, and later to each member of this legislative assembly these two bronze medallions bearing the profiles of these gallant soldiers and patriots and commemorating the two great battles which played such a vital part in fashioning the destiny of Canada.

Before doing so, may I just add this final word. Earlier, I mentioned that in the War of 1812 our forebears pushed our border to the Wabash and Ohio Rivers. But, being a peaceful people, we returned to our present borders and for 157 years we have permitted our American friends to live in peace. We have no territorial demands to make on them. I am confident that we shall never again set the torch to each other's capitals, as was done over a century and a half ago. But, in the meantime and to be on the safe side, we should keep a sharp eye on our Arctic real estate.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, I am glad to associate myself with the Provincial Secretary in his comments commemorating the 200th anniversary of the birth of General Brock.

I am also glad that he took time to recount what, in fact, must be called and recognized as a Canadian victory. He attributed a good deal of the work in the defence of our country to militia men brought here by the powers of the Empire, but I was also pleased that he associated Tecumseh and the Indian warriors with the battle. After all these years, Brock's main imprint on our mind is that, as we take our children to visit Queenston and they insist we walk to the top of that monument, maybe it is a bit higher than it might ordinarily have been and that after age 40 we are going to send them up on their own.

Perhaps it might be worthwhile, since the Minister of Education (Mr. Davis) is in the House, to recount both to him, and to the other members that it is part of the traditions of the Six Nations Indians, Iroquois, not Shawnee, that they were the ones at Brock's right hand who actually saved the real estate which is now known as Canada. I believe this to be a fact which has not so far entered in

any impressive way the authorized history books that are used in our schools.

The Provincial Secretary, in listing those units which came to the assistance of our country, as it was then a colony of Great Britain, I believe, might have given even more emphasis to the fact that the whole future of our nation hinged on the assistance of the Indians at that time and which actually saved Canada; that the role played by the pioneers, farmers and businessmen who lived here at the time had to be a minor one because, simply by virtue of their numbers, unless we had these other allies, we would have suffered defeat.

I think we should recall that the Indians who went into battle at that time had fought for King and country, as they then fought, and had lost the war of independence in the United States. They had been uprooted from their farms and homes and had settled again here in Ontario—or Upper Canada as it was. They had not had an opportunity to forget the old battles that had been fought just 20 to 25 years before and it was very much a part of their tradition to be ready to fight against the American republicans. So, in fact, they were Brock's right-hand allies. I believe we should recall it at this time and I would urge that the Minister of Education might see that his authorized textbooks take more deep note of this important aspect.

I thank the Provincial Secretary for sending over a medal. This is something that will be of great interest indeed, and I am glad that the government has seen fit to mark this important anniversary in this significant way.

Mr. D. C. MacDonald (York South): Mr. Speaker, I am very glad to associate myself with the House leader and the leader of the Opposition in commemorating not only Brock but, more broadly, those who took part in the defence of Canada in the war of 1812 to 1814.

If you will forgive a personal comment, his remarks aroused a rather nostalgic memory because I spent most of my teenage years in the Chateauguay Valley south of Montreal. Not more than a mile and a half from where I spent those years is a stone shaft that commemorates the battle of Chateauguay, where on still another occasion American forces, as they came across the border during that war of 1812 to 1814, were repulsed. I sometimes wonder whether they were really very serious, whether their hearts were in it because they were repulsed with comparative ease and they certainly went home.

As we pay tribute to Brock and Tecumseh and to all those who shared in the defence of Canada at that time in what the House leader referred to as a "people's war," I always react a bit unfavourably to that comment a "people's war," but I think I understand what he meant. Let us not forget that in that defence the French Canadian played his part. It was deSalisbury who led the forces which drove the Americans back at the battle of Chateauguay; indeed, that was the second time in less than a century after the conquest on the Plains of Abraham that the French Canadian had played a very important role in assuring that Canada would remain "British" within the British Empire at that time, and therefore have the basis for emerging as an independent nation as it did later in the century.

I am delighted to join with the House leader and the leader of the Opposition in paying tribute to those who did write a pretty important chapter in our history. It was a critical chapter in terms of proving to everybody, including ourselves, that Canada is an independent nation. Everyone, including our big neighbour to the south, should not forget it.

Mr. Speaker: This afternoon our guests in the east gallery are from Bathurst Heights Secondary School in Toronto; in the west gallery from Etobicoke Collegiate Institute in Islington.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, I rise on a matter of privilege.

You will recall, sir, that on Friday morning you invited the hon. members to check *Hansard* for the previous evening, that is, last Thursday, as you were concerned about some of the matters which had been discussed at that time.

Believe me, sir, it is somewhat distasteful to me to appear to be constantly engaged in a confrontation with the hon. member for High Park (Mr. Shulman). I appreciate, just as well as every other member of this House does, that there is nothing to be gained by me, sir, in appearing to engage in the kind of debate the hon. member forces one to engage in from time to time. But I did check that *Hansard* sir.

You will recall that on Friday morning the hon. member for High Park had made quite

a point of stating that he at one time had called me a liar in this House and stated that he had withdrawn that at the request of the Speaker. I have no intention of pursuing this, sir, because the hon. member calls a lot of people liars. But in checking *Hansard*, sir, for the previous day, I was rather amazed to find that he had added something which escaped my ears that night. And I quote, sir, from Thursday night's *Hansard* (transcript):

Mr. Shulman: On a point of personal privilege, Mr. Chairman, I wish to point out that in the times that I have been in this House I have only had occasion to call one member a liar; it was the Minister of Correctional Institutions and I have had occasion to substantiate that.

I draw your attention, sir to the fact that this hon. member made quite a point of the fact that he had withdrawn his charge that I was a liar, and then repeated that, in fact, the night before. There is a reference here right after the hon. member made that statement:

Hon. Mr. Grossman: Inaudible.

There is a marginal note from the Hansard reporter asking whether I can recall what I stated. I did at that time, sir, state, "You have called a lot of hon. members liars."

Mr. Shulman: The only other occasion where a man lied here was a Mr. Yaremko.

Hon. Mr. Grossman: Well, you have just changed that, then.

Mr. Shulman: The other occasion where a man lied here was Mr. Yaremko.

You will also recall, sir, that last Friday morning the hon. member stated that he did not call the Minister of Social and Family Services (Mr. Yaremko) a liar; that in fact, the Minister had called him a liar.

I draw this to your attention, sir, inasmuch as you are going into all these matters, I think, sir, that if you check *Hansard* you will find that in this last session alone, as far as I can recall, the hon. member also referred to the hon. Provincial Treasurer (Mr. MacNaughton) and the hon. Minister of Mines (Mr. A. F. Lawrence) as liars.

Mr. M. Shulman (High Park): Mr. Speaker, on this point of privilege, if I may speak to it. I deeply regret having called the hon. member a liar. At the time I felt the facts were such that he had misled the House. I am sorry I used that unparliamentary word. I did withdraw it before. If he wishes my personal apology at this late date, one year later, he has it.

Hon. J. Yaremko (Minister of Social and Family Services): Mr. Speaker, on a point of personal privilege. In my absence in Victoria, B.C.–

Mr. S. Lewis (Scarborough West): I am glad you are rescuing him from his anonymity.

An hon. member: Very funny, very funny!

Hon. Mr. Yaremko: Mr. Speaker, in my absence on October 2, attending–

Mr. J. Renwick (Riverdale): We are entering one of those periods when the Prime Minister (Mr. Robarts) is away.

Mr. Speaker: Order! Order!

This House has to give order to the members when they rise to speak, and from now on I propose to see that the House does. We are grown people, and there is no reason in the world why we cannot carry on our business in the proper manner. The hon. Minister has the floor.

Interjection by an hon. member.

Mr. Speaker: Order! I will suspend the sittings of this House without any further notice if the members will not give hearing to the other members when they are speaking. That power rests with the Speaker and I propose to use it. The hon. Minister has the floor.

Hon. Mr. Yaremko: Mr. Speaker, on October 2, in my absence in Victoria, B.C., attending a welfare Ministers' conference, the hon. member for High Park made a statement as follows–and I read from the transcript of *Hansard*, page 4023-3:

Mr. Shulman: The only other occasion where a man lied here was a Mr. Yaremko, and that as you recall–

And then there was an interjection and he repeated:

Mr. Shulman: The only other occasion where a man lied here was Mr. Yaremko.

Mr. Speaker, that in itself is false, and I would ask that the hon. member withdraw those statements so the record may be corrected.

Mr. Shulman: Mr. Speaker, to set the record straight: If you will recall, it was during the estimates and the hon. Minister had called me a liar. You, at that time, requested that he withdraw. To this time he has yet to withdraw. But if he is willing to withdraw his statements of that time, I will be only too happy to withdraw anything that I have ever said that may have hurt him.

Hon. Mr. Yaremko: Mr. Speaker, we are dealing right now with a question of privilege raised by the member for Bellwoods.

Mr. E. W. Martel (Sudbury East): That was over a year ago.

Mr. Speaker: If the matter was raised, as the hon. member for High Park says, in estimates, then of course the committee would be sitting and Mr. Speaker would not have been in the House. I do not recall the circumstances, but I will be glad to look it up if the hon. member for High Park will give me the approximate date. I will be glad to look it up and then be guided accordingly.

The hon. leader of the Opposition.

Mr. Nixon: Thank you, Mr. Speaker. I have a question for the hon. Minister of Energy and Resources Management.

How long was the atomic power facility at Douglas Point out of commission following the shutdown last spring? Have the series of problems plaguing the plant been solved in order that Ontario Hydro may take over its operation? And why has the official opening of Hydro's Lambton generating station been postponed?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, I am attempting to get this information and will take the questions as notice and reply to the hon. member this week. In question No. 1, is the hon. member referring to the Pickering or Douglas Point plant?

Mr. Nixon: Douglas Point—the only atomic facility that was functioning and then shut down. I should have included that.

I have a further question for the Minister of Energy and Resources Management. Has the Minister received an application from the Northern and Central Gas Corporation requesting increased rates in Northern Ontario, and has the government a policy of holding up rate increases in an effort to combat inflationary trends in this province?

Mr. Speaker: Perhaps the hon. member for York South would place his similar question.

Mr. MacDonald: My question to the Minister in that connection was, will the Minister assure the House—and particularly the people in northern Ontario—that the energy returns officer of the Ontario Energy Board will vigorously examine the justification for Northern and Central Gas Corporation's announced intention to seek a rate increase?

Hon. Mr. Kerr: In answer to the hon. leader of the Opposition, Mr. Speaker, I have not received such an application for a rate increase, nor has the energy board at this time. I am not aware of any such policy, but inflationary trends are always considered by the energy board when reviewing rate applications. The answer to the hon. member for York South is yes.

Mr. Nixon: I have a question for the hon. Minister of Municipal Affairs. In the Premier's absence, will the Minister clarify the government's intention about the future of the property tax rebate programme?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, I would simply say to the leader of the Opposition that government policy in this matter will be announced in due course.

Mr. Nixon: Might I say, we have had two announcements, one from the Premier and one from the Minister of Revenue (Mr. White), which seem to be at cross purposes as, Mr. Speaker, you may be aware. The Premier has said he intends to move away from the programme; the Minister of Revenue says it is going to be maintained until they think of something better. Now, we would like to know. The Minister of Municipal Affairs piloted the legislation through the House, and surely he can bring up some rationalization of these two opposite opinions, expressed by his colleagues, to the House and to the people.

Hon. Mr. McKeough: Mr. Speaker, I would be glad to send the leader of the Opposition press clippings which indicate there is no difference between what the Minister of Revenue and what the Prime Minister had to say. I would say, through you, Mr. Speaker, to the leader of the Opposition, that if he can just hold his powder and keep it dry for a little while, no doubt the Treasurer will—

Mr. Nixon: The Minister is a pretty big target.

Mr. Trotter: Lots to shoot at.

Mr. V. M. Singer (Downsview): He sits on both sides of the fence at the same time.

Hon. Mr. McKeough: No doubt, Mr. Speaker, the Treasurer in his Budget will announce any changes in this programme, and indeed many others for the betterment of the people of this province.

Mr. Nixon: What are we supposed to draw from the statements of the Prime Minister? Does he not enunciate policy? Why would the Minister of Revenue say it is not going to be discontinued?

Hon. Mr. McKeough: I have indicated that—

Hon. J. H. White (Minister of Revenue): I would like to send an article to the leader of the Opposition which quotes the Premier and myself, following the meeting last Friday in Sudbury, and which I think will indicate that we said the same thing.

Mr. Nixon: Yes, but what about what you said in the Lakehead, or at Sudbury earlier?

Hon. Mr. White: Yes, I said the same thing at the Lakehead, I was quoting the Premier.

Mr. Nixon: Mr. Speaker, to get to the point, surely some Minister here can tell the members what the programme is going to be next year.

Mr. Singer: They do not know.

Hon. Mr. McKeough: Mr. Speaker, could I just make a suggestion? If this is such a consuming passion of the leader of the Opposition, why does he not come to some of these meetings like the rest of the members and find out what is being said?

Mr. Nixon: Mr. Speaker, surely you will permit me to reply—

Mr. Speaker: Order, order.

Mr. Nixon: I am elected to be here.

Hon. Mr. McKeough: Why does the member not attend the meetings of the committee?

Mr. Nixon: This is where the questions are asked.

Mr. Speaker: Order.

Interjections by hon. members.

Mr. Speaker: Order!

The hon. leader of the Opposition has been here long enough to know that he will have his opportunity to speak properly. I would point out that the rules of this House indicate that questions are improper if they seek to elicit government policy from the Minister.

We have been in the custom of allowing those questions to be asked in the House and allowing the Minister to deal with them, but until such new rules as are promulgated here, perhaps it might be well if we went back to the original rules of the House as set out in the rules.

Mr. MacDonald: Anything that is restrictive, the government is in favour of.

Mr. Speaker: But as far as I am concerned, I am always very pleased to have the questions asked. And if the Minister cannot answer them, well that of course is up to the Minister and the House and the member asking the question.

Now, there is one other thing that the hon. leader of the Opposition knows as well as the rest of us, and that is that no Minister is required to answer a question and therefore most of these matters can be very easily settled. If the Minister declines to answer, then that is it, and there need not be these heated discussions over whether government policy is going to be announced in advance by answer to a question.

Now, if the hon. leader of the Opposition has something further on this I will be glad to yield him the floor.

Mr. Nixon: Mr. Speaker, I thank you. I I would just like to bring to your attention that the Prime Minister and one other Minister have supposedly enunciated policy elsewhere outside of this House. Surely it is for the hon. Minister of Municipal Affairs, if he is going to do anything worth while, to tell us how this policy is going to be administered. This he either refuses to do, or finds he cannot answer.

Mr. Singer: He does not know, nobody bothered to tell him.

Mr. Speaker: The hon. member for York South has a question of the Provincial Secretary.

Mr. MacDonald: Mr. Speaker, may I have your direction? I had one question for the Prime Minister, I had forgotten that he would not be in the House for a day or so and I would like to redirect that question to the Attorney General (Mr. Wishart) as of tomorrow, because it appropriately falls within his jurisdiction.

Mr. Speaker: Yes, and if the Attorney General should come in today, I would be glad to have you give it and he would take it as notice, if he finally should come in.

The Provincial Secretary, I am sure, will shortly return to his seat.

Mr. MacDonald: Yes, I also have a question of the Provincial Secretary.

Why are Ontario restaurants forced to buy bottled wine and forbidden to buy wine in bulk quantities, thereby pricing it beyond the means of a great proportion of people?

Hon. Mr. Welch: Mr. Speaker, the hon. member, knowing my constituents' interest in this particular processed product, would know that I would be very anxious to get the full information. I have not had time to get this information, but I surely will.

Mr. Speaker: The hon. member for Hamilton Mountain.

Mr. J. R. Smith (Hamilton Mountain): I have a question of the Minister of Energy and Resources Management.

What steps does the Minister of Energy and Resources Management intend to take on the disclosure that the federal government does not intend to make CMHC 1969 funds available to the city of Hamilton for construction of its secondary sewage treatment plant?

Hon. Mr. Kerr: Mr. Speaker, I am extremely concerned over Ottawa's decision not to make this money available, because we consider the provisions of secondary treatment of Hamilton municipal sewage essential to improving conditions in the harbour. I understand that the amount of money allotted to this fund has been spent.

I also understand that a Hamilton delegation, headed by the mayor, plans to visit Ottawa shortly to request the government to reconsider. If I am invited to attend I would be happy to accompany the delegation. If the federal government refuses to reconsider its decision, it may be necessary for the OWRC to reconsider its role in the provision of secondary treatment facilities in Hamilton.

Mr. Speaker: The hon. member for Scarborough East was on his feet a moment ago.

Mr. T. Reid (Scarborough East): Mr. Speaker, I have a question of the Minister of University Affairs.

When will the Minister be meeting with Messrs. Edmund Clark, David Cook, George Fallis and Michael Kent, authors of the recent study on student aid and access to higher education in Ontario?

Hon. W. G. Davis (Minister of University Affairs): Mr. Speaker, there are no plans at the moment to meet with the gentleman cited.

Just to give the hon. member some background in this, The Department of University Affairs at the request of the Ontario Committee on Student Awards contracted with the Institute of Quantitive Analysis of Social and Economic Policy at the University of Toronto to undertake, "A study of programmes for financial assistance to students in the province of Ontario".

This was initiated by the committee on student awards and The Department of University Affairs contracted with this group within the University of Toronto. It is my understanding, Mr. Speaker, that the study done by the gentlemen named—Messrs. Clark, Cook, Fallis and Kent— was an initial part of this overall study dealing with this problem and dealing basically with the attitudes of secondary school students towards post secondary education.

As yet, I understand, Mr. Speaker, their initial study has not been evaluated by the officials of the institute, nor has any official report been received from that organization by the committee on student awards.

I think it would be premature, Mr. Speaker, at this point, for me to arrange any discussions with the authors of the original survey. I understand that they are having a meeting within a week or so with the student awards committee.

Mr. T. Reid: May I ask the Minister a supplementary? Would the Minister attempt to meet with the authors of this very important study before he brings in his estimates on student aid?

Hon. Mr. Davis: If I might just rephrase the background. The authors prepared a report for the group that had been contracted with The Department of University Affairs for the committee. I would think, perhaps, and I assume, there are other aspects to the report that they will be presenting to the committee. Perhaps a discussion with the institute at the University of Toronto might be a more appropriate way to deal with it. I have no objection to discussing it with them, but I think it should be the total report that is discussed.

Mr. T. Reid: My second question of the Minister: Has Dr. Watson, of the Ontario Institute for Studies in Education, undertaken a study of the effectiveness of the Ontario Student Awards Programme last year? If so, when will it be released?

What were the findings, and was the investigation a project of OISE or was it

sponsored by The Department of University Affairs?

Hon. Mr. Davis: Yes. Mr. Speaker, Dr. Watson and her associates in the educational planning department of OISE, during the past year or more, have been making a study of the finances of the postsecondary students in this province.

The study will attempt to show—there is, however, no statement that it will in fact show—the relationships of various student characteristics, including family backgrounds, social and economic situations, even geographic locations and resources, as these factors affect the determination of a student as to whether he will take postsecondary education or as to what courses he may take. It goes beyond, shall we say, the suggestions contained in the first part of the question. And when this study is completed, I am very optimistic that it will provide much available information against which various aspects of the student award programme can be assessed.

However, the survey is not, as I emphasized, specifically directed towards the effectiveness of the existing Ontario Student Award Programme. Dr. Watson has indicated, Mr. Speaker, that the foreword of the study will not be ready until next summer. The questionnaire by which the data was accumulated is available and we expect interim reports will be prepared from time to time for presentation to the Ontario committee on student awards and advisory group in which, of course, various organizations are represented, including the universities, the college officials, the student award officers and students.

With respect to the third part of the question, Mr. Speaker, the required analysis of data has not, as I said, been completed, so I cannot give any indication of the finding. My own guess is that the full report when it is available is likely to be fairly complex—perhaps too complete to present in answer to a question here before the orders of the day—but the report will be released publicly and the hon. member for Scarborough East will be able to have a copy of this and we can engage in discussions at that time. The survey grew out of a request by The Department of University Affairs to the Ontario Institute for Studies in Education that certain specific areas of student assistance should be studied. OISE which conducted the study felt the most appropriate method of dealing with it was to carry out the more general survey. The study has been designed, organized and financed entirely by the institute.

Mr. T. Reid: A supplementary question: Would an interim report be available before the Minister brings in his estimates on student aid?

Hon. Mr. Davis: Mr. Speaker, I cannot tell the hon. member whether a report would be available prior to that because I do not know just what specific date my estimates will come before this House. Certainly, if I have any, I will be delighted to make it available to the hon. member.

Mr. T. Reid: A question to the Minister of Education: Did the senate of the University of Windsor approve the establishment of a faculty of education to provide for the training of Ontario teachers, and did the Minister's department decide not to establish such a faculty at the University of Windsor?

Hon. Mr. Davis: Mr. Speaker, the first part of the question is correct; the senate of the University of Windsor, I understand, has passed a resolution supporting the establishment of a faculty of education. As the hon. member is fully aware, we have several teachers' colleges here in this province. As far as becoming part of the university environment is concerned, this has not been finalized. We have completed agreements with two now at the Lakehead, and at Ottawa University with the Ottawa teachers' college. Certainly we have not decided not to establish one with the University of Windsor; it is a question of just in what order this may come.

Mr. T. Reid: Another question to the Minister of Education:

What are the names of the members of the "informal study group . . . composed of representatives . . . from the commission, the department, perhaps the Treasury, and from the (Ontario teachers') federation"—*Hansard*, page 6430, 1969—to examine the Estimates of the Actuary concerning increases in the pensions of the superannuated teachers of Ontario, a study group which the Minister undertook to appoint in "three or four days" in the Legislature on Tuesday, September 30, 1969?

Hon. Mr. Davis: Mr. Speaker, I approved a letter today to the Ontario Teachers' Federation outlining roughly the informal terms of reference of the informal committee, and indicating some of the first analyses on this. I think if the letter is delivered there today or tomorrow—once this has been done, then, at the same time I will let the hon. member know the names of the personnel.

Mr. T. Reid: A further question: Are either Mr. David Black or Mr. William Cherry, who have been appointed by Order-in-Council 3716, September 25, to the commission on post-secondary education, members of a student body in Ontario?

Why were two additional appointments necessary?

Hon. Mr. Davis: Mr. Speaker, at the time the commission to study post-secondary was announced, I believe there was some reference to the main difficulty of student representation being to find, shall we say, truly representative students. This is still not easy. But the hon. member, I am sure, has been keeping in touch with the official policy of the OUS. The policy has traditionally been in the last year or so, as I understand it at least, that they prefer to work outside the formal structure and prepare material and present it, and conduct their business in this fashion. They resigned from the Ontario student awards committee and yet they are still, I think, interested in the deliberations of this committee.

However, during the summer months they made representations to the department, to me and to the chairman of the commission, suggesting that they felt that perhaps it was advisable to have some student representation on the post-secondary commission. We agreed with this, we have agreed with this really from the outset if we can find proper or appropriate student representation. The Ontario Union of Students recommended to us Mr. David Black, who is doing his MA work, I believe, at Waterloo in sociology; he is a member of the executive of the Ontario Union of Students, and he has been added to the post-secondary study commission. The same is also true of the colleges of applied arts and technology. Their student organizations are not as yet as formal, perhaps, as the university students but I met with a gentleman who has been co-ordinating the activities of the various student organizations in the community college programme, Mr. William Cherry, a student, I believe, at Mohawk. He has been appointed to represent the students in the colleges of applied arts and technology on the post-secondary study commission.

Mr. T. Reid: A final question to the Minister:

In view of the Minister's reply to my question No. 64 on order paper 80, as tabled in the Legislature on Tuesday, September 30, 1969, does the Minister intend to amend the statutes to prescribe a reasonably short period of time for the hearing of an appeal by a school board from a student suspended by a school board, and to prescribe that parents or guardians of a student, or counsel or agent acting on their behalf, have a legal right to have access to the school file or record of the student suspended in order to better protect "due process" of law principles to ensure a fair hearing for the suspended student? If not, why not?

Hon. Mr. Davis: Mr. Speaker, this matter has been under study for many months. As a matter of fact, I anticipate we will have some discussions on this when further legislation relating to this problem is introduced in the House.

Mr. Speaker: May I ask the hon. member for Scarborough East if he has asked the question about the informal study group? I did not hear him.

Mr. T. Reid: Yes, sir.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker, a question of the Minister of Energy and Resources Management:

Have the Minister's air pollution control officials made any analysis of the layer of brown cloud which hovers over Metropolitan Toronto? If so, what pollutants does it contain?

Hon. Mr. Kerr: Mr. Speaker, a layer of fine particulate matter hovers over most urban areas. It is composed of very fine solid particles which are light enough to hang in suspension and which are held in an inversion zone above these areas, caused by the heat island effect of urbanization. These particles originate from large combustion and incineration sources or from the emissions of heavy industry. In Toronto, it is caused by combustion and incineration and in other areas usually caused by heavy industry.

Mr. Burr: Mr. Speaker, a supplementary question: Does the Minister believe that the proposed 700-foot chimney at the Hearn plant will decrease the total air pollution, not just that of the Toronto vicinity?

Hon. Mr. Kerr: Mr. Speaker, there is a great deal of debate regarding the effectiveness of building higher chimneys. My experts tell me that by having a higher chimney you

diffuse or lower the concentration of the fall-out when it reaches the ground. Therefore it would, I would think, reduce the amount of air pollution. That applies not only in the immediate area but in the fringe areas as well. However, it may not improve the looks or the air or the atmosphere above the city.

Mr. Burr: One final question: Would the Minister say that the Hydro generating stations in Toronto are the major offenders in the air pollution of Toronto?

Hon. Mr. Kerr: I think, Mr. Speaker, somebody has been talking to the hon. member. The answer is, yes.

Mr. Speaker: The hon. member has a further question of the Minister of Agriculture and Food?

Mr. Burr: A question of the Minister of Agriculture and Food:

How many area supervisors have been appointed during 1969 to oversee the work of county agricultural representatives?

Hon. W. A. Stewart (Minister of Agriculture and Food): The answer is: none, as yet, Mr. Speaker.

Mr. Speaker: The hon. member for Brantford has a question from last summer, does he wish to withdraw it?

Mr. M. Makarchuk (Brantford): Yes, Mr. Speaker, I withdraw.

Mr. Speaker: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, a question of the Minister of Trade and Development.

How many evictions took place from Ontario Housing Corporation properties during the year ending September 30, 1969?

Hon. S. J. Randall (Minister of Trade and Development): Mr. Speaker, as of September 30, 1969, out of a total housing portfolio in excess of 25,000 units throughout the province of Ontario, the board of directors of Ontario Housing Corporation authorized eviction proceedings to be instituted through the Courts in 77 cases. A great majority of these cases were for chronic rental arrears.

Of the 77 cases, 29 were settled by arrangements between the tenants and the corporation. A further 30 cases were resolved by the tenants vacating the premises prior to the execution of a writ. In only 18 of the 77 cases did possession have to be obtained by the sheriff's action.

Mr. Trotter: I was wondering, by way of supplementary question, Mr. Speaker, if the Minister could tell me if, when a person is being evicted for, let us say, non-payment of rent, there is any arrangement with the welfare department as to where they go.

I would just point out that I have people call who have been evicted because they cannot pay their rent to Ontario Housing, so where do they go? The government ends up paying the bill anyway. Is there any arrangement with the welfare department or The Department of Social and Family Services?

Hon. Mr. Randall: I would think in most of our cases it is not because these people are unemployed, it is because they are employed and are not meeting their commitments. I might say, if you check our balance sheet we gave you the other day, there is almost $.5 million in arrears on the balance sheet, owed to the Ontario Housing Corporation. So we are not the tough landlord that some people make us out to be.

Most of these cases do not come to us until 60 or 90 days after they have missed three months of payments. By that time, these cases may take another two months before they are processed through the corporation and any action is taken.

In the meantime, they are given an opportunity to try and make up their delinquency. I would point out that there are very few, in fact I do not believe there would be any cases, where people on welfare are evicted, because, in so doing, we would not be solving any problems. I think in most cases, the cases that we are talking about, are the cases where people are working and they just will not pay their honest debts.

Mr. Trotter: Two other questions of the Minister: Can the Minister indicate what action he plans to take in view of the fact that 80 caretakers at OHC projects in Metro have refused to operate incinerators because of the danger from exploding aerosol cans deposited in garbage by tenants?

Hon. Mr. Randall: Yes, the corporation met with representatives of the Canadian Union of Public Employees, local 767, on Friday, October 3, 1969, to review this entire situation. As a result of this meeting the union and the corporation agreed upon the use of revised operating procedures for all incinerator systems installed in Ontario Housing projects in Metropolitan Toronto, with the exception of those projects at North Regent Park, South Regent Park and Lawrence Heights.

In the case of the aforementioned three projects, incinerator systems have been shut down until modifications can be completed, and alternative methods of garbage collection have been put into operation effective Friday, October 3, 1969.

Mr. Trotter: In the three projects, then, where changes have to be made, has the Minister any idea how long it will be before they will be able to continue to dispose of the garbage?

Hon. Mr. Randall: I could not tell the member. We are checking into it now.

Mr. Trotter: As a supplementary question, Mr. Speaker. The Minister could run into a serious garbage disposal problem, could he not, if this is not settled immediately?

Hon. Mr. Randall: It would be very simple if people were to use a little God-given intelligence and not put them in the garbage, when they know these things are explosive. But, that may be too much to expect. I would suggest to you that the matter is being looked at, and we recognize that we have to find a solution. How long it will take, I do not know. I think the answer is that people not put them down the incinerator in the first place. How do you stop them from doing that? I will have to wait and find out what has been worked out between the union and the Ontario Housing Corporation.

Mr. Trotter: One final question to the Minister of Trade and Development.

Can the Minister indicate if Westclox—that is, if I may interject Mr. Speaker, the watch manufacturing company—has ever been a recipient of an Ontario government forgivable loan or a grant, under the equalization of industrial opportunity programme?

Hon. Mr. Randall: The answer is no, Mr. Speaker.

Mr. Speaker: The member for Kent.

Mr. J. P. Spence (Kent): Mr. Speaker, I have a question of the Minister of Education, which comes in two parts. Would the Minister indicate the number of school boards which operate their own bus service in the province? In the past, have school boards had financial benefit from the ownership and operation of their school bus services?

Hon. Mr. Davis: Mr. Speaker, in answer to the first part of the question, there are now approximately 200 boards and of the 200, I think some 69 offer their own bus service, or a portion of their programme is run by the board itself. In other words, they are doing part and they are entering into a contract for part of it.

Where a board provides transportation by use of its own buses, the amount of the transportation expenditures approved for the purpose of grants, is 90 per cent of the amount approved where the service is provided by an independent operator, 90 per cent of the other method of doing it.

This lower approval, Mr. Speaker, in the case of board owned vehicles is due to the fact that the expenditure for the purchase of the bus is also eligible for grant so that the capital provision of the bus itself is eligible for the grant and these two factors tend to offset each other insofar as grants are concerned. They should be fairly close to being the same.

I am asked this question on many occasions. It is difficult to determine whether it is advantageous for the board to own its own buses or to contract it out. I think, Mr. Speaker, you can get very sharply divided opinion on this matter. I think it relates to the amount of overtime or, at least, to the overhead costs that you apportion, if the board owns buses, and to the matter of how you structure the organization. I really cannot help the hon. member by telling which way is better. Perhaps they are fairly equal.

Mr. Spence: Mr. Speaker, may I ask a supplementary, of the Minister? We find in some counties strong indication that they do save considerably, by owning and operating their own bus systems.

Hon. Mr. Davis: This has been true of some, but it is not universal.

Mr. Speaker: The hon. member has a question of the Minister of Energy and Resources Management.

Mr. Spence: I have a question of the Minister of Energy and Resources Management. Is the Minister aware that in spite of the drainage programme the water level has risen above the original level at the Catfish Creek conservation authority? What supervision has been provided by the department for the drainage programme?

Hon. Mr. Kerr: Mr. Speaker, I am not aware of any water level higher than normal in Catfish Creek, with the exception of the level of Lake Erie at the mouth of the creek. Lake Erie has been at a record high level this summer as the hon. member well

knows. The level is dropping, but is not yet back to normal. Control of levels in Lake Erie is not within the jurisdiction of the conservation authorities branch. However, I will ask the Catfish Creek authority for a full report to see if a project, within that watershed, can correct the situation.

Mr. Speaker: The hon. member for Sudbury East.

Mr. Martel: Mr. Speaker, a question of the Minister of Social and Family Services. Why were instructions given to the various welfare bodies such as the district of Sudbury welfare, Sudbury welfare, and the provincial branch in Sudbury of The Department of Social and Family Services, not to provide assistance for those people who were out of work as a result of strikes in the Sudbury area, but who were not on strike themselves and who did not get unemployment insurance or strike benefits?

Hon. Mr. Yaremko: Mr. Speaker, I have made enquiries and cannot find that any such instructions were given. The regional office of this department and the Sudbury city and district welfare offices understand that persons who are unemployed, and not on strike, qualify for general welfare assistance when in need. If an employee in a non-striking group is laid off, or loses his job as a result of a strike, he will receive municipal aid, providing that he is seeking employment and willing to accept suitable employment that is available, which is the general rule.

Mr. Martel: A supplementary question. Then why was it so difficult, in fact impossible, unless we came to Toronto this past summer, to obtain assistance for people in the circumstances I indicated? For example, why was it necessary for one man to go to jail so that his family would receive welfare, or for a newly born baby to be on water for two days? It was because of these instructions.

Hon. Mr. Yaremko: Mr. Speaker, I would ask the hon. member if he would be good enough to give to me one specific situation wherein such an instruction, as he is talking about, was issued, and I will look into the matter, and check out who is correct, his source of information, or my source of information.

Mr. Speaker: The hon. member for Kitchener (Mr. Breithaupt) has a question from October 3, of the Provincial Secretary. Was it asked? It is still on my list. The hon. member for Humber.

Mr. G. Ben (Humber): I have a question of the Provincial Treasurer and the Minister of Economics. What designated agents in Peel, other than The Department of Health, are authorized to issue pre-signed, government of Ontario cheques?

Hon. C. S. MacNaughton (Provincial Treasurer): Mr. Speaker, no designated agent is authorized to issue pre-signed government of Ontario cheques.

Mr. Ben: A supplementary question. Is the Minister aware of the question that was asked of the Minister of Health (Mr. Wells) two sitting days ago?

Hon. Mr. MacNaughton: I am not aware of any.

Mr. Ben: Mr. Speaker, while I am on my feet, I have a question of the Minister of Energy and Resources Management. By what date will the Minister require a phosphate ban in detergents? Has the Minister power to control the sale as well as the manufacture of such products in Ontario?

Hon. Mr. Kerr: Mr. Speaker, no firm date has been set for a ban on phosphates in detergents in Ontario, but it may well be that we will comply with the suggestions and recommendations of the international joint commission. At the moment serious consideration has been given to the preparation of legislation next session which would require manufacturers to list the percentage of phosphates in their products on the package. It may well be that we will want to evaluate the results of that action and the effectiveness of our lime treatment at the sewage treatment plant before attempting an outright ban. I have no power to ban either the sale or manufacture of detergents in Ontario.

Mr. Ben: Mr. Speaker, a supplementary question. I am sorry, I am rather shocked by that. Is there any Minister's department in Ontario that has the power to ban the use of phosphates in detergents? Is the government completely helpless when it comes to the use of phosphates in detergents?

Hon. Mr. Kerr: Mr. Speaker, we may get into a constitutional question here. The sale and manufacture of detergents and soap may be considered a regulation under Trade and Commerce, which under the BNA Act, is a matter of federal jurisdiction, and which

therefore may be *ultra vires* of our Legislature—

Mr. Singer: Oh you are reaching, you are reaching.

Hon. Mr. Kerr: However, we did ban or regulate the sale and distribution of DDT and—

Mr. Singer: Quebec controlled margarine for years.

Hon. Mr. Kerr: Right; this may be the same thing, really, here. We may have to come up with some excuse, such as health.

Mr. Singer: Such as a statute, that is all.

Hon. Mr. Kerr: But the point I am trying to get across—

Mr. Singer: Come up with a statute.

Hon. Mr. Kerr: —to the hon. member and also to the hon. member for Downsview, is that the fact we may be inhibited in some way by our constitution will not necessarily—

Mr. Singer: It is the constitution of the members on the front bench.

Mr. Ben: Well, one more supplementary question. Will the Minister report a week hence on what action he feels should be taken by this government to ban the use of phosphates in detergents?

Hon. Mr. Kerr: That could be considered government policy, of course. As far as I am concerned, if it is approved by the government we would draft legislation and present it to this Legislature.

Mr. Ben: Mr. Speaker, I am not asking the hon. Minister to tell me whether such action will or will not be taken. I am just asking the Minister to report to this House one week hence what action could be taken. I am not interested in knowing whether he will do it or will not do it. That is policy and I cannot ask that question, but I can ask the Minister to use the knowledge that his department has accumulated and to question other Ministers in the departments to determine what action, if any, could be taken to ban the use of phosphates in detergents.

Mr. Speaker: The hon. member for Huron-Bruce.

Mr. M. Gaunt (Huron-Bruce): A question to the Minister of Agriculture and Food. Does the Minister have the total cost to the government of the GFO vote of last June?

Hon. Mr. Stewart: Yes, Mr. Speaker, I do, and the total cost was $45,729.97.

Mr. Gaunt: May I ask the Minister a supplementary question? Did the government appoint and pay the returning officers?

Hon. Mr. Stewart: Yes.

Mr. Gaunt: Is there a breakdown on that cost?

Hon. Mr. Stewart: Yes, the returning officers received $26,572.04.

Mr. Gaunt: And what does the balance comprise of?

Hon. Mr. Stewart: The balance was made up of hall rentals, advertising the poll locations, miscellaneous—that is office materials—which does not amount to very much, and printing of the ballots.

Mr. Gaunt: Another question, Mr. Speaker.

1. Can the Minister explain why beef prices in the major chain stores are approximately 50 cents a pound higher for some cuts than they were one year ago, while the price to the farmer is approximately the same as last year?

2. Is the Ontario Food Council looking into this matter? By way of explanation, Mr. Speaker, this is in addition, or follow-up, to the report last June.

3. Does the Minister condone this exploitation, particularly since one of the worst offenders is a company whose president was earlier in the year advising consumers to boycott beef?

Hon. Mr. Stewart: Mr. Speaker, first of all, the Ontario Food Council is preparing an updating of the report which was done earlier this year based on present prices of live cattle, prices of dressed beef to the producer, and retail prices in the various stores. So that is an affirmative answer to question number two. With regard to question number three, I am afraid, Mr. Speaker, I would have to suggest that perhaps the hon. member might have more ready access to the answer of that question, because I seem to recall that the individual whom he mentions in this question, was given a great deal of publicity quite recently as the probable candidate for his party for the mayor's role in the city of Toronto.

Mr. Gaunt: I am glad the Minister told me.

Hon. Mr. Stewart: Perhaps he could find out from him why he is doing this if, in fact, this is the case.

Mr. Speaker: Would the leader of the Opposition wish to—

Mr. Gaunt: May I pursue this, the second part of the answer in relation to the food council report? When is that additional report expected?

Hon. Mr. Stewart: Just as soon as it is prepared. It is in a state of preparation now.

Mr. Speaker: If the hon. member does not have a supplementary question, the leader of the Opposition.

Mr. Nixon: Yes, I have a question of the Attorney General, Mr. Speaker.

1. Is automobile liability insurance now subrogation insurance against OHSIP insofar as the medical expenses of third parties are concerned? Is such insurance legal?

Really, the rest of the question depends on that, but:

2. What rights do policy holders have in respect to refunds of moneys paid of insurance which is now illegal?

3. What is the status of medical-expense flight insurance within Ontario?

4. Will the Minister clarify the status of mixed parties of Ontario residents and others who are involved in automobile or aircraft accidents within Ontario? Are drivers placed in jeopardy as a result of being forbidden to insure all their passengers against all contingencies?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, the question will require consultation with The Department of Health and with the insurance branch; also legal opinions have to be asked. I have already referred the matter to my legal staff. I will need a little time to consult with the others, but I will have the answer very shortly.

Mr. Nixon: Thank you, Mr. Speaker. If you will permit me there is an answer pending from the Minister responsible for housing, which was asked last week.

Will the Minister explain why Mr. and Mrs. Allen Krusky of 32 Mohawk Street, Guelph, and their family of nine children, and Mrs. Violet Douglas of 19 Ferndale Avenue, Guelph, have received eviction notices from Ontario Housing Corporation "geared-to-income" properties in Guelph?

Hon. Mr. Randall: Mr. Speaker, I have part of the answer here. It would be possible for me to provide complete details of why action was taken against these two families by the housing authority of Guelph. However, this could cause them undue embarrassment and hardship. Both cases are now being thoroughly investigated by Ontario Housing Corporation on an urgent basis at my request. I will report to you more fully when this investigation is completed.

Mr. Nixon: This may not be the appropriate time to pursue this, particularly since further debate is possible in the House in the next little while, but are we to understand that there may possibly be a change in the decision of Ontario Housing Corporation and that these people might not be evicted even though their eviction notice has been processed by the courts?

Hon. Mr. Randall: We recognize the incident and we are having that checked into very closely. I could not give you an opinion on it right now.

Mr. Speaker: Would the hon. member for York South wish to place his questions? Perhaps he might advise the Attorney General of the decision he gave us earlier.

Mr. MacDonald: Yes. Mr. Speaker, at your request I will advise the Attorney General. I have a question which was submitted to the Prime Minister. I forgot that he would not be in the House and the Speaker suggested that I put it on the record, and that perhaps the Attorney General could deal with it tomorrow since it falls, as much if not more, perhaps, in his bailiwick rather than that of the Prime Minister. A two-part question:

1. What is the government's reaction to the public statements of Chief Mackey last week that food stores should be licensed to take turns for Sunday operations?

2. As a general proposition, does the government feel that it is a legitimate role for the police to be publicly challenging stated government policy, or is the role of the police to enforce the law and leave its enactment to the elected representatives of the people?

Hon. Mr. Wishart: I will get a copy of it.

Mr. Speaker: I am advised by the Minister of Energy and Resources Management that he has the answer to the question that he took earlier today as notice from the leader of the Opposition, in connection with the atomic power facility.

Hon. Mr. Kerr: Mr. Speaker, in answer to part one, it is March 6, 1969, to July 14, 1969.

To part two: We hope so. Ontario Hydro has always operated the plant for the owner, Atomic Energy of Canada Limited.

To part three: The official opening is postponed to November 7 because of the inability of the Prime Minister to be there and the hydro commission that it would be more appropriate to defer to that date.

I might add that the date this week was also inconvenient for the Minister of Energy and Resources Management.

Mr. Speaker: The hon. member for Kitchener has now discovered that he had not asked the question that I enquired about a moment ago.

Mr. J. R. Breithaupt (Kitchener): Thank you, Mr. Speaker, a question of the Provincial Secretary.

What is the cost of construction of the LCBO outlet at Moosonee?

How many persons will be employed in the outlet and how many employees will be Canadian Indians?

What is the population that will be served by this outlet?

What proportion of that population will be Canadian Indian?

Hon. Mr. Welch: Mr. Speaker, I will have to take this as notice, particularly in view of the last part of the question.

Mr. Speaker: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Speaker, I have a question for the Attorney General.

In keeping with the spirit of fire prevention week which commences today in the province of Ontario, will be Minister ban the sale of fireworks, as recommended by both myself and by the association of fire chiefs?

Hon. Mr. Wishart: Mr. Speaker, I am interested in fire prevention week and I think it does a great deal for the people of the province.

With regard to the other part of the question: "Will the Minister ban the sale of fireworks as part of the week, as recommended by both myself and the association of fire chiefs?"—I point out, Mr. Speaker, that on May 26, in this year, I rose to answer a similar question by the hon. member for Wentworth and at that time I said that I did not think I should be asked to launch such an undertaking. I pointed out to the hon. member that municipalities have authority under The Municipal Act, chapter 249 of the Revised Statutes of Ontario, section 379, subsection 130, whereby they may pass laws for regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year.

I made mention that I had no intention, in the light of that legislation, of introducing legislation in this Chamber and I have not changed my opinion.

Mr. Deans: If I might just explain. The association of fire chiefs has started another programme attempting to bring influence on the Attorney General, not through me, but through other sources. I believe that their cause is just and I felt that perhaps in the intervening time from the last question he might have reconsidered.

Hon. Mr. Wishart: I would like to say this much further: This is an area of government which we have entrusted to municipalities. Some have different views than others; some have different rules and regulations, but in any event, in their hands they have the power to prohibit and to regulate. I am not convinced that it is one of those areas we should take away now from the local municipality to lay the law on at the level of the provincial government. I have not changed my opinion on that.

Mr. Speaker: The hon. member for Brantford.

Mr. Makarchuk: Mr. Speaker, I wonder if the Attorney General has an answer to my question 2034 which was read last Monday?

Hon. Mr. Wishart: Mr. Speaker, perhaps I should apologize but I came in from Sault Ste. Marie today and we had to fly around over Toronto for some considerable time so I did not get to my office soon enough to check. I hope to have that answer very soon.

Mr. Speaker: May I suggest the Attorney General look in Tuesday's, not Monday's questions:

The hon. member for Parkdale.

Mr. Trotter: Mr. Speaker, I have a question for the Attorney General. It is a two-part question.

1. Can the Minister indicate to what extent the Mafia has penetrated the securities market in Ontario?

2. In view of the Ontario Police Commission's most recent report which states:

> Suffice to say that in the fields of the movement of stolen property, including

stolen securities as well as fraudulent transactions with property and securities, there has been considerable activity in Ontario. The investment of large sums of illegally obtained money in legal ventures is of increasing concern,

what measures is the Attorney General taking to avoid a repetition of the Montreal situation where it is reported that the Mafia peddles approximately $50 million per year in stolen and phoney securities?

Hon. Mr. Wishart: Mr. Speaker, in order to give the hon. member a definite answer I have asked the police commission to give me a report—factual—so that I will be able to give a complete reply to that part of the question. As to what steps we are taking, these will be determined from facts I get in that report, and I will include them in my answer then.

Mr. Trotter: Will the Minister have any idea how long it will be before we get a reply?

Hon. Mr. Wishart: It will not be very long but I do not think the hon. member, perhaps, should be concerned that what happened in Montreal is happening here to that extent.

Mr. Trotter: Mr. Speaker, one other two-part question to the Attorney General.

1. Can the Attorney General indicate when he plans to release regulations prohibiting the use of mace?

2. Has the Attorney General prepared any regulations to control glue sniffing?

Hon. Mr. Wishart: Mr. Speaker, the regulations concerning the use, or otherwise, of mace, are in the course of preparation. They will be ready very shortly.

I am asked if I could release those regulations and I would point out that that is in the nature of legislation and will necessarily be before government before I can release them. It will be done very shortly.

No, I have no regulations for the second part of the question, nor have I contemplated bringing in regulations concerning glue sniffing at this time.

Mr. Trotter: Mr. Speaker, by way of a supplementary question.

Why would the Attorney General not have some type of regulation to control the use of glue for improper purposes? Why not?

Hon. Mr. Wishart: I do not know that I am required to answer the question, Mr. Speaker, but I will do my best. Why do I not? I think it must become apparent that I do not consider the matter, at this time, and this extent of glue sniffing, one that calls for regulations governing it. The whole question of how these are enforced would be a matter for consideration in the whole policy of how to deal with the matter of glue sniffing.

Mr. Speaker: Before we proceed with the orders of the day, perhaps the government House leader or party whips might advise Mr. Speaker and the members whether there will be a private members' hour today.

Mr. L. M. Reilly (Eglinton): No private members' hour.

Mr. Speaker: No private members' hour, thank you.

An hon. member: Why not?

Mr. Reilly: I can explain it very briefly, Mr. Speaker. I was planning to meet with the other two whips at 1.30 today and the report came back to me that they are fogged in, apparently not able to get here.

Mr. Speaker: Orders of the day.

Clerk of the House: The 26th Order, House in committee of supply; Mr. A. E. Reuter in the chair.

ESTIMATES, THE DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, when we finished discussing the criticism of my friend of the Liberal Party (Mr. Edighoffer), I was about to continue with comments on the matters brought up by the hon. member for Windsor West (Mr. Peacock) and we ran out of time. I would like to make some comments on those now.

I hope he will take these comments as constructive criticism and not, in any way, the harping criticism of a difference in political philosophy.

I noticed that he mentioned that if you lined all the people up who were waiting for housing in Metro, they would reach from here to the Quebec border and from the Quebec border to the Windsor border—or to the Detroit border. I have had the opportunity of seeing housing programmes all over the world, seeing what the ramifications

are, how they work. I was in Sweden just a few months ago. Certainly, Sweden has a great deal to offer when it comes to teaching the rest of the world how to build housing. About 90 per cent of it is produced by the state and when I talked to the housing authorities there were 150,000 people on the waiting list in Stockholm alone for housing and the waiting time is nine years. In fact—

Mr. R. Gisborn (Hamilton East): That is their planning for the future.

Hon. Mr. Randall: When a man gets out of school he immediately puts his name down for a house because it is going to take him nine years to get it. There are 50,000 more in the suburbs of Stockholm, and certainly by no matter of means are these houses cheap. In Canadian terms they are paying $225 for a two-bedroom apartment. Most of the buildings have three floors—if they build more than three floors they have to put an elevator in, so they build three floors and eliminate the elevator.

Mr. H. Peacock (Windsor West): That is what you should do in Ontario Housing.

Hon. Mr. Randall: Now in the U.K. there are over 500,000 people today waiting for housing and I think that list will go on and will be added to because only the state is building housing for the low income people. In eastern Europe today—I have been in most of eastern Europe—I saw housing being built in Russia.

They tell me, in Russia that when a house is assembled in a year and put together it is the only building in the world that is 30 years old before they get it finished. Because it looks like it is 30 years old. I visited some of those houses. In fact, the Russians themselves are so discouraged with the state building houses that when I was there they issued a decree that if any Russian could find 7,000 roubles they would let him buy his own apartment and finance the other 7,500 over a period of 15 years at a low rate of interest. So the state is not building all the homes, let me assure you.

Now Metro's 15,000 people; we have on the list—

Mr. J. B. Trotter (Parkdale): Applicants, not people.

Hon. Mr. Randall: —applicants on the list, that is right. We have public housing in Edgley Village and we have to make six calls before we can find an acceptor. On the average, we have to call three people anywhere in the city before we can find somebody on that list who wants to accept an apartment or a house.

I can understand why they have difficulties because if a man is living in the east end, he does not want to go to the west end to live; if he is living in the west end he does not want to go to the north end. People are becoming a little bit choosey as to where they go.

Let me assure you, I do not think that the majority of these people on the waiting list have not got adequate housing, but certainly they are paying too much rent and this is why they have turned to public housing. I say to you if we do not provide more housing on the condominium basis or private developments do not build more housing, we will have a great many more of these people on the list asking for the state to provide housing like they have done in the socialist countries around the world. And, as I pointed out, this is certainly not the answer to the housing problem.

I do not criticize the philosophy. I am simply saying we have looked at it very objectively. I think in this province we must recognize that we must find an entirely new approach; on the programmes that we have developed in Ontario, I think we are moving towards that conclusion and that is going to be the way we are going to solve our housing problems.

The government has put into operation many programmes in the province of Ontario to solve the housing problem. They are not all successful. They never will be unless we can get more private money into the housing market and unless we can get greater co-operation from the people in the financial field, because neither this government nor the federal government have sufficient money to provide all the houses needed.

Private investment must come into the housing field if we are going to house our people. But I say to you and I back off from nobody, that nobody anywhere, in any jurisdiction in North America, has a better housing programme than we have right here in Ontario.

Mr. V. M. Singer (Downsview): Sounds good, but nobody believes it.

Hon. Mr. Randall: Well, I know, because you do not want to face the facts of life. You do not want to be confused with the facts.

Interjection by an hon. member.

Hon. Mr. Randall: You do not want to be confused with the facts.

If we were to build the kind of housing that is being built in Europe today, I am telling you the people would turn into rabbits. They would have to hop in and hop out of these thousands of homes that all look the same, and cost too much money. This is going to continue as long as they continue to build the kind of mass housing they are now building in Europe today.

We have been criticized because we build high-rise and yet people say they do not want to move to north Toronto, east Toronto or west Toronto. If we are going to build housing in Metro Toronto, if we are going to build at the corner of King and Yonge—and I use that facetiously because I am talking about most of Toronto—then we have to go vertical.

We cannot go horizontal as somebody, the taxpayer particularly, wants to write off those land costs and I would just suggest to you, Mr. Chairman, through you to my hon. friends on the other side of the House, that we do not want people to live like pigeons in a loft, we want to make sure they have the amenities. They want to have the things that most people have in a home.

But if they want to live in downtown Toronto or in Metro Toronto, they must go up. There is no other alternative unless somebody wants to write off the fantastic cost of urban land today and that somebody, in the case of the government, would be the taxpayer. And I think he has got a big enough burden to carry as it is.

I say to my hon. friends in the NDP, if you want to be taken seriously with reference to a housing programme, take off those rose-coloured glasses about building 25,000 to 50,000 homes a year.

Interjections by hon. members.

Hon. Mr. Randall: Take them off and make sure that you get first things first—and that is sufficient money to make mortgages available when they dig a hole.

Mr. J. Renwick (Riverdale): Get on with the business, cut out the lecture.

Hon. Mr. Randall: I will get to you in a few moments. I am not finished with you yet. Just do not go away.

Mr. S. Lewis (Scarborough West): I have not entered yet.

Mr. J. Renwick: Do not worry, I will be around a long time.

Hon. Mr. Randall: I might say if it was not for the high-rise apartments you would not be living as comfortably as you are. You are delighted to live in high-rise, the same as I am. Why criticize it?

Mr. J. Renwick: We live on the ground floor.

Hon. Mr. Randall: You never had it so good. You can walk out and lock your door and leave that youngster there and she has not got a worry in the world. You never had it so good. Ask your good lady, she will tell you. She feels safe when you turn that key in the door and you walk away and leave that youngster.

Interjections by hon. members.

Hon. Mr. Randall: No, I do not have any rose-coloured glasses. I do not fool myself for a moment, any more than I did Saturday morning when they said that was a parade of poor people parading against the landlords. That was an NDP-organized political parade. The only member who got a hearing was the member for Riverdale.

Mr. C. G. Pilkey (Oshawa): The Minister said that when the labour group was out there.

Hon. Mr. Randall: He was the only man who got a hearing. You were just 4,700 people short to start with and 150 of the 300 there were kids this high who could not even read the signs. On those signs could have been some of the filthiest four-letter words that anybody could write and the kids would not know what was on them. They could not possibly read.

Let me suggest to you, that in the background were, perhaps, 150 intelligent, nice, sincere, conscientious people who wanted to know something about the housing programme and about The Tenant and Landlord Act.

Mr. J. Renwick: We are dealing with the—

Hon. Mr. Randall: But, no. You brought along the young Socialists and they had the singsong going. The hon. leader of the Opposition could not be heard and I could not be heard. That is what you call free speech?

Mr. J. Renwick: I do not call it anything.

Hon. Mr. Randall: I will tell you, my friend, that Socialism will die in the making if you have any more meetings like that.

Mr. J. Renwick: They are not our meetings.

Hon. Mr. Randall: Yes, they are. You brought the people in front of the row there and put them up against—

Mr. J. Renwick: You are attacking the labour movement.

Hon. Mr. Randall: Do not kid me. Your name has been in the press every day in the week, on organizing the tenants.

Mr. Chairman: Order!

Mr. J. Renwick: This is one of the most false—

Hon. Mr. Randall: And you know it.

Interjections by hon. members.

Hon. Mr. Randall: If you are for democratic free speech, you are killing it.

Mr. J. Renwick: You will learn when the time comes what this—

Mr. Chairman: Order!

Mr. J. Renwick: Let us get on with it.

Hon. Mr. Randall: Never mind. I am not attacking the people; I am attacking you.

Mr. J. Renwick: You are attacking them.

Hon. Mr. Randall: You are the guy who acted as a demigod.

Mr. J. Renwick: You will be out next.

Interjections by hon. members.

Hon. Mr. Randall: You are the demigod. You are the same kind of guy that demands free speech, but you do not give it to anybody else. And this is the thing that will kill you deader than a dodo before 1971.

Mr. Pilkey: Yes, what happened in Middlesex South?

Mr. J. Renwick: Do give the Minister a glass of water.

Hon. Mr. Randall: I would have been delighted to talk to the intelligent people there, but I did not get a chance.

Mrs. M. Renwick (Scarborough Centre): On a point of order—

Mr. Chairman: Order!

Mrs. M. Renwick: Mr. Chairman, my point of order is that I do believe the Minister does not intend to mislead the House, but he is misleading the House when he says that the demonstration at Queen's Park on Saturday was an NDP-oriented demonstration.

Hon. Mr. Randall: We do; there was!

Mrs. M. Renwick: Mr. Chairman, the hon. Minister of Correctional Services (Mr. Grossman) has asked me how do I know. I am a tenant, as the Minister of Trade and Development has said, an apartment tenant. And in my door, in the Minister's riding, there arrived a Metro Tenants' Association folder announcing to the world at large about this new association. That is the first time that I knew about it, and that should be proof enough that it was not an NDP-oriented association demonstration.

Interjections by hon. members.

Hon. Mr. Randall: Cut out that nonsense. Let me make it very clear—

Interjections by hon. members.

Hon. Mr. Randall: If it was, they did not give their leader a chance to speak. He might have been shouting down a rain barrel.

Interjections by hon. members.

Hon. Mr. Randall: I live in an apartment myself. I know what their problems are. Let me clear up just one thing so you do not misunderstand me. I said that among the 150 people who were not small children were some very intelligent people who were sucked in to parade with the NDP for political purposes only. Yes sir, for political purposes only. And this is the very thing that will defeat you as it did in B.C. As Mr. Bennett wiped you out in B.C., you will be wiped out here, believe me.

Interjections by hon. members.

Mr. Chairman: Order! Can we get back to the estimates, please?

Hon. Mr. Randall: All right, Mr. Chairman, back to the ranch.

Interjections by hon. members.

Mr. Chairman: Order, please. A matter of personal privilege.

Mr. T. Reid (Scarborough East): The Minister has said that the Ontario Tenants' Association—and an affiliate group the Metro Tenants' Association—is an NDP association.

Hon. Mr. Randall: I said nothing of the kind. Let us get the record straight. I said nothing of the kind. I said in that audience

were about 150 what I thought was intelligent people protesting for justification for being there, but they did not get a chance to hear what your leader had to say or what I had to say because the ruckus set up by these radicals in the front line never gave us the opportunity to express ourselves. But I fooled them—I made my remarks to the press at 10.30, and I read them anyway so they appeared in the press. That is the only way we can get our word heard.

Mr. T. Reid: Mr. Chairman, still on a matter of personal privilege—

Interjections by hon. members.

Mr. Chairman: The hon. member for Scarborough East has the floor.

Mr. T. Reid: The implication in the Minister's remarks was that the demonstration was an NDP demonstration, and if he says it is not, then he better stand up and say it now.

Hon. Mr. Randall: I have just finished telling you there were people sucked in to what turned out to be an NDP demonstration.

Mr. T. Reid: I am asking the Minister over there whether or not he also maintains that the organization of that march on Saturday was or was not an NDP-organized march. He has said very clearly that, in his opinion, the Ontario Tenants' Association and the Metro Tenants' Association—

Hon. Mr. Randall: I said nothing of the kind. I said nothing of the kind.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. T. Reid: I accept what the Minister says. He says that the Ontario Tenants' Association and the Metro Tenants' Association—

Hon. Mr. Randall: I never mentioned it.

Mr. T. Reid: Right. Now I want to establish on a matter of personal privilege, Mr. Chairman, whether or not the Minister is prepared to stand in this House and acknowledge the fact that the march on Queen's Park was not an NDP-organized march. If he thinks it was, then I am going to set it straight; if he does not think so, let him stand up here and say it. I am not talking about that front row of Pilkey (Oshawa) greyhounds.

Hon. Mr. Randall: That is who I am talking about. I did not call those people filthy dogs. They had a right—

Interjections by hon. members.

Mr. T. Reid: Not filthy, "Pilkey".

Hon. Mr. Randall: I simply said to you that—I will make it very clear again—there were some people there who had every justification to march against the landlord and make a protest, but those people never got a chance to hear your leader or me. They were drowned out by these people here who turned it into an NDP political rally, for municipal election purposes.

Mr. Chairman: Order! I think the committee has had sufficient discussion on the matter that took place Saturday morning. Can we please get back to the estimates of this particular department?

Mr. Lewis: Is the Minister free next Saturday morning?

Hon. Mr. Randall: I am not free; I cost a little.

Mr. Chairman: The hon. Minister has the floor.

Interjections by hon. members.

Hon. Mr. Randall: You cannot hear yourself think. But I will tell you, that is the thing that will ruin that party.

Getting back to the discussion on my friend from Windsor West.

Mr. Lewis: Oh, you have demolished him.

Hon. Mr. Randall: Yes, I have demolished that now. You have had the full treatment. And the people reading this will remember what was said.

An hon. member: He had to leave the House.

Hon. Mr. Randall: He had to leave the House—too bad.

Mr. Chairman, the hon. member mentioned that the programme of HOME only took care of people in the $8,000 bracket. Let me assure him that in the urban areas this may be true, although we have sold housing to people in Bramalea who have earned less than $8,000. And I can show you, sir, in the town of Arnprior, where people earning around $5,200 to $5,500 have been able to buy under the HOME programme. It is very well to pick out the corner of King and Bay and say, this is the only place you are building the HOME programme. But let me assure my hon. friends we are building the HOME programme right

across this province. Our most difficult job —and I am the first to admit it—is in the Metro area, where land is so costly. And I suggest, if you have got any land—through your labour unions, your churches, or anything else—bring it to me: I would be glad to buy it and build the kind of homes that would house these $8,000-a-year people.

Mr. Singer: And make a 50-per-cent profit on the land.

Hon. Mr. Randall: No, we do not make a 50-per-cent profit.

Mr. Singer: Yes, you did—

Hon. Mr. Randall: No, we did not. We will pin your ears back when the estimates come along. Do not go away.

Mr. Singer: Now you are—

Hon. Mr. Randall: And do you know what that sells for today? $12,500.

Mr. Singer: You still made a 50-per-cent profit.

Hon. Mr. Randall: $12,500 today.

Mr. Singer: Now you are avoiding it.

Hon. Mr. Randall: Would you not like me to sell you a HOME lot?

Hon. A. Grossman (Minister of Correctional Services): He did not make it; the public made it.

Hon. Mr. Randall: Sure, the public made it—the little guy.

Mr. Singer: At the expense of the people who need houses.

Hon. Mr. Randall: The little man you are talking about.

Mr. Chairman: Order! This sort of debate is completely out of order.

Hon. Mr. Randall: You would not think so to listen to my friends over here.

An hon. member: You started it. Throw him out.

Hon. Mr. Randall: Mr. Chairman, the government has been using every available source of funds to provide land and to build homes under the HOME programme. We put up $50 million and did not get any takers from the financial institutions. I am still working on it; I have every hope that I can get it. I did get $60 million with the help of our Treasurer last year to build under the HOME programme when no money was available from financial sources. I am hoping that before too long we can come up with our federal friends with a programme for mortgage money that would solve the mortgage money problems for the modest income families at least, for all time to come. Perhaps that will come about. It depends on my friends in Ottawa and, if I have done a good selling job, they will buy it. If I have not we have to start all over again. I am not easily discouraged.

An hon. member: What suit did you wear?

Hon. Mr. Randall: I wore the selling suit—with an armour-plated vest.

An hon. member: And a heart to match.

Hon. Mr. Randall: Mr. Chairman, I am convinced that public housing is not the answer to housing the people of this province.

Mr. Lewis: We have heard you say that before.

Hon. Mr. Randall: I will say it again and again. We have asked Ottawa to put 5,000 public housing units up for sale to people whose economic circumstances now are such that they can afford to make a minimum down payment and own their own home. I am a little tired of hearing from our critics about these people being second-class citizens. I am so tired of hearing that their children have to be separated from the rest of society, with special playgrounds and gymnasiums, because they cannot mix with the rest of the community. It is my intention, as long as I have this responsibility, to try to put these people into their own homes.

Mr. Lewis: You build an isolated community.

Hon. Mr. Randall: No, I do not build any isolated communities; make no mistake about it.

Mr. J. Renwick: Just go down to Don Mount.

Hon. Mr. Randall: Do not make any mistake about it, I do not build them.

Mr. J. Renwick: There are no facilities of any kind.

Hon. Mr. Randall: I do not decide what the housing programme will be as far as public housing is concerned. I build if there

is land available. I simply say to you that those people should have the right to buy those places, even in Don Mount.

Mr. Lewis: We have been urging that.

Hon. Mr. Randall: Yes, sure. That is what we are working on.

Mr. J. Renwick: Well, keep working.

Hon. Mr. Randall: But they should not be separated from anybody else. You are a smart man, you have all the answers.

Mr. Lewis: Do not undermine your own work.

Hon. Mr. Randall: I am not undermining my own work. I know exactly what I am doing.

Interjections by hon. members.

Mr. Chairman: Order! I think the personalities that are being exchanged across the floor of the House should be discontinued. It is provocative to say the least, and I think we should engage in a proper presentation of this department's estimates.

Hon. Mr. Randall: I agree, too.

Mr. Chairman: I would ask all members to discontinue this type of debate.

Hon. Mr. Randall: Just sit back and be quiet and listen for a change. You are talking all the time. You never shut up; you never give anybody else a chance. You remind me of little Liza crossing the ice with all the hound-dogs back of her barking at her legs, and not giving her a chance. Let any one of them get into trouble and they all get into the act.

Mr. Lewis: Uriah.

Hon. Mr. Randall: Mr. Chairman, to get back to normal again, now that we have had our fun, the hon. member for Windsor West was announcing the policies and the powers that this Minister had by running the ODC programme. I want to assure him I was very flattered indeed but it does not mean a great deal to me.

I came into the government to do a job for the people of Ontario; that is what I intend to do and I will put my record against anybody else's in this House now or at any other time in the six years I have been here. I would suggest to the hon. members, Mr. Chairman, that during the last election our friends in the Liberal Party promised to spend $750 million more than the province had coming in. It ended up with setting up an industrial incentive programme. The NDP and their leader spent almost $1 billion more than we had coming in to set up an industrial development programme and other things that he was going to do free for the people. We found out what—

Mr. E. W. Martel (Sudbury East): And you ended up borrowing money from West Germany.

Mr. P. D. Lawlor (Lakeshore): Have you ever seen a more provocative Minister?

Hon. Mr. Randall: We found out what was free when they brought in Medicare. I suggest, Mr. Chairman, that these incentive programmes are directed to helping the rural people in this province and the people in the small towns.

Some hon. members: No, no.

Hon. Mr. Randall: I know my NDP friends do not like it, but I recall in 1965 when the leader of the Opposition talked about rural poverty and said you had to do something to raise the *per capita* income of the people down in Stormont county and all the counties down there where the income was $1,200 or $1,500. I suggest you go down there today and see what has happened to those incomes, *per capita*. They are twice as high because the union drove them out, or nearly drove them out. They are twice as high.

Mr. Lewis: You are not serious.

Hon. Mr. Randall: Mr. Chairman, we are going to spread this incentive programme in industry into the smaller areas of this province, make no mistake about that. We are not going to back off.

Mr. Lewis: No, I know.

Hon. Mr. Randall: There are 100,000 farmers in this province and in a rural report received the other day, only 35,000 are needed—65,000, according to that rural report, are redundant. If you think we can handle those people in this city or any other urban centre, you had better think again.

Those people do not want to come to the urban areas, but they want industry to come to them so that they can live in their homesteads; they can live on their farms and they can go down the road to work. If you go north to Owen Sound, my friend will tell you that at 6.00 o'clock in the morning the farmers

will run you down going to work in Owen Sound and towns around there where we have put in industry, and where the federal government has put in industry under the incentive programme.

We intend to continue to decentralize industry in the areas of the province that need it, and provide jobs for those people in those areas without their having to flock to the cities. I have seen these people flock to cities in countries around the world and it is not the answer to getting people a higher *per capita* income.

I would suggest, Mr. Chairman, that if the hon. member for Scarborough West wants to go into any of these towns in northern Ontario where we have an incentive programme and make those statements, they will run him out of town on a rail because they are happy with those programmes. They just want more of them.

He touched on gross centres, Mr. Chairman, and perhaps gross centres are going to be possible, I do not know; I think it is a little premature. In some areas, maybe northern Ontario where, in scattered communities, we can think of gross centres, but I certainly do not think you can talk about gross centres in this part of Ontario for the time being. I have here a number of reports from development associations that support that conclusion. They support the conclusion that every town should have a right to see if it can get an industry, to see if it can balance its own financial affairs and employ its own people before we can say, as my friend over here said yesterday, it turns into a cemetery with lights.

As far as I am concerned, every town and every village that is designated has an opportunity, under the EIO programme, to get an industry. We do not guarantee them an industry but they have a right to apply for one. If we can put one in there it goes in of its own volition; it is not forced to go in. It goes in there because it knows it is going to be a viable enterprise and it can operate.

Mr. Pilkey: At whose expense?

Mr. Lewis: They get a lot of free money from the government.

Hon. Mr. Randall: What do you want to do? Pay it out in welfare?

Mr. Lewis: Who are you kidding?

Hon. Mr. Randall: What do you want to do? Give them welfare?

Interjections by hon. members.

Hon. Mr. Randall: Is that what you want to give them?

Mr. J. Renwick: What nonsense.

Hon. Mr. Randall: That is nonsense over there. What you are talking is absolute rot and the people know it.

An hon. member: They knew it recently in Guelph—

Hon. Mr. Randall: And they are going to be there for six years, or more.

Mr. Lewis: Are you willing to finance them?

Hon. Mr. Randall: Sure. I would give the money to the Bank of America if they would open up a printing press in a small town.

Mr. Chairman: Order! Order!

Hon. Mr. Randall: What do you want, a manufacturer of used bicycle handles and give him the money to go broke? Oh come, come.

Mr. J. Renwick: Let us get to the item of the vote and get down to brass tacks.

Hon. Mr. Randall: I will get around to you in just a minute. Do not get excited. Do not go away—just stay right here. You are not the chairman, are you? Are you the new chairman? Move out and take the seat here.

Mr. J. Renwick: Let us get on with it.

Hon. Mr. Randall: I will be delighted to have you as chairman.

Interjections by hon. members.

Hon. Mr. Randall: It is obvious, Mr. Chairman, we are going to have a good time. Now the question—

Interjections by hon. members.

Mr. Pilkey: Not much done, but we will have a good time.

Hon. Mr. Randall: That is right. It has all been done. You do not have to worry, you can go home and go to bed and forget about it.

Mr. Martel: Too bad the people of Ontario do not know that.

Hon. Mr. Randall: They know it.

An hon. member: Will you tell them?

Hon. Mr. Randall: Yes, we have told them.

An hon. member: What happened in Saskatchewan?

Hon. Mr. Randall: Tell us about British Columbia.

Mr. Chairman: May I refer the hon. members to rule 17?

Hon. Mr. Randall: Tell us about British Columbia. You know what is going to happen. You won two byelections in four years. There are still 67 people over here and in 268 years you could form a government—one byelection a year because you will never win a general election.

Mr. Chairman, getting back to—

Mr. Lewis: Wait until you see our extrapolations.

Hon. Mr. Randall: You can see there is a difference of opinion here between my friends in the NDP and myself. Let me say, Mr. Chairman, the question we should ask ourselves, is: Should regional government come first, before industry, or after we get industry in? I say to you that regional government will come a lot easier, in many communities, if they can have a balanced assessment, if they can employ their people, and there are some firms operating there from which they can get some tax money, and this is exactly what we are trying to do, to spread that industry into those areas, and we are going to continue to do it.

The hon. member brought up limited participation. I suggested to him that we had a discussion with our federal friends and they said we are going to copy your programme because you have built-in flexibility, and we do have built-in flexibility, Mr. Chairman. And the question he raised was the difference between Lindsay and Peterborough. Let me give you some information that I am quite sure you would be interested in having.

Mr. Lewis: Do not worry about it.

Hon. Mr. Randall: I am not worried, and I do not want you to worry. Now get your notebook out.

The population in Lindsay is 11,756 people to date. Peterborough is 54,782. The average rate of growth for the last five years in Lindsay was 5.33 per cent. In Peterborough it was 17.6. The average unemployment for the year ending June, 1969, was 1,134 people in Lindsay, and 1,957 in Peterborough. The unemployed percentage of the area population in Lindsay was 9.6 per cent—almost 10 per cent. In Peterborough it was 1.7. The number of persons commuting to work in other centres—270 out of Lindsay, and only 335 out of Peterborough. The commuters as a percentage of population is 2.3 out of Lindsay, and .06 out of Peterborough.

Average unemployment figures for last year in Lindsay were 1,003, Peterborough—1,975. Unemployment as a percentage of population was 8.5 per cent as against 1.7 per cent in Peterborough. The provincial average of unemployment, as a percentage of population, was 1.8, so certainly 8.5 is the reason why we put industry in there.

I might also say, Mr. Chairman, that the average *per capita* income in Lindsay was $3,600 a year. In the city of Peterborough it was $4,500 a year—and that is the provincial average, $4,500. So Peterborough has been doing pretty well by itself.

I would suggest, Mr. Chairman, this is the reason why the ODC is required and necessary, for towns such as Lindsay, Brockville and Orillia.

I believe that covers the comments I want to make at the present time, Mr. Chairman, with regard to the comments from the hon. member for Windsor West. I would be delighted to answer some of these other pertinent questions as we get into the estimates. You ask them, my friends. I believe I have the answers.

On vote 2201:

Hon. Mr. Randall: Mr. Chairman, I might say that vote 2201 is broken down into a number of sections—main office, administration and financial, planning, promotion and advertising, information services, women's advisory committee and Ontario House. I would be glad to take them in that order, if the hon. members are agreeable.

Mr. Chairman: We will deal with the main office first.

Hon. Mr. Randall: Yes the main office vote.

Mr. J. Renwick: Mr. Chairman, just because I cannot find an appropriate heading for it to fall under, I would like to ask the Minister whether it will fall within his department to make a presentation to the federal government on the whole question of the review of the toll rates for the St. Lawrence Seaway, particularly through to Lake Erie, when the matter comes up in 1971?

It would appear to me from what I can understand of it, and my knowledge is quite limited, that the level of the rates was not in accordance with the estimates of traffic which were originally made, that there were to be a series of negotiations between the two authorities, that is, the Canadian authority and the

United States authority. Now it is a matter between the two governments, and as I understand it, these matters will come forward again in 1971 for serious discussion. I would assume that it is this Minister's department which must bear the burden of making the representations on behalf of the government of Ontario about the toll structure for the St. Lawrence Seaway.

I do not know what the answers are, but I would certainly appreciate the Minister's comments on this whole question, because, first of all, our knowledge of the government's attitude is limited to say the least. Secondly, I would like to make certain that this Minister is studying the matter and is going to make a presentation on behalf of the government of the province of Ontario to the appropriate authorities on this whole question, so that the public interest of the province will be protected.

Hon. Mr. Randall: Mr. Chairman, I want to assure the hon. member that when I had The Department of Economics, we made a very lengthy study on the St. Lawrence Seaway. We recognized the financial difficulties, and I think we are on record, if I can recall without the facts being here, of protesting any increase in tariffs on ships using the St. Lawrence Seaway, and particularly the Welland Canal, which will affect, and could very seriously affect, the economy of this province and some of our bordering provinces.

I am thinking of a lot of stuff that comes from Manitoba in the west, into the head of the lakes, down through the Welland Canal and into the St. Lawrence system. And, if I recall, we have appointed a member to sit with a watching brief on the things that are being discussed with regard to the Seaway.

This is being considered, I have just been informed, by our committee on transportation —that is, the government committee on transportation working with the federal authorities in Ottawa.

I think I can give the hon. member the assurance that we are going to make Ontario's position well known, recognizing the difficulties that could evolve from any changes in tariffs on ships coming through the St. Lawrence and going through our waters here, and taking cargoes in and out.

Mr. J. Renwick: I accept the assurance as long as forewarned is the important part of it. I think this government must make a formal presentation on behalf of the province, not just simply have a watching brief. We had a watching brief a couple of years ago on the last Bell Telephone rate increase, but this time the government saw fit to make a formal presentation after the prompting which the leader of this party gave to the government at that time. I would hope that a very formal presentation would be made by this government because you have got to maintain the St. Lawrence Seaway as a competitive method of transportation in the light of the wide-ranging and sophisticated development of other methods of transportation such as container cars, for example, and the problem of the size of the lake shippers—lake shipment boats as compared with ocean-going boats—the whole question of the routing of the iron ore from Quebec up to the main smelter points in the Lake Erie and Lake Ontario complex.

I would hape that perhaps before that presentation is made the government might see fit to conduct its own study and to issue an initial white paper during this forthcoming session of the Legislature so that the members of the Legislature would be much more acquainted with the complexities of the problems and the difficulties of finding a proper resolution, and so that we would have the benefit in this assembly of a proper debate on the topic pending a government presentation in the negotiations which will take place in 1971.

I make those suggestions hoping that they would find merit in the eyes of the Minister.

Mr. Chairman: Vote 2201?

The hon. member for Windsor West.

Mr. Peacock: Mr. Chairman, to finish this item—item 1 or whatever it is—I would like to ask the Minister, under the first vote which advertising firm or firms are billing him for the amount of $815,000 shown under planning, promotion and advertising?

Mr. Chairman: May I just interject at this time. I was absent from the chair for just a few moments. Has the committee agreed to take this department by programmes of activity?

An hon. member: Yes.

Mr. Chairman: Perhaps we could keep them in order, then. Is there anything under the first programme, administration and financial service? Is this carried? Carried.

All right, then we can proceed to the programme that the hon. member for Windsor West has introduced; that is, planning, promotion and advertising. We carried the first

programme of activity, administration and financial services. The question is directed to the hon. Minister regarding advertising coming under the second programme; planning, promotion and advertising. The first item is statutory.

The hon. Minister.

Hon. Mr. Randall: You are down to planning, promotion and advertising, I presume.

Mr. Chairman: That is right.

Hon. Mr. Randall: May I ask the hon. member to submit his question?

Mr. Peacock: Would the Minister tell us which advertising firm or firms is billing him for the advertising his department is carrying on under this programme?

Hon. Mr. Randall: The major company that we use in our department is Foster Advertising Agency. But then there are a lot of associated agencies in regard to films, special promotions and what have you.

Mr. Peacock: Mr. Chairman—

Mr. Chairman: Planning, promotion and advertising?

Mr. Peacock: Does the Minister recall if he answered my question on the order paper enquiring into the cost of the production of the multiple-slide-technique film that—

Hon. Mr. Randall: I understood that all the questions on that sheet were answered. I checked them that day and the Prime Minister (Mr. Robarts) put a number of them into the House; my people tell me they were answered.

Mr. Peacock: On September 30?

Hon. Mr. Randall: Yes. If they were not, I will check on it for you.

Mr. Chairman: Anything further under planning, promotion and advertising? This programme carried? Carried.

We will move to the next programme, information services. Carried? Carried.

The next programme on the top of page 165 is the women's advisory committee. The hon. member for Perth.

Mr. H. Edighoffer (Perth): Mr. Chairman, I understand there are two ladies employed by this department. Last year I understand that their task was to hold ten conferences, that is in 1968. How many conferences are they planning in 1969?

Hon. Mr. Randall: Conferences for 1969-1970 are planned in Toronto, Simcoe, Trenton, Hamilton, Niagara Falls, Sarnia, Kitchener, Toronto suburban and Ottawa.

Mr. Edighoffer: That sounds like approximately the same number. The other question I would like to ask, is the Minister the main speaker at all these conferences?

Hon. Mr. Randall: No, I am never the main speaker. As the Minister responsible for the women's activities, I usually speak after the luncheon, but the main speakers are people we bring in from various organizations such as banks, trust companies and so on.

An hon. member: And your colleagues.

Hon. Mr. Randall: Last year we tried something new, we brought in the Ministers because we felt that many of these programmes would be of interest to the women in the audience. And it turned out to be a very popular programme. Perhaps we will even invite the Opposition one of these days.

Mr. D. C. MacDonald (York South): Mr. Chairman, on that very point, I wonder why "one of these days." It was rather interesting that during the last visit to northern Ontario—and there was a lot of political flak developed about the tour that was arranged primarily to meet the interests of the Conservative Party—the suggestion was raised as to why, when you have tours of MPPs you do not have a legislative committee which will be responsible for making the arrangements so that it is multi-partisan. On Saturday a bit of so-called flak developed at the northern development conference in Sudbury and I was rather interested that somebody who identified himself as being with the Algoma Steel Company at Sault Ste. Marie said, perhaps the way to avoid—

Hon. A. F. Lawrence (Minister of Mines): Name is Nixon, Peter Nixon.

Mr. MacDonald: Was his name Nixon? Was his name Nixon?

Hon. A. F. Lawrence: Yes.

Mr. MacDonald: Oh, I had no illusions that he was an NDP but there was the possibility he might have been a Liberal. However, the point he made was that if you want to avoid the impression that these expenditures of public moneys, ostensibly for the clarification of public policy, are not primarily a political move, a Progressive Conservative move, that the way to do it is to have all the parties that are represented in the House. I need not

remind the hon. Minister that this government got 42 per cent of the vote in the last election, they are 58 per cent opposed. So perhaps the 58 per cent should have representation at the panels of this women's advisory group, at your northern conferences and—

Hon. A. F. Lawrence: I did not notice that you were backward in coming forward.

Mr. MacDonald: I am there for the purpose of not being backward if the Minister has any illusion, just as I have no illusions as to what one of the purposes of the conference is. So let us put it right flat on the table.

If we have to travel far to keep up with you, we will, even though it is Moosonee or elsewhere. However, let me get back seriously on the issue. I have wondered what the purpose of the women's advisory committee was other than to try to rebuild the tarnished image of the Tory party or to maintain it. Certainly, in the minds of an awful lot of people who attend these conferences—and particularly in the minds of people who do not get invited though they have sent representations and delegations to the Minister, with regard to prices and consumer issues—they take the trouble to come to the Minister but when the Minister throws a buckshee banquet, it is only for the people in the establishment, those who happen to be in the Tory party and a few others. But the people who have expressed a real interest in consumer matters, they do not get invited to these conferences.

So I come back to my basic point: If public moneys, thousands of dollars of public moneys are going to be spent to elaborate and clarify public policy, let us remember that public policy in this province is not exclusively the prerogative of the government. And if you want to avoid the charge for which there is a fair amount of evidence—and a lot more if one digs—that these ventures are exclusively for political purposes, there is a simple way to do it, and that is to give representation to all of the parties in the Legislature at these particular events.

Hon. Mr. Randall: Mr. Chairman, let me suggest—

An hon. member: You want to observe it—

Mr. MacDonald: No more than we would want you as an observer in our caucus meetings.

Hon. Mr. Randall: Mr. Chairman, let me suggest to the hon. leader of the New Democratic Party that not for one moment can I think that any of the women who serve on that committee can be accused of being appointed for their political faith. There are 25 women in that group and you cannot pack almost 2,000 women in a hall like the Royal York and say there are no Liberals or NDP's there, that they are all members of the Conservative Party. You cannot go across this province and talk to 7,000 or 8,000 women when invitations are received from church organizations, labour organizations, political organizations. If they will give us their list I think perhaps—maybe in your case at home, your people in the riding would not want to give us a list of people who support the NDP party, they may be suspicious of us. But I will tell you quite frankly, we worked hard to get a list of all the women in any community who would come and we have made sure that this does not turn into a political forum and the people we invite, we do not know who the speakers are. They may belong to your party; we may invite somebody who supports your party.

Mr. R. F. Nixon (Leader of the Opposition): Your list of speakers was just your Cabinet colleagues.

Hon. Mr. Randall: No, no. That was just last year. We tried something new, but there were speakers there during the day.

Mr. MacDonald: Well, try something new next year.

Hon. Mr. Randall: Well, all right, maybe you have an idea. We are not averse to trying something new. But I just suggest there is no—I will not accept the fact there is any political activity on the part of these women because the government operates it. I simply say to you that when my hon. friend, Mr. Macaulay, started this programme—as you recall—we carried on the women's activities and we gave them specific jobs to do. I have seen your wife at those meetings on many occasions, and I am sure she is not converted to my political faith when those meetings are over.

Mr. Lewis: Not my wife.

Hon. Mr. Randall: Well, your wife writes about those political meetings; she is in the ten.

I just suggest, Mr. Chairman, we are open for suggestions. Any way we can improve the programme, fine, we are delighted.

Mr. MacDonald: Well, we made one.

Hon. Mr. Randall: Okay.

Mr. Edighoffer: Mr. Chairman, I am very interested in those remarks because I see this year we are asking—or the government is asking—for $68,000. And last year in their report—the only thing that really is in this report is that they brought together 5,000 women. Now, if that is really the full benefit of this department in this coming year—even if they get 6,000 women together—to me it seems like a great expense for this small number of women. What else is done by this advisory committee besides these conferences?

Hon. Mr. Randall: Let me suggest to the hon. member that holding conferences is just one of the activities. We have many "shop Canadian" weeks, making people aware of the fact that there are good manufacturers of goods in Canada compared to some of the imports that are coming in. I would suggest that if you look at the exports and imports that are coming into Canada, the dollar volume between the two is not very different. And the more foreign goods that come in here, the more people must be made aware of the fact that they can buy a similar item —at least they should look at it. We suggest do not buy it if the value is not there, the quality is not there. We suggest you take a look at it, and if the value is equal to that of an import, well, certainly give the Canadian product the edge. We do a number of those "shop Canadian" programmes around the province, besides the work of holding these meetings, these forums for the women to come and express themselves. As I pointed out, there are eight or nine a year, and that is a pretty full-time job.

As for the amount required, we think it is a picayune amount of money for the women's activities department. Fifty per cent of the people in this province are women, and certainly they have a right to say what we should do with some of the merchandising.

Mr. Nixon: Is the Minister implying the rest of the money was spent on men?

Hon. Mr. Randall: Well, I think it is.

Mr. Nixon: I think not, that is a silly—

Hon. Mr. Randall: They say the women spend 80 cents out of the dollar, and a guy says, "Where is my 20 per cent? I haven't got it yet." But I would suggest to you that the activities we have in this programme pertain to women in this province, to see what they can do to make sure the job they save is their husband's. The programme, in our estimation, is not an expensive one and is one that I would like to see enlarged upon, because I think it is doing a worthwhile job.

Mr. Nixon: Well, I would just like to say something on this. I do not know whether my hon. friend has completed his question, but it appears to me that the money spent on these tremendous gatherings across the province, during which the committee has brought together 5,000 women, is really a waste of time and money. We have women's organizations that are already well established in this province, and those people who are employed by the Minister's department could very well have a programme that would be much more effective by dealing with those organizations which are independent now and do not have to maintain their independence in any particular public argument, because it is taken for granted. The Women's Institutes, the Voice of Women and similar groups have been organized for specific purposes, and for the Minister to really impose upon the province another whole series of organizations in which women are invited, on embossed invitations, to attend dollar luncheons in which the opportunity to meet eight or ten Cabinet Ministers is put forward—well, I think it is just plain grandstanding. You should be making use of these funds—and probably more money than this—in working with the established, bona fide women's organizations that are not talking from some particular position of bias. I hope the Minister would consider that alternative.

Mr. Lewis: Mr. Chairman, can the Minister read to the House the list of speakers at that last conference? I do not have it with me; I should have.

Hon. Mr. Randall: I will see if I can get that list of the members before we are finished. If we are finished, we will come back to it. We have a list.

Mr. Nixon: All the handsome Ministers.

Mr. Lewis: The Minister does not recall which—am I right in thinking it was the Minister's Cabinet colleagues?

Hon. Mr. Randall: No, I think there is a misconception here. They have one large meeting, as the hon. leader of the Opposition knows—we have one large meeting a year, which is usually held in April. In that meeting we have a full-day forum, and we have a number of speakers come every year. This year we decided to have the various Ministers, talking about health and welfare, Medicare—

Mr. Nixon: You are selling the government programmes.

Hon. Mr. Randall: —consumer affairs, and let them ask questions and see if we could give them the answers. This was a very successful meeting, and perhaps next year, as I said to my hon. friend, he can get up and tell those 2,000 women he does not think they need to be there.

Mr. MacDonald: I would be glad to be given the opportunity.

Mr. G. W. Innes (Oxford): Mr. Chairman, I would like to ask the Minister how many of the advisory board women are scheduled to go to Osaka next year? I understand some of them are.

Hon. Mr. Randall: There are none scheduled to go at our expense, but I understand the women themselves have gotten together and they are going to go on the charter flight the same as hon. members, at their own expense.

Mr. Innes: In other words, all the government is doing is arranging it?

Hon. Mr. Randall: The same as we are doing for the private members and the civil servants.

An hon. member: We have not heard about it.

Hon. Mr. Randall: Well, maybe I can just clear up that point. You will get a letter this week I hope, I had hoped to give it to you before the House adjourned in June, but we could not get Air Canada to make up their minds whether they wanted charter service flights out of here or not. After talking to some of their people, I said, "Make up your mind, because if you don't make up your mind right away, we are going to arrange for foreign carriers to come in and take the people to Osaka."

You will get a letter, I believe, this week, which will tell you that you can go to Japan for, I think, about 21 days for less than $1,000—$989, I believe—with accommodation, air fare to Japan and back and breakfast. You can scrounge for your own lunch and your own dinner, but your accommodation will be there. I am pretty sure it is either a ten- or 16-day tour—I am not too sure about the 21 days—through Japan, arranged through the department. They will take 600 people, so your friends are invited to go with you. Before we had boiled it down to just members of the government, members of Parliament. But now they say they will put on enough charter flights if you want to invite your friends to go, your daughters, your sons, your next-door neighbour—they can qualify on the same basis. So this $900 and some odd I talked about will cover the trip to Japan and back and accommodation. I would say to you that the most difficult thing today is to find accommodation in Japan. It is entirely different there than anywhere else, and for that reason we felt we should put the pressure on and make sure that when somebody got there he had a hotel. Now it may not be like the Royal York Hotel but when you travel you do not expect the same thing you have at home, otherwise you will be disappointed.

Mr. Peacock: Just tell them Osaka Stan sent you!

Hon. Mr. Randall: Tell them Osaka Stan sent you and you will get thrown right out.

I have a letter coming to you in a day or two. It will give you the temperatures, what clothing to take and the things that I think you would like to know when you go to Japan.

Mr. T. Reid: Mr. Chairman, could I ask the Minister whether or not one of the purposes of this conference in Toronto, I believe, was to make the women who came aware of the government's programme? Where was this meeting held in Metropolitan Toronto?

Hon. Mr. Randall: The meeting was held this year in the Canadian Room of the Royal York Hotel. We had about 1,500 women there and we could have handled 2,000 if we could have put 2,000 in. When you say to make the people aware, the women were aware of the government's programmes—that and many other things. Each year, we have had speakers from textile institutions; we even had Judy LaMarsh there one year—she was a hit speaker, as you well know—we have had them from the banks, the trust companies.

Many of the women last longer than we do and they wind up with the bucks and they do not know how to invest them. They will listen to a woman more than they would perhaps a man tell them, perhaps, how they should invest their money, how they should safeguard it. For that reason it is a woman's day.

This is the reason we had the conference here this year; we changed it, the format was different and we gave them a chance to

question the Ministers. Maybe next year they can question the Opposition.

Mr. T. Reid: Mr. Chairman, if I could ask the Minister a further question. How many of the 1,500 women who came to the Canadian Room at the Royal York were women tenants in the Minister's own Ontario Housing? How many women were on welfare? In other words, was this an upper-class thing or did you invite the people who were affected most by your worst policies?

Hon. Mr. Randall: Let me suggest to you that I think this a loaded question and I do not like the implications of it. Let me make it very clear to you that we get these lists from churches, from welfare institutions, anybody who has a mailing list of women involved. They get the list and there is no political connotation at all. You say that we invited the tenants, the women's tenants groups—I would say they would get it through their church organizations, through political organizations or any organization that gave us their list. People were invited from every stratum of society. We do not pick the elite and I do not want to leave the impression that we do.

Mr. T. Reid: Could I ask the Minister again, Mr. Chairman, how many of these 1,500 women were on the welfare rolls of the province, and how many of these women were living in Ontario Housing?

Hon. Mr. Randall: May I ask you—how high is up? Does that answer your question?

Mr. T. Reid: I am asking—

Hon. Mr. Randall: How high is up? How would I know? There were 1,500 women; how do you expect me to know how many were on welfare and how many were living in Ontario Housing Corporation—

Mr. T. Reid: I think that if the Minister—

Hon. Mr. Randall: Should I send the letter to every person living in housing corporation houses?

Mr. T. Reid: I think that if the Minister is interested in having people in the province come to this programme designed to propagate the government's views, he should invite those women who are affected most by his policies. Those are the people who need help most in this province, and unless you are taking an active interest in inviting the "have-not" women of this province and of this city to this type of programme, we are all going to dismiss it as just a piece of Conservative propaganda. Invite the people there who really ought to come and who could probably put you on the grill, as that lady from Kingston put you on the grill on the front steps on Saturday.

Hon. Mr. Randall: She did not put me on the grill.

Mr. T. Reid: She had you on the ropes, sir—and I would like to know, and I hope the Minister will come back—

Hon. Mr. Randall: No, she did not.

Mr. T. Reid: I hope the Minister will answer this type of question because I think it is very very important that he actually invite those women, particularly in Metropolitan Toronto, who are being affected most by the policies of his government. Those are the women on the receiving end of the welfare programme, who are tenants under Ontario Housing. They would have a lot to say. Hopefully if you invite them, they will try to be pleasant, they will have a lot to say to the Minister about how they see the government's programmes, instead of sitting back passively and taking in government propaganda.

Hon. A. F. Lawrence: I know there were women there from both Regent Park and Moss Park.

Hon. Mr. Randall: That is right—

Mr. T. Reid: Why did not the hon. Minister of Trade and Development answer that?

Hon. Mr. Randall: I do not have a list of all the million lists we have. I simply said to you that we invite women from every stratum of society. If you know of any group that is left out you make up the list and let me have it, and I will see that they get an invitation.

Mr. T. Reid: Mr. Chairman, I would simply make a recommendation to the Minister that he ask Mr. Sutters of the Ontario Housing Corporation to provide the Minister with a list of all the women tenants in Ontario Housing. Obviously, the Minister cannot write them all, I appreciate that, but at least a good sample of those women should be invited to his next conference and be asked to sit on the panel and tell the people of this province what it is like to get on the receiving end of many of the policies of this government.

Mr. MacDonald: Mr. Chairman, to underline a point I made earlier, to which the Minister did not respond—the Minister says they are glad to get lists of women from every kind of organization and they invite them. But the Minister was visited in his office by the Women Against Soaring Prices and they presented a brief. They did not get invited. What have they got to do to indicate to the Minister that they are interested in the problems of coping with prices? They came and presented the brief to you.

They did not get on the list, so it seems to me that the list is drawn up in a rather haphazard way and, unwittingly or otherwise, it tends to be made up of establishment people—the lady-do-good types—who really do not have as much of a problem with the cost of living as the great majority of people in this province.

I think the point made by the member for Scarborough East, and I underline it with the specific reference to the so-called WASP group—the Women Against Soaring Prices—is that these are the people who could really let the Minister know how effective his policy was. Then it might appear to be a meaningful thrust at the basic problem, instead of a political exercise.

Hon. Mr. Randall: Mr. Chairman, in answer to the hon. leader of the New Democratic Party, let me suggest to him that some of the women who, I believe are on the advisory board, are associated with the organization that you are talking about. If we have the list of those women, I do not know why they did not get an invitation. I will try to find out.

I also suggest to my hon. friend that if we send an invitation to every woman who lives in public housing, I hope we do not get accused of doing that for political purposes. Remember that—that we did not send this invitation out because they are living in Ontario Housing and by that right they should come to this meeting. I would be delighted to send the invitations, but I want to make sure that you do not put any political connotation on it, that they are invited just because they live in public housing.

Mr. Nixon: I want to say, once again, Mr. Chairman, that this money we are voting this year should be used to service the organizations that are already established for specific purposes to put women's views before the government and before the community, and that, in fact, this money is inadequate for this purpose. These organizations are well established and they are independent.

It seems to me that these are the groups that the women's advisory committee should be working to assist rather than having this convention that was really in the past designed simply to display the talents, meagre as they may be, of the Minister's colleagues in the Cabinet.

Mr. T. Reid: Mr. Chairman, before we leave this item, I would like to ask the Minister whether this women's advisory group presented a brief to the Royal commission on the status of women? I hope they did, but I do not know.

Hon. Mr. Randall: I believe they have. It was discussed. I am not too sure whether they have or not, but I will find out for you.

Mr. T. Reid: It is quite significant because if they did not—and I say this in a skeptical sort of way—if they did not, then it would reflect, I would think, on what their main concerns are. The feeling I have, and I will not make a women's liberation speech in here at this time, is that this group in particular ought to be concerned with the role of women in our society much more than it is. It ought to be concerned with the discrimination against women in politics, discrimination against women in this building; where there are hardly any washrooms, the whole bit.

It must be concerned with the way in which this society, the Ontario society in particular, has placed the woman in a box through all stratas of society, except for the very rich who can, if they wish, break loose from the box that men put them in. I would like to say very strongly, and to urge upon the Minister, that this group in his own department must be concerned, not with tinkering arrangements, such as having conferences—perhaps that has a role to play, but it should not be the predominant role—I would like to see this group stand up and speak for the women of Ontario, to really go to bat for the women of Ontario, and make this place, this society, a better place for them to live and a better place for them to stand.

I think it is essential that they get involved with, for example, this submission of a brief to the Royal commission on the status of women and activities like that. I think it is so important. The Minister has the authorization within his department to do something about this, and I would hope that this male-dominated Legislature, male-dominated civil service, would at least give women a chance to fight for their rights, perhaps through the Minister's own department.

Mr. Chairman: Anything further under women's advisory committee? Programme agreed to.

We move on to the Ontario House. The hon. leader of the Opposition.

Mr. Nixon: I wonder if the Minister wants to say something about the Ontario House since we are going to a rather elaborate celebration of its centennial in a few weeks? I do not know very much about its history other than that the 100 years of service were certainly not uninterrupted.

Hon. Mr. Randall: I think that was understood when we got word that perhaps we have had an association in the U.K. for 100 years with some interruptions, as the hon. leader is well aware. He has read a few books as I have as to what happened to Ontario House during one period of our political history.

Mr. Nixon: I remember the events.

Hon. Mr. Randall: Of course, you have had a chance to catch up since.

Let me say, Mr. Chairman, that we are going to the U.K. on October 23 to celebrate or commemorate Ontario House being established in London, England; not that particular house, but the Ontario government being there for the last 100 years. The hon. leader of the Opposition and the hon. leader of the New Democratic Party are invited, along with the Prime Minister and a few others to be there on that occasion. Her Majesty the Queen will honour us on that day. I am like the fellow who, with mixed emotions, watched his mother go over a cliff in his new Cadillac.

Mr. G. Ben (Humber): Mother-in-law.

Hon. Mr. Randall: Mother-in-law. The Queen's husband will be here on that day at Sheridan Park, and I would like to be here to be with him. But, on the other hand, I think his wife is much nicer and more charming. So I am looking forward to being in London. In Ontario House, under the new Agent General, it has been reorganized in many ways. Its functions have been reorganized; the Agent General is playing a greater role in some of the promotional activities in Europe. He now checks on the people who are working in Europe for us—I am talking about our man in Belgium, a chap we have in Dusseldorf, in Stockholm.

It is estimated that Ontario House spends a great deal of time on a lot of things—for instance, 35 per cent of their time is spent assisting trade commissions that go over there and, as you know, Great Britain is our second largest customer. We do a fantastic amount of export business to Great Britain. I might also say we are Britain's second largest customer—so it is a two-way trade. Twenty-five per cent of their time is spent on selective immigration, and we not only do it from Ontario House but we also do it in Glasgow, where we had very good results with our selective immigration programme.

Mr. MacDonald: That is a good place.

Hon. Mr. Randall: That is right; we get a lot of good people from up there. Forty per cent of their time is spent on service to other government departments—for instance Lands and Forests, Agriculture and Food, or any other department might go over there. They spend their time setting up appointments for them. The Agent General is responsible, as I said, for the overall operation of Ontario House and its activities in Europe. He has attended all the major meetings we have had in Europe—in Germany, Belgium and a few other places, where we had what could be called opportunity missions, similar to the same type of mission we have been running in the United States to encourage industry to locate here, capital to invest here, and Mr. Rowan-Legg, the agent general, has been the key speaker. So I think Ontario House is filling a very necessary part of Ontario life in London and in the United Kingdom.

Mr. Nixon: Two specific questions: I wonder if the Minister can tell us what the staff at Ontario House or in any of its other agencies, particularly the trade agencies, are doing with regard to two of the problems which the farm community is facing: the first has to do with bringing over people who are prepared to go into the farm labour force and, second, assisting the federation of agriculture—and the farmers union, I believe, is also associated—in getting around the problems of farm implement prices by importing machinery, particularly tractors, from the United Kingdom, where these problems do not seem to apply.

Would this better be asked under the trade unions?

Hon. Mr. Randall: Yes, I would say it would be, but let me just give you a note on it here. The Ontario Department of Agriculture and Food, which for some years has included farm manpower within its areas of concern, has appointed Mr. John Krauter, a manpower and development officer. And,

using the facilities of the immigration branch in exactly the same way as other Ontario employees, Mr. Krauter advised in interviews and employed, on behalf of Ontario farmers, over 103 qualified farm workers from Britain in 1968. In addition, The Department of Agriculture and Food co-operates with the federal department in bringing to Ontario farms large numbers of harvest workers who are admitted from other countries on a temporary basis. As you know, The Department of Agriculture and Food has an officer stationed in Ontario House; in my own department we have a liaison man who works with that officer and The Department of Agriculture and Food. There is liaison between our trade and industry people, so that we are looking at all the aspects of agriculture to see how much more we can sell. If we get any leads, we pass them on to Agriculture or they pass them on to us. As far as immigration is concerned, as I say, we brought in 103 qualified farm workers. We interviewed these people for them and brought them in to the province.

Now the hon. leader asked a second question—I am trying to remember what it was.

Mr. Nixon: Importation of farm machinery from the United Kingdom. We can buy it over there and pay the cost of bringing it over the water and still have as good equipment or better at far reduced prices. And this is something, I believe, that should concern this Minister very deeply. We have questioned the Minister of Agriculture about it, but probably the responsibility is with this department more than anything else, to come to the roots of why we cannot buy comparable equipment with good service here, at prices comparable to the United Kingdom prices.

Hon. Mr. Randall: Well, let me tell you one thing that I think is of great concern to Canada, not only the province of Ontario. As you know, Mr. Benson is his last Budget removed the last two barriers under the Kennedy round in order, as he said, to make a Canadian manufacturer more efficient. I do not entirely agree with that, because I think the Canadian manufacturer is very efficient. When it comes to imports from many countries around the world, the greatest problem we have—and I am talking now for our federal friends up in Ottawa—is to figure out what has happened to it in regard to non-tariff items.

Mr. Nixon: Like farm machinery.

Hon. Mr. Randall: Yes. Who is being bonused? Now, it is obvious in many areas of Europe and Japan, for instance, that these manufacturers can be bonused; they can cut prices and ship into a market, and as long as it is probably less than a comparable product made here, it looks as though the manufacturer here has his price away out of line.

We have not been able to trace down anything yet; I had a letter from Ottawa not more than a few months ago saying this was their greatest concern: how could we get together and figure out what was helping imports from other countries and what was stopping exports in the non-tariff items. I think Great Britain falls into that category, because they have had a difficult time. And I do not think our government has raised too many hackles on goods coming in here, providing the price and the quality were right. We are not in the position in this province to stop imports, and it is not our intention to scream about being hurt; if our manufacturers cannot compete, we would like to know why.

Our manufacturers tell us, of course, that their wage costs are high, their material costs are higher than they are in Great Britain. On the other hand, I ask myself, when you bring a tractor here from Great Britain and lay it down in Canada's west or in Toronto, if it lays down at a lower price than one that is manufactured here, then there must be some other factor. That other factor I do not think is entirely due to high-cost labour in this country. I think it is due to a number of non-tariff items that we have not been able to put our finger on, and that is the only information I can give the hon. member at the present time. But we do have an interest in what is happening in regard to these implements coming over here.

Mr. Nixon: Well I am glad to hear that you have, because I think you would have the staff who could look into this matter in such a precise way that you could tell the House and particularly the section of the industry of Ontario that is deeply concerned why this takes place and if, in fact, the barriers could be removed. And second, I think the Minister should be aware, and perhaps he already is, that many farmers have already purchased machinery in England, and trade is a two-way street. His job so far has been the emphasis in selling elsewhere what we make here, but if we can buy something that is made elsewhere and is of comparable quality but much improved in price without

undercutting in any significant way, the labour force here—and I believe that it exactly typifies the case here—then I think he should have a man in Ontario House who is looking into this and making purchases on behalf of the farm organizations here.

I do not think it should be necessary for the farm organizations to send their own agents to the United Kingdom for this purpose because we are spending $290,000 to maintain this agency. The Department of Agriculture and Food has other expenditures associated with Mr. Krauter who, I understand, is doing a very good job; the Minister's trade agency is another expenditure again, but here is a place where a large segment of Ontario industry could use this service in a very specific way, a study as to why this difference occurs, but more specifically aid and assistance in placing their orders, seeing the equipment is put on boats and properly delivered here in Ontario. I would suggest that the Minister look into this with an eye to giving this sort of service to the taxpayers who are paying the $290,000.

Mr. Chairman: Anything further on Ontario House?

Mr. J. P. Spence (Kent): I have a question of the Minister in regards to sales missions overseas. Are our sales going up this year over other years, or are the prices here out of comparison with—

Hon. Mr. Randall: Mr. Chairman, if we are finished with this Ontario House vote, I can answer that question in the next vote.

Mr. Chairman: That will be fine. Does that cover Ontario House?

Mr. Edighoffer: I would just like to know how many people are employed at Ontario House. And also this final figure here of $181,500 for maintenance—I know maintenance is not that much at my house and I just wondered what that is made up of.

Hon. Mr. Randall: There is a total over there of 39 people. And when you talk about maintenance we are talking about the rent, literature, the furniture, all the things that go to run the operation. As you know, rents are very high in the United Kingdom; if you ever try to rent anything over there you will find that you had better have a uranium mine because rents are a lot higher there for commercial properties than anywhere else I know of. So in maintenance, of course, are all these services, the cleaning services, the rents, the stationery, and all the things that go into running that operation.

Mr. Chairman: Ontario House, carried.

Vote 2201 agreed to.

On vote 2202:

Can we take this by programmes of activity again, Mr. Minister?

Hon. Mr. Randall: Yes, I would suggest we do, if all members are agreeable.

Mr. Chairman: Vote 2202; trade and industrial development; the hon. member for Windsor West.

Mr. Peacock: Mr. Chairman, I would just like to ask the Minister where he prefers to discuss the EIO programme—under this vote or under the Ontario Development Corporation vote?

Hon. Mr. Randall: That is under the development corporation.

Mr. Chairman: Anything under trade and development vote 2202?

Mr. MacDonald: Mr. Chairman, on trade and development, I assume this might be an appropriate place for my question. I wonder if the Minister is in any position to indicate to us what future prospects there are for the shipbuilding industry in the province of Ontario such as that at Collingwood? Just last week there was a news story to the effect that the largest ship they had just built may be the last ship which the Collingwood shipyard is going to build because there are no other orders in from The Department of Transport.

I assume this is the federal Department of Transport—am I correct?—because they refer to ferries over to Prince Edward county; no, it is Prince Edward Island, sorry, that would be inter-provincial.

But is the Minister in a position to indicate whether or not we have reached the end, at least for the time being, of the shipbuilding industry in Collingwood, or what information he may have with regard to immediate future prospects?

Hon. Mr. Randall: Let me say this, I have been involved in a number of discussions with regard to the ship-building industry and it is not an easy problem. Foreign shipping is coming in here with sailors' wages at almost

one-third what they have to pay on the Great Lakes. I think you recognize the difference there. As far back as in George Hees' days we talked about a Canadian merchant fleet, and I think this is the only answer if we are going to build ships. Here we build our own ships, we man them with our own crews, but when you send those ships abroad to compete with other ships that come from countries such as Greece, where wages are a major factor, apparently it is not very economical and nothing further, I think, has been done in Ottawa. The matter has been brought up with the Minister, Mr. Jamieson, on a number of occasions. In the province here, I have been concerned about the industry because Collingwood had about 1,000 people employed. Now—

Mr. MacDonald: It was a slow growth area.

Hon. Mr. Randall: That is right, we have put a lot of industry in there, but those people are not in that industry. The new people have come in, they have absorbed those jobs, and until those industries get going and expand it is obvious that there are still 1,000 people depending on the shipyard.

The only people who are building ships, of course, are our friends down here in the milling business, Upper Lake Shipping, and Canada Steamships Lines. The federal government, of course, is hard put to make sure where the orders go if they have any of their money in it. They are trying to get the ships built on the east coast or in Quebec, and I had discussions with the people in Port Weller, when they lost their last coal ship over there—they had two as you know that had been built here in Port Weller—and I have had discussions with Mr. Alec Wilson, I believe his name is, from Collingwood, the manager of that shipyard. And they tell me that very definitely if they do not get some orders somewhere they are going to have to close down.

They have orders to keep them going for the next ten months. They have no further ships on order. I wrote Mr. Jamieson not more than a couple of weeks ago, outlining the difficulties in the shipping industry in this province, pointing out the number of people employed, and asking if there was any possibility that one of these ferries that we are talking about—and I think there is a ferry to be used in this province by the federal government—could be built here, particularly as the provincial government is putting some funds into that as a 50-50 deal; if I recall the Minister of Transport's words, we pay part of it.

But we are dealing now with one ship; it is going to be a matter of time before that is built, and if you look at a shipyard, you ask what else can they build? I mean, ships are what they build. However, I was under the impression, and I found out through some other sources, that there is a great shortage of rolling stock in this country and in the United States. When our rolling stock goes to the U.S. I think they charge $4.95 a day demurrage, and according to the railway rating system they cannot charge any more than $4.95, so if the Americans get a flatcar or a gondola car across the line for $4.95, we never get it back.

In talking to the railway people, I asked what would happen if we were able to set up a sort of Hertz rental deal on flatcars. We would not be subject to the railway rate board, and as private investment group you could rent cars for $18 a day if you want. The more you put on them the less chance the Americans have of grabbing them and taking them across the line. I submitted that to Canada Car and Foundry up in Fort William, to my friends in Port Weller and to my friends up in Collingwood, and they are at the present time pursuing that.

Now, I think this is something that the shipyards can get into because the kind of manufacturing equipment they have would make flatcars and would make rolling stock. But the people that are in that business now in Canada Car and Foundry, and I guess it is Dominion Forge down in Montreal—there are not enough orders for them in passenger cars and equipment along that line, so we have been working with the shipyards to try and find a bread-and-butter line because no longer are our ships bread-and-butter lines.

Unless somebody can come up with a solution with regard to a merchant fleet for Canada, and we can afford to build those ships here and operate them, I am afraid we are going to have some tough times, and I understand that the subsidies that the federal government had given on ships—at one time I believe it was well over 25 per cent; it is now down to about 17—by 1971 will be eliminated completely. Therefore, a man building a ship here would have to pay the full price and he can go to the U.K., he can go to Japan, some of the other places in Europe, and he can get quite a subsidy programme working for him if they build the ships over there. So it is not an easy solution.

I do not have an answer to it, but with my friends, I have been up to Collingwood and I hope that maybe we can find some other business they can go into that will use the kind of equipment they have got. Otherwise that equipment is redundant for the kind of manufacture they would like to do. They have tried barn door siding, and steel doors for garages, and a lot of other things, but there are other people well equipped to do that on a more efficient basis; and welding plate steel together is mainly manual labour, as you will recognize. And unless we can get more ships I am afraid we could be in difficulty. That is another reason why we hope that some of these other industries can be pushed in there to make room for these people if—and I hope it will not happen for a while—they have to turn the key in the door. That is briefly the shipping picture here.

Mr. R. H. Knight (Port Arthur): Mr. Chairman, I am glad the matter of shipbuilding has been brought up at this time in the committee. Shipbuilding and the future of the Port Arthur shipyards seem to be of considerable concern right now at the Lakehead—Thunder Bay, I should say—and I seize upon the opportunity to call to the attention of the Minister the problem there. It is so serious that local 5055 of the United Steelworkers of America confronted Prime Minister Trudeau not more than two weeks ago, with a brief, calling to his attention the difficulties of Port Arthur shipyards. The brief, which I have in front of me, states that at the peak of this year there were 488 employees who had at least part-time employment, seasonal employment, working on a ship. At the present time that 488 has been reduced to six employees, and a very bleak winter picture faces those men at this time.

I well realize that this is primarily a federal matter, but it seems to me that this is the time for some honesty. Maybe just foresight more than honesty, but a straightforward statement of some kind to the men. There will be no ship. If there is not going to be a ship coming in then let them know, and let The Department of Labour here work with the Canada Manpower Department in Ottawa to get these men retrained, because, after all, all they care about is whether they are going to work this winter. That is what they are concerned about. Whether the Port Arthur shipyard gets a ship, or not, is not really of very much concern to them, nor to me, for that matter, but that these men should be able to earn some livelihood during the winter time.

I think we should not wait too long to be honest with them and say, "Look, fellows, it is just about impossible. We had better get together with other industries in the area and find out if perhaps there is some expansion programme going on so that we can start retraining you, adapting your skills to something else." It occurs to me that if these retraining programmes do not begin to start pretty soon, they are going to have a pretty bleak winter, and I just wonder whether this Minister can play some part in what I have just proposed.

Hon. Mr. Randall: Mr. Chairman, in answer to the hon. member for Port Arthur, just let me say this: I am open for any suggestion with regard to training people. If they are working on a ship, however, most of them say, "While we are working, we do not need the training." If the roof is leaking when it is raining, when the sun comes out they do not have to fix it because the sun is shining. The big difficulty I think we find in Collingwood, is that if they are building a ship there, and if there are thousands of people working, they are busy building this ship and they really do not face the facts of life that they will be unemployed when that ship is finished.

Then, of course, they can take the retraining courses and turn in for something else in the area. I am not reaching for stars, or reaching for the impossible, but I think some of the development that is going on now, undersea, not only here but up in the Arctic, will maybe generate a whole new type of craft that will be required for our lakes here and also for ocean work. I think the trip of the *Manhattan* through our Arctic straits the other day is an indication that man has decided he can beat the north; maybe the hard way; and if it were not for the two Canadian icebreakers with them they perhaps would not have gone that far.

But I do not have any of the answers for it, and I assure you that insofar as the workers themselves are concerned I said to our friends in the labour unions when they talked about training people, if a man is a plasterer today, and you are not going to use plaster any more, you are going to use wallboard, before he becomes unemployed can we teach him another trade? And this, I think, is what you are driving at. While a man is working can we teach him another trade? I think in this province a lot of people are working part-time and going to school to learn French, and

I do not think that is any more important than trying to teach a man another profession while he can afford it. Far better you take a couple of hours a day and take training on another kind of job than wait until the job ends and you are out on the street and facing unemployment.

These are the kind of things that I think could be researched and could be done.

Mr. Chairman: The hon. member for Brantford.

Mr. M. Makarchuk (Brantford): Mr. Chairman, part of the problem regarding our industry is the short production runs of some of the industries, particularly in electronics, food processing, farm equipment, and so on. I was wondering if your department in its industrial development programme is looking into the possibility of either consolidating some of these industries or trying to promote some mergers. In other words, bring some rationalization, eliminating the number of industries or the number of firms participating in that particular industry, getting them together in order to create a more effective and more efficient operation.

Hon. Mr. Randall: We do not have any major programme to go to manufacturers to say, "You should merge," because there are usually a number of influences there that we cannot do very much about. Rationalization of industry is going on right now in a very big way and it is causing some heartaches, and some headaches, when a plant closes down and people have to go somewhere else. That is another reason we say we want to get as much industry into the area as we possibly can so that if people cannot work at making one thing they could maybe work at something else.

Our whole programme, of course, is to endeavour to take the services they render, the products they now manufacture and see if we can widen their market. This is part of a programme of bringing in buyers to have a look at Canadian goods. For instance, in the electronic industry which you mentioned, we are shipping electronics to West Germany today. Now, West Germany is supposed to be the home of electronics, but we are shipping electronics out of this province to West Germany. We are shipping some electronics to Japan. The Canadians have a very good reputation in the electronics field. They have done a magnificent job of building in great sophistication in the electronics industry. And in answer to your question, while we have no immediate programme to merge different companies, we are trying to help the industry go abroad and dig up more business for themselves, through our sales missions and other activities.

Mr. Chairman: Anything else under industrial development?

Mr. R. S. Smith (Nipissing): Mr. Chairman, is it under this vote that the maintenance of the offices in New York, and what not, are contained? The trade offices?

Mr. Chairman: The next section, I think.

Hon. Mr. Randall: You can discuss it here. There is some spread, I think, into most of these areas.

Mr. R. S. Smith: The Minister is aware that about a year ago, there was some problem in regard to a trip he took to Los Angeles with a group of people from across the province, including the mayor of our city. At that time he was very critical of the amount of information that was available about northern Ontario in the different trade offices across the provinces and the world. Last week again, a group from our area was down in the New York trade office and they noticed there was a map on the wall that said this was a map of Ontario, but the map only went half way and it did not include the northern part of the province. They tried to find a map in there of northern Ontario but it was just not available in your trade office in New York. Now, I think it is matters like this that make the people of northern Ontario suspect you people, and I think that perhaps the Minister of Mines would have been better off putting up a map down there than he was listening to some of the things on Thursday and Friday and some of the things he said on Thursday and Friday in Sudbury.

Hon. A. F. Lawrence: Just some of the things.

Mr. R. S. Smith: Yes, some of the things you said after Mr. Kent made a speech, when you criticized his speeches, not while he was there, and we cannot understand what you said.

Hon. A. F. Lawrence: Are you talking about the member for Sudbury or—

Mr. R. S. Smith: No, you, the things you were quoted as saying in the paper but which were not actually said at the conference. But I think the government is very suspect when people go into one of these trade offices and cannot find out any information about the

whole province. Perhaps your orientation is to only one part of the province as the people think it is in northern Ontario.

Hon. Mr. Randall: May I suggest to the hon. member for Nipissing that at the opening of our branch in Los Angeles we had a sales commission down there and the mayor did show up, and we made appointments for him and he was given the red carpet treatment, the same as everybody else, and I was very surprised—

Mr. Nixon: Our mayor or the mayor of North Bay?

Hon. Mr. Randall: The mayor of North Bay—and I was very surprised when he went home and made the comments he did because the industrial commission did not feel the way he did and I have always felt that Dickerson was a very good friend of mine.

Mr. Nixon: He was looking for your job.

Hon. Mr. Randall: I took him to task for it, as you know. Insofar as the maps are concerned, our people are instructed to have maps of all of Ontario. If they are not in New York I will have my friend, Mr. York here check it out. They should have maps of all of Ontario and show people what is available.

Let me just point out that these offices are there for the province of Ontario from border to border. It does not make any difference where a man comes from and we do not pick out any one particularly. But keep in mind that if a man comes in and says, "I want to locate in Ontario, where do I go?" he comes to Toronto and then our people sit down with him and point out the opportunities that exist anywhere in this province, but he is the man that eventually has to make the decision on the basis of where he can run a viable entity and make money.

Mr. Chairman: On vote 2202:

Mr. Spence: Mr. Chairman, is the Minister ready to reply in regard to the missions? Are we going to discuss the sales missions under this vote?

Hon. Mr. Randall: That is all right, yes.

Mr. Spence: Are the sales misisons able to compete price-wise throughout Europe and the United States, or are the sales remaining stationary or increasing or decreasing?

Hon. Mr. Randall: I have a list of our sales missions since 1962 down to 1968, and they turn in the number of orders that we got from a mission for the year of the mission; that is the first order from each company. We do not know what they get when they go back on their own because they do not tell us; it is confidential information. If they told us they would probably be telling their competitors, but on the mission they go with us, we found that in 1962 they brought back over $25 million; 1963—$16 million; 1964—$39,755,000; 1965—$30 million; 1966—$17 million; 1967—$42 million; and 1968—$46,270,000. There is a total there of $217,952,000 that we know we can track to the first order taken on sales mission in various parts of the world. I think our export figures today also indicate—I have the six months' figures here—they are up 11.8 over 1968, so we are able to compete.

I say that the manufacturers in this province and Canada as a whole are just as efficient as any manufacturers anywhere, and we have a lot of difficulties. Geographically we are larger than the United States, so our domestic market is hampered by the fact that we have to travel the length and breadth of the land, and we do not have a market the size of New York.

A man can open up a shop in New York and he can serve 11 million or 12 million people without leaving the plant. But in Canada we recognize that 24 per cent of our goods must be exported if we want to survive. The Americans only have to export four per cent; I think, agriculturally, wheat is the same way—80 per cent of Canada's wheat has to be exported or we are in trouble. Only 30 per cent of American wheat has to be exported.

In other words, with the population they can consume a lot of their products and they do not depend on the export market as we do in Canada. In answer to your question, yes, we are holding our own and I hope we can continue to do so.

Vote 2202 agreed to.

On vote 2203:

Mr. Chairman: Vote 2203, selective immigration.

Mr. Trotter: I would like to ask the Minister a question on this matter of immigration.

There are instances, or at least I know of one, Mr. Chairman, where a company may be locating in Ontario or, in some instances, is already located here. Then the company goes abroad, particularly to the United States,

and brings in trained personnel that can be obtained in the Toronto area.

For example, I know of engineers who cannot get employment and yet, in the instance of one particular aircraft company that was expanding its operations just outside Metropolitan Toronto, it ignored any applications from the general area for work and proceeded to bring in people from the United States.

Is there any way that we in this province can encourage companies, particularly American companies, that either are opening up or expanding in Ontario, to use Ontario labour, whether it is trained or otherwise?

Hon. Mr. Randall: I think we are doing that in the majority of interests. They want Ontario labour if they can get it. As a rule, foreign companies send in management people and get the plant organized and as soon as they can find Canadians to run it, they will take off and leave us to run that operation.

I might tell you last Saturday I talked to the management group of the American Optical Company. I was formerly a director there many, many years ago, and they completely staffed their plant with all Canadians. There is only one American there and he has become a Canadian in order to stay here.

Our attempt in all instances is to make sure they do employ Canadians. I think in most cases that if these men are experts in their field they want to get them back home as soon as they possibly can. It is the same when we Canadians send people abroad; the home office says to get the job done and come home quickly because it needs their services. I would think in most instances we are getting primarily labour employed in these plants.

Mr. Peacock: Mr. Chairman, is it possible for the Minister to say how much his department would expend in assisting a firm like American Optical in Belleville to obtain the labour force that it needs?

Hon. Mr. Randall: For the labour force they go through the Ontario Manpower Centre which, I believe, has an office located in Belleville. If they came to us and said there was a need for a particular skill in grinding glasses and there was nobody in Canada, we will then get busy and see if we can find for them the kind of people they need.

Perhaps I could give you some indication, for the first six months of the year, of the kind of people we have been able to bring in for various industries to help them with their management problems.

Planners and architects—we got one out of Glasgow; engineers—we got 172; chemists —1; physicists—1; metallurgists—17; biologists —1; medical doctors—8; nurses—80; other medical—29; teachers—426; artists, writers— 3; draftsmen—45; technicians—37; accountants —15; social workers—4; economists—3; systems analysts—30; other professionals—4; managers—15; clerk, typsists—16; programmers—13; farm workers—129 up to the end of June of this year; telecommunication experts—35; moulders—1; textile workers—1; instrument technicians—20; tool makers—21; fitters—12; machine operators—44; mechanics, sheet metal, pipefitters, other metal workers —17; carpenters, engravers—all two and three people. The majority of people we have been bringing in are, as we say, selected immigrants. They are people that we need for particular skills.

Mr. Peacock: Mr. Chairman, would the Minister say why this department or its overseas offices would have recruited doctors, nurses, farm labourers and others that do not immediately appear, at least in those numbers the Minister gave us, to be required for vacancies in some of the Ontario firms who apply to him for this assistance?

Hon. Mr. Randall: I did not quite get your question. Would you mind repeating it?

Mr. Peacock: I think the Minister noted about eight doctors, several hundred nurses, over 100 farm workers. What requests gave rise to the Minister's department or overseas offices recruiting those numbers of persons in those particular professions? How are they related to the trade development programme?

Hon. Mr. Randall: What happens is, as we say, selective immigration. We may have a man come into our immigration office in Toronto and say, "I need four people with certain skills. Here is the money; will you advertise in the U.K. for me, and will you interview these people and bring them over?" Our people would do that for the manufacturer. He pays for the advertisement to attract people to come into Ontario House, or Glasgow, and be interviewed.

On the other hand some of these people with large staffs, for instance all the boards of education, will go themselves to Ontario House. They will pay for the advertisements and we will provide them with an office. They will sit there and do all the interviews and pick out the people they want to come to Ontario. Then our people help process

the people they pick as soon as they get the numbers they want.

Mr. Peacock: Mr. Chairman, can the Minister say if it was a manufacturer in each case who made the request for assistance in obtaining the doctors, nurses and farm labourers?

Hon. Mr. Randall: We would have a list of the people who came to us, yes. We would have a list of the people who solicited our help in trying to get doctors and nurses. We have a list of the hospitals that came to us and said would we get these people for them. We have a list of those municipalities that are looking for the kind of people they need for their services—town engineers, civil engineers etc.—we have them all documented.

Mr. Peacock: Does the Minister, before accepting the request, try to determine—or insist that the applicant, the manufacturer or the hospital or the municipality or whoever, determine—that persons who are Ontario residents are not available for those vacancies before he asks his overseas officers to recruit these persons?

Hon. Mr. Randall: We work through Canada Manpower to make sure that people are not available. If they are not available, then we go abroad for them.

Vote 2203 agreed to.

On vote 2204:

Mr. Chairman: Vote 2204, research and development, the hon. member for York South.

Mr. MacDonald: Mr. Chairman, I want to deal for a few moments with this very important issue. It is rather undramatic but it is very fundamental in terms of the kind of economic development that we require in the province of Ontario. Last year I dealt with the background of it at some length and I do not propose to repeat it today because I would like rather to zero in on two or three particular aspects of it and perhaps establish a bit of dialogue with the Minister.

However, I think the basic context, by way of repetition or summary of what I said last year, is necessary and useful.

Nobody can deny that in Canada and in the province of Ontario the amount of money that is being devoted to industrial research is pitifully inadequate. The figure is usually given as one per cent of the GNP in Canada; 2.5 per cent in the U.K.; something like 3 or 3.5 per cent in the U.S. The federal Minister of industry has indicated that we should move towards an objective of tripling this. I do not see why anybody would have any particular objection to that particularly in the province of Ontario where, to keep up with the creation of new jobs for our growing population whether they be native-born or immigrants, the whole issue of an expanding economy is of urgent importance.

To begin with, the amount of our money in research is inadequate. However, there is a very severe imbalance in the expenditure of the money that we are placing in research. It is interesting to note for example, that 22 per cent of the moneys spent on research goes to pure research, and only 37 per cent to what might be described as specific practical development programmes in the industrial world.

Those figures take on meaning when one compares them with what happens in the U.K. and the U.S. In the U.S. and the U.K., by coincidence, each is devoting 12 per cent of research expenditures to pure research as compared with our 22 per cent. But when you go to the other end of the scale, the U.S. is spending 66 per cent of its moneys on practical industrial projects, and the U.K., 62 per cent. So a much larger percentage of Canadian research moneys is going into pure research and, therefore, it does not immediately result in the kind of economic spin-off—the innovation process—to use another of the jargons of the field at the moment—for the production of new products.

There is a third rather interesting statistic that I think we should take note as we examine the thrust of our policies. In the U.S., government laboratories use only 15 per cent of research and development expenditures. In the U.K. it is 26 per cent in government laboratories; in Canada it is 36 per cent—so once again, an undue proportion of moneys available for research is in government laboratories rather than being in industrial laboratories where it is more likely to produce an economic spin-off in terms of new products and new job opportunities.

To sum it up, we have inadequate money being spent; there is a severe imbalance in how we are spending it. It is going too much into pure research and not enough into what might be called applied or practical research. Finally, too much of it is going on in public laboratories as compared with industrial laboratories.

Let me say right here, Mr. Chairman, I am not arguing for a reduction in the expenditure in government laboratories or in pure research. I think Canada's contribution—it is estimated by those who are in a position to know—to the world's new scientific knowledge is something like 2 per cent a year, so we are not contributing excessively.

I am not suggesting that we reduce that expenditure, but obviously, I think the thrust of that increase in expenditure should be on the R & D side—the development side—and to a greater extent in industry itself by encouraging the process of more research work there where it is more likely to produce new products and new job opportunities.

With that context, just let me add one more rather pertinent observation before we get down to a number of specifics I want to raise with the Minister.

I acknowledge to the Minister that it is very difficult for the provinces to work out an up-to-date and most effective kind of research and development programme until we have a clear picture of what our national scientific research programme is. At the moment we are really at sixes and sevens. Indeed, a year or so ago, I do not think there had ever been a time in our history in which research scientists in this country were so depressed and so disturbed as to exactly what was happening.

You had had, for a variety of reasons, including the cut-backs in the budget, the elimination of the HARP programme at McGill, the cutting back on the Queen Elizabeth Observatory in British Columbia, the decision not to proceed with the whole ING programme—in short, the sort of basic sheet anchors of the whole scientific research programme in Canada seem to be scuttled overnight. It left those who were involved wondering where exactly we were going. We talk about a brain-drain, and we talk about the lack of available opportunity for those who are interested in this field of Canada, and yet we seem to be dismantling a significant proportion of that research that was going on in Canada.

We are also told that the Canada Science Council and others in Ottawa are working on this. Indeed, just last week, I think, there was some indication in a news story to the effect that in the future some guide-lines will be indicated.

I remind the House of this because it is very difficult for a province, whose R & D programme should complement or supplement what is done nationally, to move until it knows what the national context is. I repeat we have been drifting; not only drifting, we have been dismantling what we had so that we do not know what the national context is.

However, I want to suggest to the Minister that that is no excuse for the province of Ontario not forging ahead in those areas in which it is now clear, no matter what the national programme is. The thrust of its programme should, on the few statistics that I gave to the House, be in encouraging, directly or indirectly by pump-priming in the industry itself, a really massive increase in the amount of industrial research that is done in the province of Ontario. Otherwise, in a way that you cannot see normally because it is sort of hidden, and I repeat, it is undramatic, we are certainly going to be destroying—or we are not going to have in the picture—one of those dynamic forces that makes possible the kind of economic development in a modern world.

By way of documenting that, a figure I remember in reading Servan-Schreiber's "The American Challenge" shows how American technology is resulting in the almost overnight take-over of the European economy. In the course of that book he makes one comment that the overwhelming majority of the products produced today, in the rubber industry, simply did not exist ten or 15 years ago. And this is true to a very great extent in the chemical industry.

In other words, it is not just a case of a few new ideas to keep the industry going, literally some of these industries are moving into an almost completely new line of products every 15 or 20 years—every generation or so.

So one gets some glimpse from facts like that, of the kind of challenge that is needed in terms of keeping up with research and development if we are going to be able to maintain a competitive position in the world today and in face of Ontario's needs and the expansion of our economy for job opportunities and related matters.

Now, with that background, Mr. Chairman, I want to raise one or two questions with the Minister. The budget of the Ontario Research Foundation in the year 1968, of which we just got the annual report last week or so, was something like $3.5 million. About $2.2 million of that was income that they got from research contracts. Some of those research contracts were with provincial departments, most of them, approaching $2 million as I understand it, were from industry.

The provincial government will match the moneys that come in from research contracts with private industry, but they will not match what is done with other government departments. I want to ask the Minister, in view of the obvious and acknowledged need for a massive acceleration in a research and development programme, whether it would not be wise to expend more money?

You are matching dollar for dollar now, but if the total budget was $3.5—let me put it as a specific question—exactly what is the amount of money that you are matching, in terms of 1968, for purposes of the budget of the Ontario research foundation?

Hon. Mr. Randall: $1,490,000.

Mr. MacDonald: $1,490,000?

Hon. Mr. Randall: Yes.

Mr. MacDonald: One million and a half. Well, $1.5 million from industrial research and $1.5 million from the provincial government is $3 million. That means, I suppose, there is approximately $500,000 that came in from their receipts from previous investments and from contracts with other government departments? Am I correct in the analysis of the budget?

Hon. Mr. Randall: And from other countries.

Mr. MacDonald: Other countries too?

Hon. Mr. Randall: Yes, other countries. They have been doing work for the United States, for instance.

Mr. MacDonald: Mr. Chairman, without dwelling unduly, on the intimate details of this budget, I put to the Minister the proposition that nowhere do we need to step up research and development more, than in the province of Ontario. Therefore, is it not, in the government's view, a wise expenditure, even in face of your budgetary cutbacks and all the problems you have with Treasury Board, would it not be a wise expenditure to be pumping in more money than is going in at the moment?

Now, having said that, let me say that I know that the people at the Ontario research foundation are not anxious for a massive overnight expansion because they feel that they cannot use the money wisely in that it would be a somewhat difficult situation to cope with.

Once in each of the last two years I have gone out and spent a day or better, and particularly last year—it was a very exciting day to see the new setup at Sheridan Park and the buildings and the kind of job that is being done there. I know that the feeling is that they do not want to suddenly find their budget is going to be tripled or quadrupled because they will not be in a position to cope with that kind of massive expansion.

But my question to the Minister is, even if one acknowledges the hesitancy about a massive overnight expansion, as to whether there is not good common sense in the proposition of a significant increase now, on a budget of $1.5 million of provincial government grants, so that we can direct it into encouraging and pump-priming research and development work in the industry in the province of Ontario, in the hope that once you have primed the pump it will carry on itself.

Hon. Mr. Randall: Mr. Chairman, may I say I would love to take the hon. member with me when I go to Treasury Board for my budget money next year, because I think we talk the same language.

Mr. MacDonald: I would be glad to go with you.

Hon. Mr. Randall: I recognize since I got into Ontario Research Foundation, the need for increasing the R & D budget. It is up about 25 per cent this year, as you know; over 1,000 firms paid the Ontario research foundation last year, in 1968, to work for them and that is a 25 per cent increase over the previous year.

This year, I understand, to date it is 30 per cent over last year. So, actually, by placing a salesman on commission, the more they make from industry, the more the government is going to put into it. We are contributing, as you know, dollar for dollar already earned from industry. I feel, as the hon. member does, that this is where our new products are going to come from, very definitely. Like the member, when I visit the Ontario Research Foundation, I recognize that this can be the nucleus of the products that perhaps do not exist today, but ten years from today, we will need them if we want to get into the sophisticated markets of the world.

I am conscious of the fact today when I travel and look around—I look at West Germany, I look at Great Britain, I look at Belgium, Holland and Japan—of what we have in manufacturing techniques that they do not have. Most of us are making similar

products and if we want to get into the markets with products that do not have as much competition, or we have to sell at cut prices, we had better develop some new techniques, new products of our own and concentrate in research, where these products come from.

I would be very happy to put the pressure on the Treasurer (Mr. MacNaughton), let me assure you of that. At the end of this year, you will recall, we set up the programme matching dollar for dollar on their earnings. We also provide them with $200,000 a year, over the next five years, for new equipment that they feel will bring new contracts into the research foundation.

Since this programme was set up, we have, through our trade and industry branch, a number of people working in the research side, bringing in new research contacts and going into manufacturing companies and saying, "Well, if you do things a little differently, if you make things a little differently, we can help you through the Ontario Research Foundation." We have been able to get a number of products through the work there, and a number of manufacturers, such as 1,000 manufacturers last year, got their research done through the Ontario Research Foundation. We bought that 100 acres out there, enough to put cows to pasture, but I hope one of these days to cover them with the Ontario Research Foundation.

I might mention, as an aside, when I was in Los Angeles, as my friend mentioned here a few moments ago, I put considerable pressure on TRW to come to Canada and set up a sophisticated kind of research they have now in space. We do not need it for space particularly but we sure need it for some of our other programmes and techniques that we hope to develop here in Canada. They opened up their office here, they now have a number of people working here and while they employ 30,000 people in Los Angeles, 70,000 people total, I would like to think that one of these days they will have a research centre out here at Sheridan Park.

But while we are doing all those things and bringing research into Sheridan Park, with these independent industries such as we have there at the present time, I think we are making a generous contribution to the Ontario Research Foundation. I am not too sure at the moment, perhaps they can find uses for more money if we could give it to them, but I think I would like to know, and I think you would like to know, what particular product or industry can they research in order to develop more sophistication and more know-how.

So it is not just a matter of money. I think they are getting the sums of money they can handle right now. In fact, I understand they are quite happy with the type of arrangement they have with the government; they are not going to turn down any grants that the Treasurer will allow them, but they are using their money to very good advantage out there and, as you know, they are getting excellent results in many areas. So I would be delighted to have your support the next time the budget rolls around to put the pressure on the Treasurer.

Mr. MacDonald: The Minister had it this past year and it did not seem to be very successful.

Hon. Mr. Randall: I know we had and I appreciate it.

Mr. MacDonald: However, may I ask the Minister this: The thrust of policy in the expenditure of existing money or any increasing moneys, it seems, should be directed at trying to generate research in those industries which, up until now, through apathy or lack of knowledge or lack of appreciation of its importance, have not had their own research. Is the Minister in a position to indicate to what extent the expenditure of money, or the work, rather, of the ORF, in doing research for industry, is resulting in a pump-priming process? To what extent does experience suggest that the industry itself is willing to set up—once it has had some contact with ORF—its own research unit and it becomes, in effect, an ongoing unit so that we get beyond the one per cent of our GNP that Canada is spending and get closer to the 2.5 per cent of the United Kingdom, or the three or 3.5 per cent of the United States? Is the Minister in a position to give us any indication as to how the pump-priming process is working in the development and expansion of research facilities by industry themselves, within their own factories?

Hon. Mr. Randall: Well, I cannot be very specific, except to say that we have a conglomeration of industries in Sheridan Park now, developing their own techniques and using facilities at ORF. And ORF are using their facilities. If we need a facility they have, and it is available to us, we rent time from each other. We have had, as you know, a number of scientific seminars out there and brought scientists in from many parts of the world to sit down and discuss with us the

breakthroughs we required to develop some more techiques in various industries.

I can recall the one industry we have done quite a lot of work on is the foundry industry. We have looked at that, as you know, and the foundry industry today is a highly sophisticated industry, fully automated. I recognize we are going to have castings in this country, and the use of castings for many years. And yet, while a great deal of progress has been made, there is much more that can be done with regard to the foundry industry.

That is one, and the other one was the chemical industry. We have done a complete analysis on the chemical industry. I might say the furniture industry, also. Now you would wonder what we can do with the ORF on furniture, but there may be some techniques coming out there that may help the furniture industry—they badly need some assistance. I would think that what is going to take place—as we have been talking to our federal friends about their research policy and tying ours in with theirs as to what we can do together to develop more research in the various industries we have in this province. We have a Mr. Wagman coming down here, I believe in the next two weeks, to discuss what we are doing. He is the federal man on research, and he is coming down here in the next two weeks to discuss problems of research in particular and where we can work together to get more concentration, which is what you are driving at—the industries that need help.

Now, I have nothing specific, but we have made a very major analysis of the chemical industry. The rubber industry we have looked at very, very closely. Most of these people—chemicals and rubber—are of course in a position you would think, to be able to do it themselves. But, on the other hand, research does not always come out of a very high-class lab; it can come out of the back of a farm house, as you very well know, or a barn.

Our approach to research is to provide the facilities, to get as many of the independent manufacturing concerns building research facilities out there, and then, as we get into a long-term programme with ORF, to see if we can direct our industries and our efforts to taking an industry at a time and see what we can do to assist it. In many areas I think we can be of some help. We have already had a number of success stories, and I would hope that as the future unfolds we can do a lot more for other industries that we have not had a look at yet.

But, in answering your question, there is no specific industry I know of at the moment—with the exception of the housing field—where we are doing a research job out there on housing or a research job on the compacting of garbage so that we can perhaps do away with incinerators, one of these days, and sewers. We have disposed of a pilot plant we had in Rexdale, and have built a pilot plant on our own 100 acres out there to do some research on metallurgy, which again is a very highly technical field, and I think we are doing some of these things. But I agree with you, I think we could do a lot more.

Mr. MacDonald: Mr. Chairman, I hope you will not get too anxious because there are two or three other areas that I want to raise here.

Since we agree that the more that can be done in the R & D fields the better—and we are doing about as much as can be done in the Ontario Research Foundation at the moment—obviously I think we should take a look at other areas where various levels of government or industry have moved to expand. I am wondering what the government's reaction to them is, and particularly, what co-ordination is going on.

For example, two years ago—1967 I think it was—the federal government made grants available to four different universities in this country, one in Nova Scotia and the other three in Ontario—McMaster, Waterloo and Windsor—for the establishment of industrial research institutes. The idea back of this was to make a rather small grant, again to get them going, but the purpose was to try to meet local needs in terms of a closer association with industry and solve some of their problems and perhaps encourage the development of new industry in the area. Now, I want to put a general question to the Minister. Some people in universities have very serious and growing misgivings about this kind of a proposition. Their misgivings stem from the fact that public moneys are being used to encourage university staff people to become involved in contractual arrangements with industry, in fact—to put it in the most critical terms—what they are doing is using public moneys to encourage moonlighting on the part of university staff.

Now, that problem, if it is a problem, is compounded even more when you have groups such as at the University of Toronto, who have organized their own little association, the CERCL group, chemical engineers group, and it is acknowledged to be a very lucrative thing. It is consultation work, and they get a great deal of money in addition to

the income they are getting from the university. But the more serious worry—and I only want to mention this to get a comment from the Minister because the appropriate place to discuss this is The Department of University Affairs—the most serious aspect is it seems to conflict with some of the basic objectives of the university by getting the staff involved beyond their university activity to an excessive degree. Obviously, some involvement would be good, but in an excessive degree, it conflicts with the university in that these contractual arrangements they have with industry are private and confidential arrangements. It violates one of the essential principles of the university, which is to derive new knowledge and that new knowledge becomes public property.

Here, it is not public property, it is part of a confidential agreement with industry. Indeed, I wonder how post graduate students, who get involved in theses in experimental work in a contract that is confidential with industry, can really be operating in a true university fashion, because their thesis, presumably to some degree, cannot be made public. I will not go into any more detail than that, at the moment, because The Department of University Affairs is the place where it should be done.

I ask the Minister, what is the government's reaction to the proposition of the development of industrial research institutes? It may be significant that the federal government has not expanded and has not instituted any more anywhere else in the country, other than the first four that were announced some two years ago.

Maybe they are sufficiently impressed with the concern among some people in universities that they are not going to expand this programme, but what is this government's reaction to this from the point of view of The Department of Trade and Development? Since we want a massive expansion of R. and D., does the Minister believe that this is the appropriate area for it to be done? Does he, in effect, share any of the apprehensions with regard to the ethical problems that are raised with university people and the detracting of attention and activity from the real purpose of the university? Can I invite the Minister's comments on that?

Hon. Mr. Randall: Yes, I do share these apprehensions. I ask myself, when a man is employed as a professor with a university, how can he spend most of his time out doing consulting work with industrial firms or any other type of consulting work and give any time to his student body? This is the first thing I ask myself: Is the money we provide him with a good place to hang his hat, while he makes another income working for industry as a consultant? This is one of the things that has happened. You raise the other point that if a professor happens to get an industrial contract on research and takes it into the lab, then how secretive is it when he has a group of students or assistants working on it?

Perhaps I could read this comment, which I think will reinforce the views that you have.

The background of these institutes is that they were set up originally by The Department of Industry, now The Department of Industry, Trade and Commerce, with the objectives of promoting closer relations between university and industrial personnel. It was intended that institutes would open up a new avenue whereby industry could tap the technical resources of the universities, at the same time enabling universities staff members to get a better insight into the problem faced by industry.

To this end The Department of Industry, Trade and Commerce has given pump-priming grants spread over a three year period to cover the initial cost of setting up and administrating these institutes. Beyond the three year period it is intended that the institutes will be self-supporting. Four such institutes have been sponsored by The Department of Industry, Trade and Commerce, three of them in Ontario—McMaster University, Waterloo and Windsor.

The total moneys allotted by The Department of Industry, Trade and Commerce to these four institutes, spread over a three-year period, is $475,000.00. The government of Ontario has not been consulted on nor has it played any part in setting up these institutes.

The Department of Trade and Development, of course, welcomes all federal moneys spent in Ontario to strengthen industrial research, but at the same time cannot automatically commit itself to all federal programmes in the province. We think we have a good programme going for ourselves, and we think they would be far better off if we were to work with them. The money comes to us and we find out either through The Department of University Affairs or through Trade and Development, or through the Ontario Research Foundation, where this money could be best used. I do not think

you could scatter-gun it, and this is what I think happened unless perhaps they are now waiting for the three years to find out what they are going to do about it.

Mr. MacDonald: Have you expressed your doubts to the federal government about the validity of the research institutes?

Hon. Mr. Randall: Yes, we have, through the Ontario Research Foundation. In fact, we submitted a paper to the hon. Mr. Lamontagne. He was at the Ontario Research Foundation and we had considerable discussion with him. We think there is some merit there, but we ask ourselves, what other merit can we concentrate in another area and get more return for the dollar. Or do you just satisfy everybody by getting jobs into universities. I think in many cases the universities have a sufficient number of people that they can develop some good programmes, but if we want to get a hard-core programme to get something off the assembly line tomorrow, I think it has to go to the Ontario Research Foundation.

Mr. MacDonald: Well, I always find myself a bit uneasy with such a growing area of agreement with the Minister. So let us move away from that. I can take it up again with the Minister of University Affairs (Mr. Davis) later. Since we do not want to discourage the federal government from becoming involved, I have a suggestion I want to raise with the Minister. You may recall that last year I quoted—a blatant piece of plagiarism—from a document of the Ontario Research Foundation. I think it was a study done by C. E. Symonds on industrial research associations. These are bodies that have grown out of co-operative research work by companies in the same industry, and in countries like Britain and France—particularly Britain—they now blanket the whole spectrum of industry with a range of industrial research associations.

In Canada there is only one—in the pulp and paper industry. When I raised this with the Minister last year he agreed that this was important. He agreed—and I could not dispute with him—that this is primarily a federal responsibility because obviously if you are going to have an industrial research association, an IRA as they are sometimes called—it sounds as though we are getting the Irish into this—it should be on a national scope because industry is from coast to coast.

But isn't the development of industrial research associations something that might appropriately be situated in universities, in close relationship with universities? An industrial research association in the past has been financed sometimes up to nearly 100 per cent by governments; in other instances almost wholly by industry. There is a full range for co-operation between industry and the government. But because an industrial research association is an open institution in which the product of research becomes available to the entire industry, there is nothing confidential about it. It seems to me that this is something that logically would fit into university locale. If we are not going to extend industrial research institutes engaged in contracts with industry in universities, perhaps this government can take the initiative in having the federal government move on the development of industrial research associations across the country to cover more of the spectrum of industry and have them situated in universities.

Obviously they are not all going to be in Ontario universities, but I can think of universities like Laurentian or the Lakehead, which surely would be ideal spots for an industrial research association in the mining industry. There is no point in having one to duplicate the pulp and paper industry because that already exists through the effort of the industry itself. I raise with the Minister whether or not he can put a little pressure on Ottawa for them to exercise the initiative that rests with them in the development of industrial research associations and to have them closely related to universities as a means of that cross-fertilization with the experts, the professionals, that we have in the university field, and as a means of getting their knowledge out into industry for the purpose of a spin-off in economic development.

Hon. Mr. Randall: Let me say, Mr. Chairman, through you to the hon. member that at the moment I do not know whether industrial research associations are as effective as they should be. I do not think we have had enough experience with them. You pointed to the paper industry—just the one. Whether they would be effective in other areas I do not know. I think we are experimenting with a conglomeration of industries at Sheridan Park. One of the major problems I think we have—maybe it would eliminate it if you were working in an industry—is that some of this information, this data, is confidential, and

perhaps it is too restrictive for them to act on, or do any kind of a job with, as an industry. They may feel that they do not want to divulge their techniques. I can think of the paper company down in Welland, Ontario, which we helped, developed vanillin out here at ORF under contract with Ontario Paper Company, and today you have vanilla extract because of a contract they gave to Sheridan Park. I wonder if they would let that information go to the association before they had developed it, in case somebody took it and ran with it.

These are some of the things I think could be overcome. I have no brief for or against industrial associations, but I think it could be explored. At the moment, as you suggest, we have one here now; we are experimenting with the Sheridan Park association, but that is not industry—it is a conglomeration of people interested in research. Maybe out of this we could eventually develop an association that would perhaps be a lot more effective than the way we are operating now, each company operating on its own.

Mr. MacDonald: Just let me make a brief comment on that. The Minister obviously is correct when he puts his finger on the fearfulness of one industry to co-operate with another industry because some of their secrets will get out, but the thing that rather puzzles me about it is that industrial research associations are part of a pattern in European industry. Is it that North American industry is so fiercely competitive that the companies cannot even co-operate within their own industry for their own good and therefore we have not had—with the exception of the pulp and paper industry—the development of research associations? In Britain, I repeat, the whole spectrum of industry is covered; there is hardly any area of industry or technology where there has not been developed an industrial research association where they will co-operate with each other.

I refuse to believe that industry on the North American continent is so fiercely competitive—it is like a group of Chicago gangsters—that they cannot sit down with each other even to discuss their common problems. Yet that is the implication of the Minister's comments, and I suggest that we have passed that stage—or we should have passed that stage—because they certainly have in all of the European countries.

I come back to the point—and I just leave it with the Minister—that it seems to me the industrial research associations fit logically, without any conflict in objectives, into a university setting—a close working relationship with the university. I am wondering, because we have not had a development of them in Canada, if I cannot persuade the Minister to use his good offices with the federal government—where the initiative should rest—in moving towards establishing research associations as an alternative to the industrial research institutes which they have picked for four different universities, and about which they may have had enough misgivings, so that they are going to back away from that kind of programme.

However, I do not want to take excessive time of the House; there is just one final point that I want to raise with the Minister.

More and more government departments are getting involved in research, and I want to ask if there is any co-ordination on an interdepartmental basis?

When I go to the Ontario Research Foundation, I am rather intrigued and impressed with the fact that here is a project that is being done for The Department of Health or The Department of Lands and Forests or The Department of Transport—you name it—all departments may well do this. Furthermore, I know that some of the departments are doing research work within their own labs or conceivably on contracts with somebody other than with ORF. I am wondering whether or not we have not reached the stage where there should be some co-ordination of research work within the government. The logical place for it to be done is this branch of this Department of Trade and Development, obviously with the close working relationship with the Ontario Research Foundation, because I suspect enough research work is being done that there is a duplication and a waste in the expenditure of public money if we do not get some co-ordination into it very soon. What is happening on the interdepartmental co-ordination?

Hon. Mr. Randall: I understand that The Department of University Affairs does have a co-ordinating committee to review the research being done—all research being done—by various departments of government. So there is a check on what is going into research, plus the fact that we ourselves work with the Ontario Research Foundation. If, say, our trade and industry branch asks for something to be done and we find housing is doing the same thing—I just use those two as an example—I think there is a co-ordination

there that would cover the points that the hon. member mentions.

Mr. MacDonald: Oh, I hope you can co-ordinate within your own department.

Hon. Mr. Randall: Well, I am pretty sure we can.

May I just come back to the one thing you talked about a minute ago, industrial research associations. Perhaps one of the things that we have not inherited in this country has been the combines that have got together in the chemical and the many other fields that I run into, trying to sell electrical goods in this country. I find that when it comes to selling some of the major electrical power equipment, that one part is designed in Sweden, another one in Japan, and they are all interlocked. The Canadian manufacturer would have a very difficult time building a turbine here on his own; he may get some assistance from Japan today, and he may get some assistance from France tomorrow.

The combines that have worked on the basis you have just outlined, have worked in Europe for many, many years, and perhaps that is why those industries are so big and so tremendous, like the major chemical company in England. I think that they have had some very close relationships with each other, whether or not they be parent companies. We can think of the big chemical manufacturers in West Germany that were broken up after the war.

In North America, maybe we have gone at it a better way. With every manufacturer being independent of what his competitors are doing, I think we have developed a better standard of living and perhaps more techniques and better processes than we could gain as part of a combine. So the other side of the story, as to whether industrial research organizations have as much to offer as perhaps they had in the past, I don't know. I am willing to look at it; I am willing to discuss it with you or anybody else. I just say there is the other side of the story. I think if you want to manufacture chemicals today, you find yourself facing maybe 15 or 20 lawsuits. I think it is one reason why the federal government has abandoned some of the patent coverages in the last year or two, so that patents are now open, particularly in drugs. These have been held very closely by large combines around the world to the detriment of many people.

So, I would say I have an open mind on industrial research organizations—maybe it is time we had a look at them, and perhaps they could do something for us. But I think the independent manufacturer also is developing most of the things in North America that we are running with and giving leadership to many of the industries.

Mr. Chairman: The hon. member for Lakeshore.

Mr. Lawlor: Well, I think I can get started on a few remarks before adjournment.

The weight of my remarks are that what the Minister has thus far said is all well and good, that in the Sheridan complex there is a diversity of various types of experimentation research going on, seeking, as research must, I suppose to a point, by a hit-and-miss method to come up with designs and patterns and various new discoveries which would advance the economic life of the province.

One wonders—and I would ask the Minister to consider it over the supper hour—if you have given much consideration to making Ontario pre-eminent in any particular line. I was thinking there would be a number of areas in which this would be possible and, with the enormous cost, you cannot be pre-eminent in everything in the modern world. You cannot hope to outdistance others in say, metallurgy, and at the same time be first rate in the inventive sense at least; it may be in the sense of utilization patterns, but in the breakthroughs—and with your eye directed towards the breakthroughs—have you thought of concentrating our efforts in research and arrogating money in particular channels? I mean, one could think of perhaps two or three areas in which this might be valuable, and one of these areas would be based upon our geographical location in the metallurgical industry.

You mentioned some work being done in this field in terms of research, but surely with the vast deposits that we have and with the rise of Texas Gulf, and so on, if we could become the world leaders in a particular processing of metals, this would give us an advantage in trade and leadership in the world, which we presently do not possess. There would be a number of fields in which this would be possible. One of them that strikes me, as I listen to the debate, was perhaps the food processing industry. The business of processing and manufacturing foods in Ontario is a focal point, in a sense,

in the North American complex, where we have great quantities of wheat, and great quantities of various metals, as well as great quantities of wood products which, as I understand contemporary science, could be synthetically turned into food products. If we made a concentrated effort in this field, there would be the risk of not coming up with very much at the end of the day, but again if we are to remain abreast of the changeovers, which are less than a decade now in a whole industry, then we must seize this and by a shrewd guess place a good deal of our money for research purposes in a particular area.

Mr. Chairman, I have a few more remarks to make about this, but I wonder if you will accept the adjournment of the debate?

Mr. Chairman: Would the hon. Minister care to comment, or leave it until after?

Hon. Mr. Randall: If the hon. member has not finished, we will let him finish later.

Mr. Lawlor: I could spend days; we can carry on a little discussion afterwards.

It being 6.00 o'clock p.m., the House took recess.

No. 173



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Monday, October 6, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Monday, October 6, 1969

Estimates, Department of Trade and Development, Mr. Randall, continued 6687

Motion to adjourn, Mr. MacNaughton, agreed to 6719

LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, OCTOBER 6, 1969

The House resumed at 8 o'clock, p.m.

ESTIMATES, THE DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

On vote 2204:

Mr. Chairman: The hon. member for Lakeshore was speaking when we recessed.

Mr. P. D. Lawlor (Lakeshore): Before the recess I was making certain comments inviting the attention of the Minister to a certain concentrated attack on areas of our economy through the instrumentality of research, and I was putting forward the idea that while we cannot excel at everything, perhaps it would be better in this on-going market to excel at something.

I was also urging the Minister, if you will remember, Mr. Chairman, not to be a shrinking rhododendrum in this particular area; that if he going to achieve the rate of economic growth and price stability, and what not, that is envisaged through research, then in the modern economic world he is going to have to throw the full weight of research in a certain direction. It would have to be shrewdly calculated. Nevertheless, the present fairly helter-skelter method of research, utilizing the agencies of private industry, are all to the good; no one would say that they ought not to be assisted and in every way encouraged.

On the other hand, for the moneys that we have available for this purpose, with the role that the Ontario economy is going to have to play, then it is simply going to be necessary for us to gain ascendency in some area of modern economic life. That could be in plastics, it could be in electronics, it could be in metallurgy—I suggest metallurgy—it could be in food manufacturing and processing; it could be in the area of timber resources; but wherever it is, an imaginative and novel programme of concentrated moneys going into this field would be necessary, and I think it would pay dividends, because research nowadays is no longer the work of some isolated genius pulling something out of the air.

A Marconi or an Edison is the result of teams of scientists working in consortium, working with a direct purpose in mind, and having a shrewd estimate of the possibilities of a particular venture.

Unlike modern governments and the blatant individualism that goes into the present economic system, scientists in order to achieve their successful objectives, do not work that way. They work in tandem, and there is a sense of co-operation and a sense of teamwork. Every member works together, and to that extent, perhaps, loses his own individuality in order to gain it in an ultimate product of great benefit both to himself and others.

In this way, by concentrating on a certain area of what we know will be a vital product, particularly if—take the food question again—we have the access to markets, we could achieve priority and a pre-eminence in this regard; then the whole of America, reaching out of the mid western states, would be our honeycomb. And what better effort could be given, and what better direction given, to research than to seek to accomplish this prospect for the 1970's.

Hon. S. J. Randall (Minister of Trade and Development): Well, Mr. Chairman, may I suggest to the hon. member, through you, that we think there is a lot of merit in the suggestions he has made. Perhaps he is unaware that we have been doing some of these things and I could read a few of them off to him.

We started back in 1967/68 and we are continuing to put dollars into these areas: the eon beam implementation and semi conductors for the electronic industry, chemical products from wood, insect attractions; and reverse osmosis application. Now reverse osmosis they tell me, and I am not a scientist, is a process to extract water out of salt and out of many other things, to develop industrial techniques where we can get a pure product; textile fibre modifications, electric chemical studies, and certainly as I said this afternoon

we are doing great powder metallurgy studies, underway at Sheridan Park.

Some of the things that you mention we are already into—we never do as much as I think we should be doing, but as we discussed this afternoon, I am quite sure if the funds are available, the Ontario Research Foundation will get into many other areas.

When you refer to the resources of Ontario I may point out that perhaps some of the many millions of dollars that we have put into Northern Ontario in the last few years in these pelletizing plants is another indication of a secondary operation from just digging up the iron-ore and sending it down to the steel mill, and as a result of that, it has meant that our steel mills today apparently are recognized as the finest in North America. In fact, I think in some areas, in Hamilton for example, they are recognized as more efficient than some of the American steel mills because of this pelletizing. I know that in talking to the pelletizing people that I think we get about 57 per cent pure iron now in a pellet, and they are looking for 67 or 70 per cent, which again I think will improve the manufacturing of steel in some of these Canadian plants, but we are moving in this direction.

Vote 2204 agreed to.

On vote 2205:

Mr. Chairman: Vote 2205; Ontario Economic Council, the hon. member for Lakeshore.

Mr. Lawlor: I would like to make a few remarks tonight about the Ontario Economic Council. The council itself was set up in 1962 I believe, by an order in council and given a formal legal status, the more structured status last year, in this House.

The role of the economic council is deficient in our opinion in a number of respects. If you compare it, for instance, to the federal economic council, or Canada Council, which I suggest to you is in turn somewhat questionable in its operations and is far from an adequate—much less perfect—body, then Ontario falls that much further short of a viable and valuable and worthwhile council on whom we are spending $200,000 in this forthcoming year. But the deficiencies are obvious, although they have not been, I do not think in my experience at least, flogged or given great prominence in this House. I think perhaps on this occasion maybe they ought to be.

The federal council has 28 members composed basically in the same fashion as the Ontario council. A diversity of people from manufacturing, labour, the university, research foundations and what-not, sit as private citizens, without emolument, on these councils. In the one case there are 20 members and in the other case there are, I believe, 28.

Well fine so far, except that the federal council has a certain independence—an independence of the governing body of the Parliament of the country—and the executive is in order to make determinations and come to decisions in its own right. It has no member of the government, or member of the executive sitting on that council.

In the case of the Ontario council, I believe, the Deputy Minister sits there. In other words, it is closely tied in and is the child of and nurtured by, swaddled about by, the purposes of the government. And therefore a really valid critique or assessment of the economy could not in my opinion—and I think you must agree with me—be forthcoming.

The answer you are likely to give, I suspect, would be that that is not the purpose of our council. Well, I suggest in turn that that ought to be the purpose of this council.

You know, when one looks at the pivotal role that Ontario plays in the Canadian economy with respect to the percentages rising to one half of the gross national product, as to the level of employment statistically against the rest of the country, then whatever affects the vital life of Ontario has redounding repercussions on the rest of the country. And the vital interest of the country, if not of Ontario, and of Ontario as a whole, is to have a very sharp and a very close resume and critique of its economy going on at all times.

It cannot be done in the fashion that it is presently being done, first of all because of the nepotism in the general metaphorical sense being too closely bound to your bosom; the council is not given that freedom of action, even to the extent that the one in Ottawa does and has operated.

I understand that in Ottawa, by the way, the Liberals are a little irritated by their own economic council because it happens to be a little too honest. If that should be your misgiving, then do not set it up in the way that I suggest. But if you wish to have a resume of an economy as to the Ontario provincial product, as to stability and costs and prices, as to long-term predictions—you know, our council publishes no reports whatsoever as to what its activities are.

Everyone knows, by this time, the value of this work. A person or an organization that speaks the truth about contemporary economics, as the council feels obliged to do, is bound to be a thorn in the side of the government because using common sense, and the intelligence given through research, it cannot help but learn counter to the hoary nostrums borrowed from a bygone age which is still perpetuated by governments basically to the right of the centre.

They will always run ahead of them and always run counter to their current thinking but nevertheless this is the path of the future, this is the way of growth, this is the way of maintaining an economy and it is the work done up there, with a fairly large staff admittedly—150 economists plus—whereas you are working with a staff of about four or five clerks together with about five economists.

You may say that nevertheless we work in very close conjunction with the department and that we assign to the universities and other communities a good deal of research work. Well, if the work of the Ontario economic council is solely not to produce its own product and not to make its own critique but to farm out, to so-called independent individuals, various papers and projects, then I suggest it has no viable reason for existence. Any department can do that.

The Minister could sit down overnight with his deputy and dope that one out and assign the people who are going to perform the task. You do not need an economic council to say what Professor So-and-so says on the paper on immigration or upon the growth rate of the province of Ontario.

Secondly, under this head, when you do work in this particularly questionable way, that is all the council does. I am of the opinion that by and large it does very little long-term projecting; it is fairly short and medium-term that it is concerned with. I think it is completely impossible for you to rely upon the report of the federal council in order to give you your guidelines whereby to act.

I say, first of all, because their guidelines are predicated upon what you do, that you should have an independent council which would work in close conjunction with the federal body, being aware of what they are doing, and having a high degree of co-operation. Again we are so important in the central picture that if any recession occurs in our economy or we set up inflationary pressures within the province itself, we ought to have the instruments at our disposal and we have to a considerable measure, even in terms of counter-ciprocal financing. This province holds, to a considerable measure, the destiny of the country in its hands, and ought to have the instruments, the tools, whereby to guide itself in terms of that destiny.

The Ontario Economic Council should continue to exist; it should continue to exist in its present form. In due course, in the 1970's and whether you are in office or were in office, I do not think it matters because an economy has its own logic; you make your options and your choices. You want a particular mode of life and you breed the necessary machinery to bring about that mode of life.

Call it socialistic, call it what you will, it is inherent in a particular goal and your means are determined by those things we have chosen already; you are on the slippery path of socialism like all the rest of us. And I feel, I think and I say, we can welcome a glorious future if you handle this properly in terms of human freedom, but if you have got a grudge against it to start with then you are quite likely to distort its possibilities because you are not co-operating with these forces and giving them the returns that are necessary.

Coming into the 1970's we have to know, we have to have a large measure of statistical knowledge; we want the people in this province to have their finger on the pulse of the economy, not off with Ian McDonald or somebody in the Treasury Department, as a kind of self-determining cog in the wheel, but as an integrated unit operating centrally directing and giving guidance to the economy.

Our notion of an economic council, of course, is neither that of the Liberals or Conservatives. Ours is where I think you would get a viable closely integrated body working directly with Cabinet in a subsidiary function to Cabinet, and advising not only on day to day matters but setting out the blueprint of the future as to what steps must be taken in this area, and what the possibilities of our resources here are.

This government, because of its peculiar philosophical pre-suppositions, has spread the effort over a wide area, without any concentration, and this loose body the Ontario Economic Council, which has to meet five times a year, and meets five, six, perhaps ten times a year now, has not any homework really of its own to do. It farms work out to other agencies in order to maintain some semblance of the work to be done.

I suppose they go to the trouble of reading the reports before they are issued; in any event they seem to be galactically non-partisan reports which means they are drained of all their juices, so where do you get the consensus and honesty that will keep you boys on your toes as the economy develops from year to year. You certainly do not get it from this body. It is a masquerade of an economic council. It could be viable, it could be made to operate to all our mutual benefits, but that is not the way you see it.

I was looking at the 1967 Canadian Yearbook as to what the central features of the council's duties are, and I am going to transpose the word "Canada" into the word "Ontario" every time we come to it.

The council's duties are to advise and recommend how Ontario can achieve the highest possible levels of employment and efficient production in order that the province may enjoy a high and consistent level of economic growth, and that all Ontarians may share in rising living standards; to recommend what government policies will best help but to realize the potentialities of growth of the Ontario economy, and consider means of strengthening and improving, not Canada's, but Ontario's international and financial position to study how provincial economic policies can best foster, the balanced economic development of all areas of Ontario.

In other words the role and function that is presently played by the Canada Council, in the terms of these objectives, would be equally valid, but equally urgent and necessary if you just take the word Canada out all along and put Ontario in. Everyone of these functions could be valuable performed by the Ontario Economic Council, and none are—nor do you want any of them to be.

Why you do not want them to perform these functions passes my belief. You want the advantages of saying we are a modern nation, and have an economic council that is operative, but you want none of the disadvantages of telling the truth about what is going on in Ontario. So between these two things you fall into a fairly effete and non-operative body with very little function to perform as far as I can see. Therefore, I come down to asking the Minister several questions.

The questions are as follows:

Why not an annual report? Why does this body not issue an annual report, even if it is to tell you what they have not done, or maybe only to tell you what various studies they have commissioned; what is underway, what results have been achieved thus far, and what they have in prospect? Why should we not know that if you are going to spend $200,000?

I would like to know from the Minister secondly, whether or not all the reports that are placed before the Ontario Economic Council are available to the members of this House; or whether there are reports of a confidential nature which are not so available, and why not. I think we should very much like to see these reports.

The third question I would like to ask the Minister: can he not envisage the possibility of a greater level or an area of self-determination in this Council; a greater independence, a ranging out into wider areas of the economy? Does he not think there is validity in giving them a task to perform in assessing the economy, not only in the short range on Ontario economic matters, but in a somewhat analogous fashion to that of the federal body? In other words a really operative and entrenchant economic council working with the government all its departments, but very central to our future economic growth and supplying us with the necessary information to make this worthwhile.

And the fourth question I have rises from those last remarks. Perhaps the Minister could indicate to what extent or degree the council actually operates in conjunction with other departments, and particularly with the Treasury. I mean, does it consult with the Treasury officials? Do Treasury officials appear before it? Does it have a liaison committee working between itself and Treasury? In other words to what degree is there a mutual meeting of minds and a direction given for the planning aspects of a modern economy.

Lastly I would like to know how often the body actually does meet? I know it made a trip to Northern Ontario which was quite valuable last fall; at least it showed that they came back quite quizzical and puzzled about the situation in Northern Ontario. Being people largely—or a good many of them—from the south, they seemed unaware of the differential in wages and prices and cost of living between the north and the south, and the meeting gave it some publicity; it acted as an information agency on that occasion and a very valuable one. And if it continued to take these trips to the hinterlands of Ontario and brought back for public consumption some idea of the conditions of poverty and regional disparity that actually exist in these areas, with a few singular notions as to how to bring about a cure of this thing, then I would

think that they would have earned their keep.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Chairman, I wonder if the Minister wants to answer the questions put by the hon. member directly, or whether he would prefer some other comments so that perhaps he could answer them all at once.

I have been perusing the report of the economic council published this year on Government Reform in Ontario and as nearly as I can make out this is the major publication in 1969 that has been put out by the council. There have been some other pieces of material given to the Minister no doubt and also to the members, and I was quite interested to learn that the offices of the economic council are, I guess, under the same roof as Dr. Tolman, who works for the Minister's colleague, the Treasurer (Mr. MacNaughton), with somewhat similar responsibilities—that is to lay out some kind of a plan for the economic development on a regional basis for the province of Ontario.

Mind you this is not the end of what might be duplication. The Minister of Municipal Affairs (Mr. McKeough), who unfortunately is not in the House tonight for this particular topic, has his own rather important staff advising him with another Cabinet responsibility of the form to which governmental changes should be directed in the future, as far as this province is concerned.

I have read this report that comes from the economic council. It is well written; it seems to come across really as a piece of journalism, perhaps a rehash of other pieces of journalism; but my main question is: what is the economic council doing in this particular field of advice, particularly when two other Ministers have well-qualified and expensive staffs working on essentially the same problem?

I think we would all agree that this matter requires concentrated and modern research, and perhaps the economic council is the group that should be doing it. But certainly if two other groups are doing it with a certain amount of overlapping already, which shows in, let us say, the tensions that have developed—not among the Ministers, but those at a lower level who are sharing this responsibility—it would appear that a third group, under the responsibility of another Minister has no place—unless they can bring forward some completely new alternatives which I believe this report does not contain.

The Minister, on other occasions, has assured us that his economic council is at the disposal of a number of departments, and that they are prepared to give advice in a broad range of areas of importance. But I must say—and I can only repeat in this connection what I said under this vote last year—that we, as members of the Legislature, and even the Minister himself, surely, would accept a much more independent view expressed by the council in matters of economic importance to this government.

I would like to have a report from them, if they are going to continue their work, on what measures this government might undertake to combat inflation. I would suppose that the chief economist has already given his views on this matter to the Treasurer, so that it might be a further duplication.

It seems more and more that the usefulness of the economic council is somewhat in question. That there has been little or nothing brought forward of great importance. I would say that this report is an interesting report, it would rate in the newspapers somewhere along with the Minister's more recent housing announcement of some passing notice. It does not serve as any kind of an independent blueprint for the course that Ontario should take in the forming of its methods of government at the municipal or the provincial level.

I was quite interested to think that the Minister, in sharing with his colleagues a desire to cut costs, would have allowed the council to undertake this sort of a report, when really his colleagues have undertaken it in greater depth and perhaps with a different emphasis. I would admit that.

The emphasis on the economic council report is hard to define, other than it is perhaps a broader, more generalized approach attempting to mould the obvious requirements for change at the municipal level with change at the provincial level, which might be more obvious to the chairman of the Economic Council even than to the Minister and his political colleagues.

Perhaps the Minister would accept my suggestion, put to him again, that we would all be better served if this Council were to set its goals more independently. Even if they are setting them independently now, then be urged to strike out with a bit more initiative, to come forward with the annual report that my hon. friend from Lakeshore was mentioning, and which has been mentioned in the House on previous occasions, and make it perhaps a rough, arm's-length review of government policies, and their effect.

Certainly no government has to be embarrassed by the emanation from an economic council, or any other council, that is completely independent and free from a political suggestion. Perhaps it is improper for me to even imply that such a relationship is true in this case, and if my comments are offensive I would withdraw them because I do not know what the connection is.

All I know is that we are not getting the verve and initiative from this council—and that would be the only thing that would make the continuing expenditure worth while.

I would like to see them undertake a specific responsibility, and that is a complete review of the effect of the government economic policies on the state of the province. The chief economist has another responsibility. It is his job to advise the Minister; and to act, I suppose, as his servant in moulding the policies that would affect the Treasurer's recommendation on general policy.

Now I think that this body, that this economic council, if it is going to continue —and I have real doubts about its usefulness— must give us a report from another point of view; as to how these policies are working, and, in fact, their general effect on the economy of the province. And then try to dovetail with the same sort of a review taken by the federal council for the federal government, perhaps in review of federal policies.

The second thing is that they should undertake some special projects which are going to have more significance than the "Government Reform in Ontario" booklet that I have mentioned earlier. I have noticed that many of their recommendations seem to reflect their Minister's respect for some of the economic attitudes of the western premiers, not just the Social Credit premiers, but those who share this general body of what would normally be accepted as Conservative thought.

I read what the economic council has said about succession duties and estate taxes—a very interesting proposal indeed. We have read about its enactment in some of the other provinces, and it would be interesting to know what the policy of this government would be. I personally do not share the views expressed by the council, and while I might be able to guess what the Minister's views would be, there has been little said by either the Treasurer, or anyone else on the front benches of the government, as to changes that might come about in that field.

Hon. C. S. MacNaughton (Treasurer): Read the last budget.

Mr. Nixon: Oh, I remember the last budget; and you are going to remember it too.

Mr. J. Renwick (Riverdale): When are you bringing in the supplementary budget?

Hon. Mr. MacNaughton: Oh, when it is time.

Mr. Nixon: So, Mr. Chairman, I offer this criticism in good faith. I have no personal criticism of the chairman, nor the economic council. Obviously the chairman and his colleagues on the council are competent, but I feel that they are not filling a useful role in Ontario.

I blame the Minister for not giving them the direction, or let us say the strength, to undertake the initiatives that would justify the further expenditure of $200,000. And, more than that, give us some guidelines in this province as to how effective and functional the economic policies of the Treasurer and his advisors are.

Hon. Mr. Randall: Mr. Chairman, through you to the hon. member for Lakeshore, may I say that the book he read from, I think, was a little antiquated, because we put through legislation in 1968 to establish the economic council from order-in-council to put through an Act, and the Act is Bill 51. And it says, number four—"It is the duty of the council to advise and make recommendations to the executive council or any member thereof on methods for—"

So it means the economic council can work for any particular Minister with him, or for him, and provide any information that he may need and:

"(a) Encouraging the maximum development of the human material resources of Ontario; and—

Mr. Lawlor: Reputing motives to me.

Hon. Mr. Randall: And: "(b) In supporting—

Mr. Lawlor: Attacking my integrity—

Hon. Mr. Randall: "Supporting the advancement of all sections of Ontario"—I would not do that for the world—"and, (c) fostering conditions for the realization of higher standards of living for the people of Ontario".

That spells out pretty clearly what we wanted the economic council to do and, as I happened to be the first chairman of the

economic council, I was invited by the Prime Minister (Mr. Robarts) and Mr. Macaulay, at the time, to come in as a businessman, and to bring other businessmen in.

Mr. Lawlor: That is one of the worst things about this council. It got you into politics.

Hon. Mr. Randall: It could be. And to bring into government, to advise the government on some of the things that we, as businessmen, as labour, as professional people felt the government should be doing. And if you look at the roster of 20 members of the economic council you will find that we have three members on there very closely related to your party—I am talking about David Archer, Roland Hill, Mr. Littlejohn, with the farm organization, Mr. Munroe, Larry Stepton—

Mr. Lawlor: That is why there should be a report.

Hon. Mr. Randall: I think these people are pretty independent people and they are not pushed around by government. They do not let government tell them what government wants to know. It is obvious to me that they are doing the job they were picked to do. Many of the studies that they have done for the government, and the recommendations they have made I think you will find may appear on the government paper on taxation that the hon. Treasurer is going to produce one of these days. He has asked for their advice, the advice has been given. Whether he acts on it or not is his prerogative, the same as any other Minister.

We have great reservations about starting up another economic council, not that we have anything against the economic council. We think that we agree with them perhaps more than we agree with the government of Canada.

But our feeling is that the Treasurer has an economics department that I had something to do with building up. It was transferred to the Treasurer a few years ago, and Mr. MacDonald the chief economist, went down there, and is now deputy treasurer. There is a very close liaison with the Treasury Board, The Department of Economics, and the economics division of the Treasury Board.

As far as an annual report is concerned, I do not know what we can do with an annual report at the moment because the annual report is made up of the reports that they are issuing now, such as we have had two of them here a few minutes ago that the hon. leader of the Opposition mentioned. These reports are in-depth studies, and I think that those reports have made quite a contribution to some government thinking. I am sure my colleagues will agree to that.

Mr. S. Lewis (Scarborough West): In-depth studies?

Hon. Mr. Randall: There will be further studies made.

Mr. Lewis: How do you know that?

Hon. Mr. Randall: There will be further studies made and some of these reports are published for public use. Some, of course, are made just to the Minister for his consideration, but the government has the opportunity of either taking those and doing something with them or just reading them and forgetting about them.

But I would say to you, since I had something to do with the economic council and being the Minister responsible for that, I think the economic council has made a very great contribution. These 20 men I have talked about have made a very great contribution to some of the thinking in the departments of the government.

And the blue book that we have just pointed out here a few minutes ago, that the Opposition leader held up, indicates perhaps working with the Minister of Municipal Affairs is a different approach entirely to the things that he is confronted with. He is going in to it in more detail, perhaps because of the difficulties he has in taking into consideration the problems of municipal government.

But this one here is a report that in my estimation will shed some light on some of the problems that the Minister of Municipal Affairs is trying to find the answer to, and I would doubt if we would serve any purpose at the moment in coming out with an annual report except if it is just a report on what the council is doing and we can tell you that without any difficulty, without putting out an annual report.

As far as the meetings are concerned, there are ten meetings a year held by all the members. There is an executive council, and there are ten meetings a year by the executive council, and the 20 members are divided up into committees which meet on several occasions on the particular thing they are interested in. But I think, insofar as the work of the members is concerned, they are pretty well covering all the bases that we want them to cover, and I do not think

there is any duplication with any other department of government, despite what has been said here today.

May I suggest to you, sir, that in the quiet of these coming months if you will take a day off and sit down with the economic council perhaps we can show you what they are doing and brief you on the things that they intend to do in the future, and I think you would have a better understanding of why we have kept the economic council as we have and not tried to duplicate what they have up in Ottawa.

I think if we did that we would have the same thing as the Treasurer has here up the road in the Economics Department, and we would not be achieving as much as we can achieve with this independent thought that we have now. You mention that we have four economists. I think in Ottawa they have on the economic council 50 economists. Well, if they have 50 economists there I do not think we want 50 in The Department of Treasury. I do not think we are going to need both. So I say to you, come on up and look around and see what they are doing. You are welcome to come in at any time. We will bring you up to date.

May I comment on what the leader of the Opposition said. Dr. Thoman—and I have been trying to get that space he has got since the Minister moved the department down there; he is the only tenant there is left and I offered to move him lock, stock and barrel and pay for it out of my own pocket the other day if I could get the space. I need it that badly. So I hope one of these days Dr. Thoman will move down with the rest of the economic department. But let me also suggest—

Mr. Nixon: —be glad to have him.

Hon. Mr. Randall: He does work with the chairman of the economic council, all the departments do. They go to Mr. MacDonald, they go to any department in government to get as much information as they can before they write their reports. They get all the views, and I would say that there is no group in the government that co-operates more closely with other departments of government than the economic council. May I also say that we want to avoid duplication of economic effort. I think that the world is filled with economists these days—you cannot turn around without bumping into one—and I think they are a very necessary part of our economy. Nonetheless, we believe in the work the economic council is doing. They are coming up with some very fine reports and they are doing the kind of things that the government wants them to do, and that is to give independent advice to the government.

Now we get advice from our friends in the Opposition. Sometimes we can use it, sometimes we cannot, but we are always willing to listen to advice.

Mr. Lewis: What have you done for Prince Edward-Lennox?

Hon. Mr. Randall: We have done a lot.

Mr. Lewis: For Prince Edward-Lennox?

Hon. Mr. Randall: Yes, we are always doing things for Prince Edward-Lennox. In 1969—

Mr. Lewis: What have you done for Prince Edward-Lennox?

Hon. Mr. Randall: In 1969/70 there are six studies going to be done which you perhaps would be interested in. Human resources development, northern development, forestry policy, urbanization, optimization of land resources, and pollution. So there are some of the things that are going to be looked at in the year ahead, and I would suggest from the reports that have already been published that the economic council has completed the task assigned to it and is doing the same thing every year and doing it very well indeed, and we are delighted, and I think we are very complimented to have these 20 members on the board from all segments of our economy.

Mr. Nixon: Mr. Chairman, there is no doubt in my mind that the list of names that has been read to the House and is found at the back of the Government Reform in Ontario report would certainly be ornaments to any public undertaking, but if the Minister is trying to convince us that this group of gentlemen and Mrs. Plumptree—

Mr. Lewis: And Mr. Claskey, who wrote most of them—

Mr. Nixon. Yes—sit down around a table and thrash out these problems after carefully reviewing with the various Ministers and administrators what the problems are, I just cannot buy that. I cannot imagine a person like Okah Jones, who is concerned with buying out a big competitor, and these other people doing what the Minister has indicated they are doing—that they are there reviewing the various problems in government and writing some solutions.

It looks to me as if poor Mr. F. W. Parson, and the chairman and probably somebody else

higher, is sitting in an office there saying, "Boy, you had better get somebody else pretty soon, the Minister is saying we need somebody from the economic council and put together this . . ." which is put together by a good writer, but surely has not been put together by the names that appear on the back. I mean, if the chairman of the council has signed the report, the names of the others appear on the back. I am surprised, actually, that all of these gentlemen, and Mrs. Plumptree, would associate themselves with what seems to be a very peculiar and weak effort on your part.

Hon. Mr. Randall: Are you suggesting—

Mr. Nixon: I am on my feet.

Hon. Mr. Randall: I asked for a point of order. I am asking the hon. member, are you suggesting—

Mr. V. M. Singer (Downsview): That is not a point of order, the Minister is asking a question.

Hon. Mr. Randall: —that we signed a blank cheque when that book was published?

Mr. Nixon: I am quite sure that probably two-thirds of them, if it was a big meeting, came together and somebody had mailed them a copy of this report and they said: "What do you think of that?" and they said, "We think that is very good but maybe we will change this and change that."

But the main point is that this is not a terribly useful report to anybody. It is not an incisive study of the business of government reform, it is a good series of articles for one of the major newspapers, but that does not mean it is a blueprint for government reform or even a blueprint for the discussion of government reform. I think you are wasting the effort of these people and probably of Mr. Clarkson and probably of Mr. Cranston.

Mr. Singer: That is right. Now get up on your point of order.

Hon. Mr. Randall: I am up on a point of order. We completely disagree with the leader of the Opposition. There was not one dissenting voter when that book was thoroughly discussed with all the members of the board. They approved it in its entirety—

Interjections by hon. members.

Hon. Mr. Randall: I do not think you can call these people rubber-stamped; they are not the kind of people you push around. I am having a little trouble over here with mice, they got shoes on tonight, you cannot hear anything. I just suggest that a man like Okah Jones is doing more for this province than anybody I know of, regardless of the fact that he is now putting together a big deal.

Mr. Singer: What has that got to do with it?

Hon. Mr. Randall: The member brought his name up.

And let me suggest that that man has time enough to run the CNE and time enough to do the big deals you are talking about and he has time enough to serve this government on this council and serve it well along with Mrs. Plumptree, Mr. Hill and the rest of the people who give their time and their talent to this. I do not think they need to be depreciated by any member of the Opposition.

Mr. Nixon: I would say to the hon. Minister, Mr. Chairman, that Okah Jones and the others on there and many of them with the same sort of approach to the problems in the community could very well spend that money more effectively than has been spent by the economic council in total. I think this is a disappointment. You have not been able to justify the expenditure. There is not much point moving it be reduced, we have expressed our views, I hope that the Minister will take it from this side not just as Opposition criticism but sincere criticism of the efforts of this council. We believe their efforts have been disappointing and essentially it is still a waste of money, that these people could do better if they had the leadership that the Minister might give them.

Mr. Singer: That is right; hear, hear.

Hon. Mr. Randall: Mr. Chairman, I just want to make sure I understand the member correctly. The hon. leader of the Opposition and I think the hon. member for Lakeshore are suggesting that the government take the economic council, regardless of the expense involved, and duplicate the same facilities they have in the economic council of Canada? Is that what you are suggesting?

Mr. Nixon: No.

Mr. Singer: No such thing.

Hon. Mr. Randall: Well, that is my understanding of it.

Mr. Nixon: You have got stables of economists. Your colleague the Treasurer hires half an acre of them every day. They are over there in that beautiful curved building. He has already got it full and the Minister says

he has not got the room for it. Dr. Thoman—the chief architect of the economic development of this province—it seems to me, by relegating him to the attic of the economic council office, that you are really giving in to your colleague, the Minister of Municipal Affairs, and leaving it all to him. It is too bad that he is not here tonight, but no doubt he is attending one of those meetings across the province he is always so critical that the members of the Legislature do not get to.

Hon. A. Grossman (Minister of Correctional Services): Participatory democracy.

Mr. Nixon: I am looking at this Minister because he sits closest to him, if he does not mind. I still think there is considerable duplication, specifically, on this government reform business that you have used the time of Charlie Munroe and Mrs. Plumptree and—

Hon. Mr. Randall: Great people.

Mr. Nixon: Great people; the Minister has looked into their political background carefully, apparently, just like when he was selected as chairman. I am sure his background did not have to be researched too extensively but he knows the way it works and it has worked pretty well for him. As a matter of fact, I remember his predecessor Macaulay making quite a thing that he had acquired the services of Stanley Randall to be chairman—I remember that occasion very well. We all thought it, without thinking of the problems that it was going to make for us.

I think the Minister can do better, I think if he were to give the economic council new terms of reference that they could do better, and, failing that, they should be done away with. Their services, that is.

Mr. Chairman: The member for Windsor West.

Mr. H. Peacock (Windsor West): Mr. Chairman, he dismisses the weight and influences of the members of the council a bit too quickly. Mr. Jones, a member of the council; was he also the person who offered the independent advice to the Minister on the Construction of the new CNE Ontario Pavilion?

Hon. Mr. Randall: No, Mr. Jones had nothing to do with that. He knew about it after we had it underway.

Mr. Peacock: Did any member of the economic council have any discussion with the Minister about that pavilion?

Hon. Mr. Randall: No, that—

Mr. Peacock: That does not come under their purview?

Hon. Mr. Randall: That was not discussed with the economic council, that was discussed with the CNE board and before Mr. Okah Jones was brought in as president.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, I want to come down from the rarified atmosphere of the economic council of Canada to a project which I understand is a specific project of this council. I had occasion on returning from Strathroy in Middlesex South—

Mr. M. Gaunt (Huron-Bruce): Strathroy? What was the member doing down there?

Mr. J. Renwick: —to spend two or three days in Moosonee looking at the specific project of the economic council of Ontario in the housing field. Just for the information of the members of the House, the project of which I am speaking is a project by which charitable donations are received from a number of companies in the province of Ontario of building materials of one kind or another in order that—for reasons which I can go into perhaps in a few minutes—the Indian people in that area can build ten houses about 20 feet by 35 feet with a square footage of about 700 square feet. At the rear, along the back, there will be three bedrooms of ten by ten, and an area for a bathroom of about five by ten and across the front there will be presumably a living room and kitchen arrangement about ten by 35 feet. There are at the present time—I am speaking now of about ten days ago—not one of them was completed and there were shells of about three. There may have been some minute progress since I left that area.

I simply want to say to the Minister, without going beyond that specific project, that in my mind it reflects the whole attitude of the economic council. The release which was issued under the name of the chairman about this particular project shortly before I went to Moosonee, contained the strange phrase that this was to provide for the individual motivation of the Indian which was much better than to have him subject to a scheme of institutionalized welfare.

I want to say to the Minister that I know of no other group of persons of any age or any background or any experience, who, in order to have the benefits of the Minister's

free enterprise philosophy and in order to insure that he is well motivated, are sent out to build their own homes with charitable materials. I do not think anybody who comes from United Empire Loyalist stock in the province of Ontario of this generation is required, in order to prove his individual motivation, that he go out and build his own home, only the Indian community in the province could be used in order to reflect that outdated philosophy of the economic council.

Let me just say one other thing about this: In order to make it really difficult, of course, the building materials are transported by rail to the station at Moosonee, but the man who has been given the responsibility of co-ordinating the construction of the ten houses, Mr. Munroe Linklater, does not even have a vehicle at his disposal for the purpose of transporting the goods from the railway station to the site. He has to scrounge around the area until he can find some kind of a government vehicle that may, at a particular time, be available to him.

Now let me make the third point, let me make it perfectly clearly, that there is not a qualified foreman on the site of those ten houses which are being constructed. What you are doing is requiring the group of Indians—under the guise of some programme to provide them with the kind of motivation that will be self-satisfying to the Minister—you are putting every conceivable hurdle in their way. In the absence of a qualified foreman on that job it is not possible for the Indians who are working on those houses to construct them in an efficient manner. They have the water connections to make, they have the pipes to install, they have the foundations to put in, they have the structure to put up, they have the roof to put on and all of it. There is not a qualified foreman who will take the working crew of people who are going to build those houses so that in progression they can erect them very quickly.

Let me make the fourth point—it has always been said that the Prime Minister, accompanied by the then Minister of Municipal Affairs, the then member for Cochrane South, went to Moosonee in 1965 and was shocked by the housing conditions of the Indians at that time.

I was not there in 1965, but I can simply say, without elaborating on it, that if he was shocked, I was just as shocked in 1969 to go to Moosonee. Because you do not need ten houses built under this primitive method in that area—you need 200 houses erected rapidly, and with the greatest skill and ability in order to provide adequate housing for an Indian community of roughly 1,000 people.

When I read the report, or the news release indicating—I think the gentleman's name is Mr. Ian Lumbers who had the responsibility somewhere for co-ordinating this other activity, that is, the getting together of the building materials and the transporting of them; and that Mr. Munroe Linklater was going to be there to co-ordinate it, I thought that at least this project would show some signs of individual initiative and energy on the part of the Ontario Economic Council. But if this is an example of the way in which a project of theirs is being carried out, I would not give them the responsibility of planning anything let alone the economic planning for the province of Ontario.

There are many other ramifications of the so-called Moosonee problem which we can deal with at some other time. But those four points are indelibly burnt into my mind. I am simply saying to the Minister: you require, and you are obligated to send a top building person to Moosonee to make certain, first of all, that the groups of materials that have been donated on some charitable basis by various companies are adequate to provide the ten houses.

You are obligated to ensure that Mr. Munroe Linklater has the transportation and the facilities to transport the equipment and himself back and forth to the site to do the things which are required. You are obligated to put a qualified foreman on that site in order to ensure that, on an assembly-line basis, in the most efficient way, the largest number of people—if you are going to persist in this outmoded method of providing housing for people in that community—can at least acquire the skills to erect those buildings efficiently and quickly. And you are obligated to make certain that, included in those buildings are the sewage disposal facilities which are supposed to be projected for completion next summer.

Now those are matters, Mr. Chairman, which if they reflect the considered views of the Ontario Economic Council, if they reflect the considered views of the 20 people, or the number of people who have been referred to that compose it, if it reflects the thinking of this Minister as to the way in which you motivate some people in order to satisfy this particular philosophy of his, then I think that the Minister has got to take hold of that project, those houses have got to be built, and constructed, and completed, and you have got to get on with the problem of providing not the ten houses, but the 200 houses.

Mr. Chairman, I simply say to the House, that that project is infantile, immature and reflects a philosophy which is not acceptable to me, not acceptable to any member of this Party—I am sure not acceptable to the members of this House.

Now let us get on with it, let us see that this job can be done properly, and let us see if we cannot overcome the housing problem of providing, in my estimation, some 200 adequate housing units as rapidly and as quickly as possible under the most efficient conditions in the Moosonee area.

That has to be done, otherwise it will continue to be the kind of crying disgrace which it is, and I invite the Minister's comments on that particular project.

Hon. Mr. Randall: Well, Mr. Chairman, let me say I reject very vigorously some of the accusations made by the member for Riverdale. He has a happy knack of twisting the facts, and so perhaps now I can straighten you out.

Mr. J. Renwick: I will be delighted to have the facts, and then perhaps we can—

Hon. Mr. Randall: Listen very carefully—just listen very carefully. Lay back your ears and listen.

The construction foreman now on the job is supplied from Western Gypsum Company. He is a professional man—

Mr. J. Renwick: When did he go on the job?

Hon. Mr. Randall: He is on the job now.

Mr. J. Renwick: I repeat, when did he go on the job?

Hon. Mr. Randall: Prior to that, a qualified carpenter superintendent from EGM Cape Company was on the job—

Mr. J. Renwick: When?

Hon. Mr. Randall: When the houses were started.

Mr. J. Renwick: He was not there when I was there.

Hon. Mr. Randall: —on a regular basis the Moosonee development area board has been supplying a carpenter foreman to oversee it, and the Moosonee educational centre truck has been available to move materials.

Now, let me also bring a couple of other things to your attention, so that there is no misunderstanding what we are doing up there.

The Indian, in my estimation, will never be housed if we depend on NHA standards and I think you would accept that. The kind of house that we supply for the Indian, under NHA standards is, first of all, not what he wants for his family; and second, he could not afford it with those qualifications built into it.

Mr. J. Renwick: I am quite happy about that.

Hon. Mr. Randall: Wait a minute. Now, wait a minute. This is the kind of home the Indians themselves said: "If we could get the materials, this is what we would like to do." Now we heard a lot of palaver from that side of the House about letting the Indian do his own thing.

We have miles and miles of *Hansard* in the spring about letting the Indian do his own thing. Well, up there, the Indian is doing his own thing, and the economic council was able to get these materials to try it out on ten houses. If they are short in the ten houses the Ontario Housing Corporation will provide the difference that is needed.

This may be the way, regardless of what my hon. friend thinks. This may be the way that most Indian housing, off reservations, will be built. We do not think the white man's way of building houses is going to satisfy the Indian. So we are experimenting with something up there.

Mr. J. Renwick: Not if that is the white man's way!

Hon. Mr. Randall: Okay, we are experimenting. There are 15 houses being built up there now, in another part of town. Perhaps you saw those?

Mr. J. Renwick: I saw those, but that is Ontario Housing Corporation.

Hon. Mr. Randall: Well that is all right. Now the Indians that you were talking to did not want to go across the river. They wanted to build where they are. This is the place they wanted to build. They did not want to go across the river and take any other site, so we let them do everything that they wanted to do. They picked their own site. They built the kind of house they wanted to live in, and I think when my hon. friend, the Minister of Family and Social Services gets through with the Indian programme, you may find—you may very well find—that this is what most of the Indians off reserve in this province want in the way of housing.

We will make it possible for them to do it through the Ontario Housing Corporation. So I suggest to you that, as far as the Moosonee project is concerned—sure you can criticize it all you like, but this is what the Indians wanted—we heard enough about letting them do their own thing.

Now, they are doing their own thing; and with the kind of assistance that we think we can give them. But they have to put the sweat of labour into it, because this is what they want to do.

Mr. Singer: What is doing your own thing?

Hon. Mr. Randall: I suggest to my hon. friend it is not as difficult a situation as he makes out. And I might also point out that Indian affairs has not built a house off reserve in a hundred years. So somebody has to build houses. If we went in and built those houses our way, we may have trouble not only renting them, we might have trouble selling them. But it is not what the Indian wants. The Indian wants his own type of home.

Now this is an experiment, and perhaps you do not agree with experiments, in Indian housing. I hope if it works, and we think it will, satisfactorily, this is what may be the Indian programme from here on in on reserves. The Indian will decide, not us.

Mr. J. Renwick: Mr. Chairman, I categorically deny what the Minister had to say about the facts which he has put before the House. This business about the Indian doing his own thing: what has that got to do with having a proper housing plan so people can be properly housed? What has that got to do with it?

Hon. Mr. Randall: All the Indians you mean?

Mr. J. Renwick: I am talking about the Indian community in the Moosonee area, which amounts to about 1,000 people.

Hon. Mr. Randall: They know what they want. They have got a plan.

Mr. J. Renwick: You are suggesting that, in some way or other, the housing that is being built meets Indian requirements?

Hon. Mr. Randall: Right.

Mr. Renwick: It is an ordinary house with three bedrooms down the back, a bathroom, and a strip across the front with a living room. It has sides and a roof.

Hon. Mr. Randall: Their way.

Mr. J. Renwick: It is not their way. It is a simple type of housing construction. Now, Mr. Chairman, the Minister has stated that those men were on the site at particular times. What were the times when those men were on the site? When did they go on the site, and why is it that Mr. Munroe Linklater is dependent on the one truck which the education centre has in order to transport the equipment? You are making it more difficult than it should possibly be.

Hon. Mr. Randall: I might say that the Indians selected the plan, they designed their own homes, they drew up the plans, they decided the kind of home they wanted. That plan was not forced on them by anybody. We just supplied the material.

Mr. W. G. Pitman (Peterborough): We did not say it was forced on them.

Hon. Mr. Randall: They decided what they wanted.

Mr. J. Renwick: Mr. Chairman, I would like to ask the Minister, did they decide that there would be a collection of charitable donations from a series of companies around the province in order to provide the materials? Was that their version of how the goods were to be provided to them?

Hon. Mr. Randall: As far as I am concerned, they did not care where the material came from as long as it came at the right price and they could put a house together of their planning, and they got the materials on this basis. Now from here on in this government and the federal government will buy the materials and perhaps copy from that pioneer programme up there.

Mr. J. Renwick: Mr. Chairman, all I can simply say is that I talked with Mr. Munroe Linklater and anything that I have to say is simply my view of what he told me. He has a crying need for a vehicle, just a simple ordinary vehicle to get the goods from the railway station to the site, and you tell me he has the use of the vehicle belonging to the education centre. It is just not good enough, and if you ask Mr. Munroe Linklater he will tell you so. He wants to do a first class job of co-ordinating that project. You are not allowing him to do it.

You can say whatever you like about the people who are responsible on the job site. I was there on four occasions over a three day period, just wandering around looking at it

and there was no one who could be called an over-all qualified foreman on that site where any of those houses are being built. Now that is apart altogether that 10 is a mere drop in the bucket in terms of the crash programme which is required to house that community.

If the Ontario Economic Council, Mr. Chairman, had come up with a project of providing 200 houses on a planned, organized method, so that the Indian community this winter would be housed in them, then we might be able to accept this business that this is an experiment. This is not an experiment. If you were to look at it and assess it from any standard at all, you would say that it is a completely ineffective project. There is no way, and no criteria, that could recommend it to anyone. And I am saying to the Minister that there is just no point, unless he is prepared to get up and go up there and look himself. I would ask him to do that and to come back and to honestly stand up in this House and say that is a fine project. You cannot cover it up by talking about the Indian doing his own thing.

Now if that is the kind of project, the kind of superficial project, the outworn philosophy and attitude that is reflected in the Ontario Economic Council, then I say do not give them any more work to do; disband the whole thing and let The Department of the Treasurer and Economics take over the whole question.

This is a complete flop, and you have got to take hold of it or it will be a disgrace, because the remainder of the Indian community in that Moosonee area are going to continue to live for another winter—and likely another winter after that—in conditions which were described by the Prime Minister of the province four or five years ago as shocking and which are still shocking today.

Mr. Chairman: On vote 2205; the member for Cochrane South.

Mr. W. Ferrier (Cochrane South): Mr. Chairman, the Minister mentioned a few moments ago that the Ontario Economic Council was going to make a study of northern development. It seems they have got so many studies of northern development over the last few years that you would think that the north would become a booming area overnight.

Hon. Mr. Randall: You mean it has not, I thought it was a booming area.

Mr. Ferrier: That is a matter of opinion. If some things came out of the studies and we really got the development then we would be very pleased.

But I would like to say something about the economic council's visit to our area about a year ago. They came into the area and they were shown the Texas Gulf mine and all the possibilities that were there, but there were many other things in the community such as a number of gold mines closing down and a depression in certain parts of the economy very prevalent that they conveniently did not go to see. I think that if this council is going to have an objective view of the situation in this province it is not going to have to look at things just through rose-coloured glasses, but it is going to have to look at all segments of the community and the economy in the area and then base its planning and its study and its action on that and not just on what good things are there. They have to see the problems that exist and the things that need to be done to meet those problems.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Mr. Chairman, I would like to know how many confidential reports—you mentioned that some reports came directly to him or within the government apparatus from the economic council—how many reports of that nature which are not available to the members of the House and the public would have come into your hands in the last 18 months?

Hon. Mr. Randall: When you talk about confidential reports I do not think they would be reports such as we have been talking about here today. They may be lengthy letters addressed to various Ministers in this House with reference to their department and advice they had asked for and had advice given to them, which is what we call confidential information. I know of no publication that we have produced, such as these here, that has not been released to the public.

Mr. Lawlor: I do not want to prolong the debate unduly but I do feel that perhaps a certain distortion took place in the rendering by the Minister of what was said—at least as far as I was concerned—as to the duties and responsibilities. I read out the terms of reference and the purpose clauses embodied in the Canadian Economic Council and transposed the terms into the Ontario, and I felt that that carried enough weight and

enough quality and quantity of work to be done within the domain of the province itself, as to make it perfectly valid for the operations of the Economic Council of Ontario to parallel, not to duplicate, that of the federal body. When you look at the future statistics of the province, when you look at a thing like this—it says that the federal council reported in 1967 that over the next decade Canada would have the most rapidly growing labour force of any industrial nation. The total labour force is expected to exceed 10,000,000 persons by 1980, an increase in 15 years of 3,500,000 people, or 50 per cent. This implies an average annual addition to the labour force of 240,00 persons in the 1965-70 period, and between 230,000 and 240,000 people per year in the 1970-80 period.

And then you jump down the page of the year book where it says that over the 1961-66 period, total employment in Canada rose by 1,100,000, although about three quarters of that increase was concentrated in Ontario and Quebec. Three quarters. That sort of thing, I suggest, would give adequate deployment in posing, analysing, assessing, going over for the purposes of you, and for the purposes of the Treasurer of the province, of the vital statistics in connection with all the economic indices and factors.

And I suggest that it would not be a duplication at all, it would be complementary to and fill out, and give direction to and particular purpose to the economic aims and objectives, of which you are largely deficient, as far as we over here are concerned. You may think that you are engendering great plenitudes in your own minds and in your own internal secret Cabinet meetings, but as disclosed in the white paper, as disclosed in the annual budget statement, those are very short range objectives.

They do not extend to any great issue. They do not show the indicators of an economic philosophy. They do not scaffold. They are government statements, self serving apparatus, things to make you guys look good, having no particular validity for the greater overall objective: objective looks like partisan assessment of where we are going and what the guide line of that growth is going to be. That would be the task of an economic council, and that is precisely the deficiency. This is the task they do not perform.

You say they issue reports. I say to you it is not so. I do not have all the reports in front of me that have been issued, but a great majority of them are simply commissions to which they place their signatures on occasion. Why in heaven they place their signatures to a number of them passes my understanding. The survey of changing employment patterns at the Lakehead city, prepared for the economic council by Menninger, under the direction of F. W. T. Jones, University of Western Ontario—that is one of the more substantial reports to come out.

Then there is the report on transfer taxes, having to do with state taxes and inheritance, which was prepared by John K. Savage. Why half the members of the council sign the report considering its blatant and purblind conservative backwardness, and the whole approach to the problem of inheritance, I don't know. I think even John White would be ashamed to place his imprint on a document of this kind.

Hon. Mr. Randall: Would the hon. member accept a question? Do you think for one minute that the 20 members of the economic council do all the research themselves in the publications that are published by the Economic Council of Canada?

Mr. Lawlor: No, but they issue a report which is an in-depth survey, and a long term projection, vital in determining matters in the economy of the country as a whole.

They survey this, and this is done by way of a consensus. This is not what you have here. They do not make this kind of penetrating analysis of the economy of Ontario. They have rather a hodge-podge of projects which they do not do themselves, and which are simply issued under the name of the economic council.

True, in the case of the federal council, many studies, and so on, are issued, particularly background studies, for their economic reports, under the name of the economist, or of the sociologist who was employed for that particular reason, on their behalf.

It is possible to find out who was responsible for a particular report. But this is a far more desperate project, far more loose-ended, having no coherence, or little coherence.

If you call that a report of the Ontario Economic Council—the research index of Ontario, they issue it every year—that is fine. It is a valuable document if you want to find out about ecology and what the writings are. But you cannot pretend that the economic council had anything really to do with the

compiling of this index, except by commissioning it. It is not a work where their grey matter was being afflicted by having to think, and to make any assessment. This is what I am complaining about.

They issue a great many things. But it is other people's things that they are issuing. It would even appear never to have gone through their cerebral tract in the process of being issued.

I would think there is much validity in what the leader of the Liberal Party has to say on this. And, in any event, I think you can put that body to work, and it would be in your own interests so to do.

At the present time it is too much like a quagmire. It is too incoherent, it does not have direction or purpose, it does not perform the functions of an economic council.

Mr. Chairman: The member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Chairman, I want to ask the chairman whether or not he does, from time to time, request the council to make special studies in certain areas, or whether the council initiates those studies on their own belief in what ought to be studied at that particular time?

Hon. Mr. Randall: It happens both ways. Any Minister of the government can ask them to make a study and they get on with a study programme of their own too.

Mr. Deans: The reason I asked, is there at this time any possibility of a study being made on the economic and social hardships of forced tenancy? Whether or not the council is considering making a study into the difficulties that confront the tenants in the metropolitan area in terms of the social and the economic hardships that they face from day to day? The reason I asked this, and I think the Minister would understand it, is that I was here on Saturday and I listened to the Minister speaking to the tenants who had assembled on the front steps of the Legislature—

Mr. Lawlor: You are the only one who heard him.

Mr. Deans: No, I heard him; everyone else heard him.

Mr. Lawlor: Did you hear him?

Mr. Deans: Yes.

Mr. Lawlor: He was complaining he was not heard.

Mr. Deans: No, we could hear him. We could hear him all right. That is why I am asking this—

Mr. Lawlor: Did he say anything?

Mr. Deans: No. That is why I am asking if there is going to be a study. Because I am concerned.

Mr. Lawlor: Pouring the old oil on the troubled waters.

Mr. Deans: He was boiling them up.

Hon. Mr. Randall: I was there though.

Mr. Lawlor: Good for you.

Mr. Deans: Well, that is probably one of the reasons why I am asking this. Because it appeared to me, as I listened to you discussing with the tenants what you thought their problems were, there was a tremendous difference of opinion between your opinion of their problem and their opinion of it.

It could well be, through the chair to the Minister, that this is because of the difficulty of trying to understand someone else's lot. It is very difficult to sit in one position and try and understand the lot that someone else is confronted with, and I think that the economic council could well take a programme of this kind that would investigate and dig into what the real social problems of living in some of the tenement slums that we have in Metropolitan Toronto are at this time.

And I might go further and say that they might even investigate the difficulties confronted by tenants living under Ontario housing. Perhaps the Minister could then stand on the steps and discuss with the people intelligently as to how one goes about rationalizing one's position and bringing about some change to the conditions that presently exist.

Hon. Mr. Randall: To answer your first question: no, the economic council at the moment has not undertaken any study. Perhaps that will be done, if we need to do one, by the housing corporation. But let me also just clear something. I knew exactly why I was on the front steps there on Saturday afternoon, because I had received a letter from the lady from Kingston asking me to discuss about four or five matters which were completely unrelated to the letter I got from Mr. Paterson—and Mrs. Annabel Paterson, I believe, his wife—saying they wanted to discuss landlord-tenant relationships.

I was there first of all, to point out I had received two communications, one of which was entirely different to what it eventually turned out the parade was for. And the second, I was answering for the Attorney General, who was in Sault Ste. Marie, and I pointed out that there would be legislation coming into the House. So I completely understood why I was there. I was not misinformed at all. I knew exactly why they were there. So there was no misunderstanding on my part.

Mr. Deans: I am not suggesting that the Minister was misinformed as to why he was there. I do not think though, that he understood the difficulties of the tenants.

Hon. Mr. Randall: Oh yes I did. May I just say this to you? I am a renter, my two daughters are renters. We rent apartments.

Mr. Deans: Yes; well I think that your comment in regard to perhaps the Ontario Housing Corporation undertaking such a study is one of the very difficulties that these people face. I think that a study into the conditions of tenancy has to be undertaken by an independent body. I do not think it can be properly done by someone whose purpose in life it is to control the tenancy of other people, and that is exactly what Ontario Housing Corporation is doing.

The Ontario Housing Corporation, by its very nature, is involved in attempting to keep a certain segment of society in housing, and it does not understand the problems these people are facing and, it never will be able to understand the problems these people are facing because it has not got the time nor the manpower, nor perhaps even the initiative—I do not know, some may have and some may not—to try to understand how difficult it is, socially and economically, to be faced with the problem of living there for the rest of your life, unable to make ends meet. I think that this kind of a study can be undertaken by the economic council much more intelligently, because they can stand back and take a serious look at it without being fully involved in the difficulties.

This is why I ask you not to hand this over to the Ontario Housing Corporation but rather to give it to the economic council, or another independent body; but at least one with some resource material, some resourceful persons, so that they might make an adept study of the problem.

Hon. Mr. Randall: Mr. Chairman, I would be glad to take it under consideration. But may I just point out to the hon. member that Mrs. A. S. W. Plumptree, who is the chairman of the committee on urban problems, will be glad to have any submissions he, or anybody else, has, with regard to the difficulties and the recommendations that you would have. We have no objection whatsoever to asking Mrs. Plumptree to take a look at this situation, and see if the economic council should study it. Perhaps it is a good suggestion.

But she is into the problem right now.

Mr. Deans: Since you have no objections, could I elicit a statement from you that you will do it?

Hon. Mr. Randall: I would have to give it careful consideration.

Mr. J. E. Stokes (Thunder Bay): Mr. Chairman, I would like to ask the Minister specifically, what plans he has for some activity by the Ontario Economic Council for northern Ontario.

It has been suggested on many, many occasions that the Ontario Economic Council should busy itself with the natural resources in that part of the province. It is common knowledge that mining companies are sitting on huge tracts of land with exploitable resources in those areas. To be specific, I am talking about Anaconda.

The Minister of Mines has assured me they are going to get into production north of Nakina. He has been assuring me of this for well over a year. I am wondering, does the Minister not think that this would be a function of the economic council in view of the statements made by the Premier a little over a year ago, at the Lakehead, where they would have to make better use of the resources in the area in order to bring this kind of development to the communities; to make them viable so they can provide the kind of services that are so necessary and are expected by the people in that area.

I would also like to ask the Minister if he would have the Ontario Economic Council look into the huge tracts of land that are held under licence by timber companies; take the E. B. Eddy Company who has been sitting on thousands of square miles of merchantable timber for years and there is no urging on behalf of any department of this government to have them exploit it. I think we are a net importer of lumber in this province and yet we have huge tracts of land left standing and I daresay a good part of the acreage is becoming overmature while we are a net importer of lumber.

I was also wondering if the Minister would not have the Ontario Economic Council look into the feasibility of a primary steel industry to establish a growth centre, in northwestern Ontario.

As you know, we do export a considerable tonnage from Steep Rock, and we have got Bruce Lake, which is a source of pellet at the present time. We have got the Lake St. Joseph property. We have got the Anaconda property. We have got the Canfer property, we have got the Little Longlac property. All of these are known resources in the area, and northwestern Ontario in particular is crying for some kind of primary or secondary industry based on the resources in the area. I think that this government has been remiss in not bringing those into production, to provide employment for people that we are educating in the area and we have to export elsewhere, along with the natural resources, in order for them to be gainfully employed.

I think there was a survey made, and the results of it were released recently, where 8,000 people are leaving northern Ontario annually; and these are professional and skilled people, who have been educated at considerable expense in northwestern Ontario, yet are leaving to get jobs elsewhere. The Prime Minister, on September 12, 1968, had this to say:

> Among the industrialized nations of the world we are still a young country. As we move into our second century as a country and as a province, Ontario's progress may well be identified with the growth and change which is taking place in our northern areas. In recent years there has been a worldwide awakening to the possibilities of more social as well as economic stability for existing communities and new centres of production; as technology steps up the rate of change in our society, the prospects multiply for further development in northern regions. For example, the inauguration of the Moosonee development area board in August (and I assume that is August of 1968) is a significant illustration of the change which is occurring. This involves federal, provincial and local responsibility for public services in the creation of a stronger community.

Now what, specifically, have been the benefits from this area development board in Moosonee which was established 14 to 15 months ago? I would like the Minister to answer that for me and ask if he will undertake to have the economic council conduct a survey of the potential resources in northwestern Ontario so that these huge land barons will not be sitting on these huge tracts of merchantable timber and known mineral resources for sometimes 20 and 30 years with no commitment to develop them at a time when we are allowing communities and service centres in northern Ontario to die for the want of a viable base.

I would also ask him if he would undertake to have the economic council conduct a survey of transportation costs in order that we might bring down the costs of transporting materials in and out of northwestern Ontario, so that we can compete for markets in other centres where the populations are much greater.

I think that if you are going to assist people in these remote areas to become competitive and to get into the mainstream of the industrial economy of this province, you are going to come up with a realistic transportation structure in order to allow them to accomplish this and I wonder if the Minister would undertake to give me that kind of a commitment at this time.

Hon. Mr. Randall: Mr. Chairman, through you to the hon. member for Thunder Bay, may I suggest that the economic council has been doing some of that work in the past; it is already being undertaken. First of all, as a transportation study, you heard about the airfields from the Minister of Transport when his estimates were on. This study originated with the economic council.

Mr. Stokes: That has nothing to do with transportation costs.

Hon. Mr. Randall: Wait a minute. Wait a minute now. We are talking about transportation in the north country. I am just telling you that the transportation study undertaken at that time recommended that they get busy and put in some airfields in northern Ontario and, as the Minister of Transport has already said, that is under way.

Another report went forward to the Minister of Lands and Forests (Mr. Brunelle) in regards to timber rights and things you brought up, and he has it under study right now.

There was a complete study done by the economic council and I presume, when his estimates are in, the Minister will bring in some recommendations for you to consider.

In the matter of mining, the hon. Minister of Mines (Mr. A. F. Lawrence) has adopted a number of recommendations from the economic council report with regard to things in

northern Ontario which we feel will be of great benefit to northern Ontario. He is now trying to implement those and has implemented some in the legislation he brought through last year.

As far as my department is concerned, ODC recognized the needs for industry in northern Ontario and as I said when I was in Timmins, something like 31 industries have gone up there; 24 since we started ODC.

Mr. Stokes: Two.

Hon. Mr. Randall: No, no. In northern Ontario there are 24. You are talking about—

Mr. Stokes: I am talking about new industries.

Hon. Mr. Randall: —You are talking about northwestern Ontario—

Mr. Stokes: I am talking about new industry in northern Ontario.

Hon. Mr. Randall: I am telling you there are 24 industries gone up in northern Ontario since ODC was started.

Mr. Stokes: No, there is not.

Hon. Mr. Randall: Well, I will read them off to you when we get to ODC. I will read them off for you, and I might—

Mr. Stokes: Only two new industries.

Hon. Mr. Randall: I might also say that when I was in Europe a few months ago, I had the opportunity of talking to some Italian manufacturers in the steel business and suggested, as you have suggested, in northwestern Ontario, we have great quantities of iron ore that have not been touched yet, besides Steep Rock, and that if they wanted to come into this area of Ontario and find themselves an iron ore body and pelletize it like others have done, we felt that they could manufacture steel and manufacture it very economically. So through the Department of Trade and Industry we are trying to sell northern Ontario as a place to start a manufacturing operation.

But there is a great deal going on through the economic council now for northern Ontario.

I believe in studies, as I think the member does, but I do believe you can study a thing to death. As the member from Timmins said a few minutes ago, "We are tired of studies, let's get some action." And I think this is what we are trying to do in northern Ontario with the many programmes we have under way.

Mr. Lewis: You are just holding conferences now.

Hon. Mr. Randall: Oh, come, come now. Relax, do not get excited.

Mr. Lewis: There is nothing happening.

Hon. Mr. Randall: Nothing happening! Do not sell northern Ontario down the drain again. We have a hard job getting people to invest up there because you fellows keep selling it down the drain. Give it a break.

Interjections by hon. members.

Hon. Mr. Randall: The Moosonee development board has been set up with The Department of Municipal Affairs; it is not under my jurisdiction nor the economic council, it was set up in August last year. At the present time I do not think they have made any reports as to what has happened unless the Minister of Municipal Affairs has some further information for you, but I would say these things we are doing, some of these things have been done by the economic council and the reports are in the hands of the Ministers concerned.

Mr. E. W. Martel (Sudbury East): Mr. Chairman, I did not intend to get in on this but the comments by the Minister—

Hon. Mr. Randall: Everybody might as well.

Mr. Martel: The comments by the Minister with respect to northern Ontario leave me no alternative.

I want to ask the Minister—and he indicated a few moments ago they were going to study northern Ontario again, I am glad to see it being studied again, it must be for the I do not know how many hundredth time that they studied it and I am still looking for substantial secondary industry. The Minister says there is some there, but I fail to see it in my area. I want to know if we are going to get something big, Mr. Chairman, something like copper tubing or copper wire or something related to the nickel industry in the Sudbury area. This is the type of development we are interested in, we are tired of piddley little things that allow drainage of 8,000 of our young people per year to the south. I think it is time that possibly we should start looking into the whole field of grants and loans and saying to the industry that is going there, giving them the following option: "We will

give you a grant or a loan or we will let you use the federal government's new incentive programme, but you must process to a finished goods, a certain percentage of the raw material that is extracted from the ground."

Mr. Chairman, the Minister would have them lined up, knee deep down here, trying to get him to get loans, as they would at the federal level. If some government had the guts to say to him that a better proportion of this is going to be processed to a finished commodity in the area where it is extracted from the ground for the benefit of the people there.

I am wondering if the Minister realizes that we pay the education costs in northern Ontario up to the grade 13 level and beyond that they are gone. We bear that burden, Mr. Chairman, year in and year out. And in our industries that we have, the age factor is getting older, so you can say we are selling ourselves short, this government sold us short. You take in the Sudbury area alone where you have had your phony tax system for X number of years while many of our new municipalities around the city of Sudbury do not have any of the amenities, through the phony tax system of not allowing us to tax the smelters and refineries equitably. This is just one area.

Mr. Lawlor: They will not even pass legislation when the people offer to pay the taxes.

Mr. Martel: I am asking the Minister for one thing; let us have a little bit of courage and say you are going to process in the north and let us also look at one other problem. What effect has the reduced rates to the railroad on taking raw material out of the north got, as opposed to the rate charged for taking finished commodities north, with keeping the north the way it is, without secondary industry?

Maybe this is an area that should be studied, the railroading transportation costs, because it is no secret that they can haul a ton of steel or iron ore out of the north for $1.60 but it takes $30 to haul a ton of fertilizer north. It is no secret that a ton of coal—and the argument the Minister will give is, that different types of box cars are necessary—it is an interesting fact, Mr. Chairman, that a ton of coal in the same type of car, or almost the same type, as a ton of raw material goes north for 20 cents a ton more than you ship raw material out.

This distortion of transportation, I think, is the key to why no one ever develops in the north, beyond the primary resources, which is the thing that is killing us in the north. Perhaps if we got down to looking at equalizing the freight rates a good deal more—and I realize it is federal—but equalizing the rates of finished goods going north with raw materials coming south would be more profitable for industry to process and eliminate the waste product that is being hauled to the south, and maybe the ONR can lead the way. Because in the final analysis, Mr. Chairman, it is the taxpayers of Canada who subsidize the railroads to give the subsidies to the corporations who are hauling this raw material out at a much reduced rate.

I think there is another area that must be considered and perhaps the economic council could get involved in that. I would certainly appreciate the Minister's comments on my two points of (a) percentages of the raw material being finished to its ultimate in the north and (b) a study of what freight rates, the differential south and north, are doing to prevent the development of northern Ontario.

Hon. Mr. Randall: Mr. Chairman, I think the hon. member recognizes that the Minister of Mines has already taken a step to get more processing done in the north, in the mining industry. I might also say to the hon. member that I never talk to any manufacturers down here that I do not say, "Why don't you get these goods manufactured in Ontario?" and the guy says, "Where?" and I say, "Why don't you try Timmins or Cochrane or Moosonee or Hearst?" and he says, "Are you crazy, look how far it is from Toronto." I say, "You know, while you are telling me that, you are buying goods from Taiwan and Hong Kong. You take eight or nine months to get them and then you hire a nice big warehouse to put them in and hold them for the day you put them on sale; and we have just as many talented people up north as they have in these countries that are perhaps six or seven months away from the province of Ontario."

One of these days I think perhaps we will be able to sell them on the fact that distances in Ontario are nothing, and I might also say to the hon. member—and I do not think this is any secret—when I sat down with Mr. Marchand and discussed the incentive programme with the federal government, I said, "If you will leave the incentive programme to the provinces to decide where best they can serve the needs of industry and the needs of the people with their own incentive programme and you take the sums of money that you are talking about and, instead of competing with us, you use that to equalize freight rates from one end of this country to

the other, it will make no difference if a man manufactures washing machines in Halifax or Vancouver, they will get to the market at the same time and at the same price."

This, of course, was not accepted. As you know, the federal government has come out with a very elaborate incentive programme up to, I think, $75,000 a job, and up to $12 million if a man wants to start a business providing it is secondary industry. We are not going to get anybody to go anywhere into an area on secondary industry when he stops to figure out what happens when the incentive runs out. And I suggest to you that many manufacturers could go into northern Ontario —and this has been suggested to me on more than one occasion—if there was an equalization of freight rates. When we talk about equalization of freight rates you all say why do not the ONR do it. As you know, the ONR is the only railroad I believe owned by a province. The CNR is subsidized by the federal government, year in and year out. The CPR do not make their money on the railroad, they make it from a lot of other things which the ONR do not have, so we are faced with a problem here of financing a railroad that is not a profitable situation for us. On the other hand it serves the people of Ontario.

We would be very happy—perhaps I do not speak for the Minister in charge—to sell that to the CNR and let it be subsidized by the federal government, but coming back to the basic—

Mr. R. S. Smith (Nipissing): It made money last year, and it's making money this year.

Hon. Mr. Randall: Coming back to the basic need for industry in Ontario, as well as the rest of Canada, I think the federal government's incentive money could well be used to do as you have suggested, that is to equalize freight rates. I know of no quicker way that you can get industry going into areas where people want to work, where people have the skills, and where we know we can get the products to market within a matter of six or seven hours, so distance does not faze me one iota.

I can talk to Eaton's and Simpson's and tell them if they want to buy men's shirts, I can make them in Timmins and have them down to Toronto the very next morning before the store opens at eight o'clock, so do not tell me that it is too far away. I have been discussing this with many of my manufacturing and retailing friends since I came into government. Perhaps one of these days I will win one.

Mr. Martel: Just one other point, Mr. Chairman, and I realize this is a tough one; what effect would it have if we said to industry that you must process a percentage where the material is produced? I think they would line up for that new federal incentive programme half way down the block. But as a percentage on a trial basis, let us say so much of the nickel must be turned into a nickel commodity in the Sudbury area where we have the people – we have Cambrian College in the university, and so on, that could train the people in any field of endeavour that we needed for managerial purposes.

Try some indiscriminate figure—10 per cent —and say let us have one locate there. They would get the loan, there is no problem, they would get up to $12 million—and just see what the impact would be on the rest of Ontario and the rest of northern Canada as a whole.

I realize it would take a government with a lot of courage to do it but it might be just the thing that is going to eventually make capital realize—and I am afraid private capital has done a lousy job as far as secondary industry in the north is concerned—I think at last it will make them realize that they have an onus and a responsibility to the people—not just to the shareholders—but to the people of the area they are from.

Vote 2205 agreed to.

On vote 2206:

Mr. Chairman: Vote 2206, Exposition Development. The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I am interested in this new Ontario government building at the Canadian National Exhibition. First, I want to say that I heartily endorse the development of the Toronto waterfront. It is long overdue and it is something that I hope will be a tremendous development in the years to come, but I would like to learn from the Minister whether or not this building that is now being constructed is part of an overall plan, or if it was just thought up off the top of the Minister's head or the planners. What is the overall scheme for that area?

Hon. Mr. Randall: It is part of an overall plan. This is the first stage of an overall plan for the waterfront off the exhibition grounds. I would be inclined to believe that when this has been completed, which is 80 acres of land plus useable water—when I say useable water,

lagoons and so on—that much more will be done to the west of that in order to change the face of the exhibition. And towards the airport area we anticipate there will be some fill take place out there to change the whole island concept out into Lake Ontario. So this is the first phase of a very major programme for the waterfront whereby the government can take the initiative.

Mr. Totter: Is it true that perhaps where the island airport is now you will have approximately 70,000 people living in that area as part of the concept, or is it just newspaper talk?

Hon. Mr. Randall: No there are some plans afoot to decide how best that island airport can be used for the benefit of the people of Ontario, and we have some plans that we are working on that we hope will be acceptable to those involved—I am talking now about metro, the city of Toronto, the Harbour Commission. We have had numerous meetings—I think there are one or two meetings a week going on—with all the commissioners and people involved. I have met with Mr. Allen in the past, I will meet with Mr. Campbell in the future; I have met with the Harbour Commission; I meet with the Board of Control of the City of Toronto, and I would hope in the next month or two we can evolve a programme whereby the whole waterfront plan, as we foresee it, can become part of that whole metro waterfront plan that was released some time ago.

That runs, as you know, from Burlington right out to Pickering. That is a very extensive plan and will take many, many years to develop, but we feel this is the first phase, the other phases we anticipate will follow, and I hope, in the very near future.

Mr. Trotter: People who are interested in that area, let us say in sporting activities, and have taken an interest over the years, are deeply concerned when they see some building suddenly start up. In fact, I think I contacted the Minister privately, or his department, as to what facilities would be available for such a group as the Argonaut Rowing Club which normally has used the seaway. Of course, they are a group that have long believed that the lake frontage should be developed simply because it is a tremendous asset to have, not only for people to live but for the sporting activities having to do with the use of water.

When a building is just announced and through you it gets a play in the press and you have the model, etc., it still does not show the people who are interested in the lake front and still use it just what is going to happen, and this is why I think it is important that the government should come out with the overall plan. Now I know that when you plan things for years ahead and maybe try to stage it we cannot expect to see every detail as things are going to be in 1880, but I think it is wise that we know what is going to happen. Have you any idea what the overall cost will be?

Hon. Mr. Randall: May I say this to the hon. member, we have discussed this with the Argonaut Rowing Club and the navy association down there. They are very enthusiastic about what is happening, as you know. The land fill is now right from the mainland out, but once those islands are completed the land fill from the mainland will be dug out again and lagoons will be in there as they were before, inside of the breakwater. The Argonaut Rowing Club could not row on the lake anyway when it was rough On this basis they will be able to row any day in the year except when there is ice on the water. I would think there will be better facilities for such things as the rowing club, the navy group down there, anybody else—the canoe club—once the facilities have been completed.

Insofar as the other phase of the programme, we are now looking at the means of getting people in and getting people out and what is going to happen to the western gap. As you know the eastern gap has a major problem because the sand that is washed away from Scarborough bluffs fills in the eastern gap and the steamships cannot use it. That has now been dredged out. Most of that sand is going into our fill over there or going into the fill that is one the other side of the eastern gap, and that neck that comes out now the other side of the eastern gap by Cherry Street is now gathering all the sand that is washed off Scarborough bluffs and is building a beach area there, and I hope one of these days that area can be developed into a commercial centre that will be a great deal more use than the area we have at Hanlan's Point which can be developed with some rearrangement and fill into living space for people and more park land than exists there at the present time.

So this is the phase that we are examining right now and when we get through, of course we have to talk to our municipal partners before making releases to anybody, but once they are in agreement and the programme is established I am quite sure we are going to be very happy with it.

I think you asked me something about cost, the cost for the whole programme? Well I would say if you are going to put 60 or 70 thousand people out there the cost would be several hundreds of millions of dollars which is all self liquidating because if you want to look at the cost of land today that land fill out there roughly is worth about $250,000 an acre just as it sits with nothing on it.

Now if you want to build commercial properties on there and develop that land for a return on investment, it can be worth a lot more than that. For instance, I think they took an option on the terminal warehouse building for $600,000 an acre. That is ten acres worth $6 million. Well we say the land that is to the west of that and off on the island is worth a lot more money than the terminal warehouse site. But we have an estimated value on it now, of all that land fill, of roughly $250,000 an acre. But when you put that many people out there you have to be able to get them out and you have to bring them back. The reason I mention the eastern gap is that the talk is that perhaps the western gap will be closed over; there will be a flow of water through there to keep the bay clear, let fresh water in but not necessarily be a channel for large boats any longer. And the eastern gap will be able to handle large boats from here on in.

So these are some of the things that we are discussing with harbour commission. The federal government are involved through the harbour commission and through the airport and I would hope, in the next month or two, we can have some more definite plans and, as you say, let the people in on it.

Mr. Trotter: One thing that is rather strange when we talk about putting people back on the island is, for years we have been busy expropriating people who have been on that island for years, some of them expropriated unfairly quite frankly, in my view, but we now have the odd situation of putting the people back on the island and of course, you can understand why the public as well as myself is confused about government policy.

Hon. Mr. Randall: Let me say that before they built the railway terminus up north of Highway 7 where they can handle five thousand freight cars a day they needed that facility down there for freight cars. Now the railway claims that they do not need that facility and as you know there are 170 acres down there by the two railways to be developed into a commercial and a residential complex.

Many of the major buildings down there, such as the post office, will have to come down if this complex is to go ahead. But if you build that complex there, certainly that is the best living space I know of in Toronto for people. And there is no reason why the people, I am talking about our people, the modest income people, cannot enjoy living conditions down there on the waterfront. Why does it have to be freight sheds and warehouses? That is an area which, in my estimation, in the next 15 or 20 years, will be cleaned up, and it will become a very good residential area for the modest income people as well as people in every other category.

Mr. Singer: But I am not sure that I understand the Minister at all. At one stage you are talking about the piece of the waterfront on the north side of the bay. And, in another breath, you are talking about putting people back on the island.

Now let us make this abundantly clear. Is the Minister suggesting that after all the toil and tribulation and trouble and expense that Metropolitan Toronto has gone through to clear people off the island, that he is going to put people back on it? Is that what he is suggesting?

Have you consulted with the city of Toronto about this? Or all the people who were unhappy about being moved off the island? You are now going to destroy the farms, and the parkland and so on—the municipality of Metropolitan Toronto created this beautiful parkland, and you are going to put people back on it. Is that correct? Have you got a deal with the municipality of Metropolitan Toronto in connection—what did they say? Have you spoken to Mr. Allen, or Mr. Campbell, or the metropolitan council, city of Toronto council? Well, that is a shocking thing.

Hon. Mr. Randall: All the commissioners.

Mr. Singer: All the commissioners?

Hon. Mr. Randall: Oh yes.

Mr. Singer: How about the council of the city of Toronto, have you spoken to them? What is their view?

Hon. Mr. Randall: Oh, they are excited.

Mr. Singer: They are excited about putting people back on the island?

An hon. member: He said it before—

Mr. Singer: Well, Mr. Chairman, with the greatest respect, the Minister has stuck his foot back in his mouth again. I just do not believe it. Now if that is unparliamentary, I say it again—I just do not believe that you have a single municipal politician in this area who believes it makes sense to put people back on the island after all the years of trouble that they have gone to to take them off the island, and to build this wonderful park system.

Hon. Mr. Randall: Well, Mr. Chairman—

Mr. Singer: Utter nonsense.

Hon. Mr. Randall: —it sounds like the hon. member is confused, as usual. Let me just point out there is something like—he is not even listening. I do not think he is interested, is he?

Mr. Singer: Oh, I am interested.

Hon. Mr. Randall: Oh are you? All right.

An hon. member: He does not know much about the island.

Mr. Singer: I lived there for 25 years. I know quite a bit about it.

Hon. Mr. Randall: Well, maybe you are one of the reasons why they moved them off; you never can tell.

Mr. Singer: I know much more about it than you will ever know—

Hon. Mr. Randall: Let me suggest to the hon. member that much of that is going to be new land fill. If you can visualize the water that laps on the westerly shore of the island airport—I think a duck would have a hard job getting its feet wet in there. In there, you can fill in 185 acres of land which right now is useless. Sailboats run aground, the ducks cannot use it, it is polluted, and what have you. In that area there you can fill in—

Mr. Stokes: And you are going to pollute it further.

Hon. Mr. Randall: In that area there, you can put in 185 acres of fill without too much difficulty, and when you get through with all that you will wind up with roughly five or six hundred acres of land. When you finish laying out the programme as we anticipate, you will have more lagoons, more parks space, more greenbelt than you ever had before in your life.

Now, all you have to do is live long enough to see it happen. I do not think it will happen for me, but it will surely happen for a young fellow like you.

Mr. Singer: All right. Now let me understand this—make it abundantly clear. If you are talking about creating new land by land fill, that is an entirely different thing. But are you talking about putting people back on Ward's Island, back on Centre Island, back on Sunfish Island, and back on that whole series of islands that Toronto spent hundreds of thousands, or millions of dollars to clear; the islands where Tommy Thompson spent years of his life trying to build up a park system beyond compare with anywhere else. You are going to scrap all that, and put people back on? Is that what you said?

Hon. Mr. Randall: No.

Mr. Singer: Well, that is what it sounded like.

Hon. Mr. Randall: I just heard that Tommy Thompson is one of our greatest boosters.

Mr. Singer: Yes, I am sure he is.

Hon. Mr. Randall: He recognizes what is going to happen. And the island part we are talking about, my hon. friend, is the Hanlan's Point area with—

Mr. Singer: Oh the new island you are going to build?

Hon. Mr. Randall: No, no. You have got an airport there now that will go somewhere else.

Mr. Singer: There is nobody living there.

Hon. Mr. Randall: No, there is nobody there. You have got an airport there. That may disappear, and you have got another 185 acres of land to be added to it. That is where you will get your greenbelts, and so forth and so on, and everybody is very happy.

Mr. Singer: Well, you have drawn your horns back in awfully quickly.

Hon. Mr. Randall: Oh no, I have not.

Mr. Singer: You know, Mr. Chairman, that the fascinating thing about this Minister is that he loves to make grandiose statements and, if he can get away with them, it sounds wonderful. It is obvious that he does not know one end of the island from the other at this point. And I am sure he does

not mean that he is going to destroy what metropolitan has built up over the last ten, or 12, or 15 years. If he does mean that I wish he would get up and say it.

Hon. Mr. Randall: I did not say that.

Interjection by an hon. member.

Mr. Singer: Because there are a lot of people here in this metropolitan Toronto area who would like to hear that. Now it is all very well for the Minister of Correctional Institutions to say he did not say it; but he did say it, and we all heard him say it. And that Minister, if he wants to get up and protect him, go ahead. But it is quite clear what the Minister said. The Minister said: "We are going to put people back on the island, and we are going to destroy what metropolitan Toronto has been doing for all these years".

Hon. Mr. Randall: No, no, no. You are all confused.

Mr. Singer: Yes, yes, yes.

Hon. Mr. Randall: You are confused as usual.

Mr. G. Ben (Humber): Mr. Chairman, I do find it humorous to get up here and have the island discussed. I sat on council when there was a lot of controversy about whether it should become a sterile park, or whether it should become something viable and living and, for the benefit of my dear colleague here, it is now barren of people.

But it was not the choice of the city of Toronto as much as it was something that was forced upon them by the suburbs. The majority of the citizens of Toronto had second thoughts about completely denuding the islands of people. We felt that there could have been a compromise. There could have been. At the present time it is a fantastic bit of parkland for which $14 million was budgeted over a period of years, and it is reaching the point where it is going to be all spent.

The trouble is most of the time it is only utilized on the weekends, for about three months of the year—and that is a pretty high investment. If it is going to be used properly, there should be better access to it other than the ferry that they use now. Something should be done to utilize it all year, except for the four or five months in the summer.

Insofar as the idea of fill is concerned, Mr. Chairman, it would appear to me that most of the people here have forgotten that one of the newspapers in this city, the *Telegram*, to be more exact, spent some months, and an unknown sum, to bring a man by the name of Buckminster Fuller to this city to make a study; and then propose what could be done with, not the waterfront, but with the southern part of Metro Toronto, including the area south of College Street, or for that matter, how Toronto should be redeveloped.

But Mr. Fuller's plan and vision was for creating a sort of a Venice on our waterfront, and included, first of all, moving the airport to another location; secondly, filling an extensive area of the lake to create a series of lagoons and islands which would contain over 100,000 people in a city of high-rise maisonettes and the like.

I mention that because I would not want it to be suggested for one minute, or the impression left, that this government or one of its Ministers, came up with the idea of creating islands to the south, or filling in 182 acres, or any specific number of acres.

Hon. Mr. Grossman: Well the other fellows talk, Randall creates.

Mr. Ben: I beg your pardon.

Hon. Mr. MacNaughton: We are just doing something about it.

Mr. Ben: Yes, it is true that the Minister says they are moving some fill, but why in heaven's name, may I humbly ask, could the government not have filled in part of the waterfront in such a manner that it would have had some relation to what Buckminster Fuller proposed? Or at least, have seriously studied his plan and come up with an alternative to it, and then started the filling in conjunction with Fuller's concept, or its variation of Fuller's concept, or its novel or unique concept? But why do they start filling in at the exhibition—not having any broad idea or concept, or 20 year plan, or 30 year plan, or 50 year plan? We would know what we are doing, and why we are doing it, and when it is going to be completed.

Mr. Lewis: You could put a geodesic dome on Hanlan's Point.

Mr. Ben: It may be a valid idea, but the question arises, is it for the purposes of keeping industry or for the purpose of keeping them out?

That is all we have at the present time. But the fact remains, that it is still rather strange that in a country this size, we have to acquire land for habitation and commerce by taking

soil from one location and dumping it into another to create habitable sites. What I am talking about is that it is strange that in a country this size, over three million square miles, we still create land by filling in water, when we have so much other land around. I was just asking that rhetorical question.

At any rate, Mr. Chairman, I applaud what the Minister is doing for the exhibition, it is long overdue. It is the first time that anything has been done by this government for the exhibition, if my memory serves me correctly, since the Ontario pavilion was constructed. Incidentally, my two youngsters will give you A plus for that little railway you have in that building, but this is the first time that you have done anything for it, your capital city. What else have you done for it? You have done less for the city of Toronto, the capital of the province of Ontario, than has any other province for its capital.

An hon. member: What about the science centre?

Mr. Ben: The science centre is up in a place called Don Mills. It is not in the city of Toronto. Perhaps the hon. member for Scarborough West recognizes that it is part of the city of Toronto, but there are a lot of other suburbanites who do not.

Hon. Mr. Grossman: How many?

Mr. Ben: One sitting right here. At any rate, Mr. Chairman, I do think that the government ought to at least pass judgment on Buckminster Fuller's idea, or his concept, or plan, or however you want to treat it. If you do not like it, come out with an alternative. And if you think it can be modified, do so. Come out and say this is what we think the waterfront of Toronto ought to look like. If you do not like it at all, say so, but at least do something positive about it.

An hon. member: Let us hear what you think about Buckminster Fuller.

Mr. Chairman: Is vote 2206 carried?

Hon. Mr. Randall: May I just say that I have had a few meetings with Mr. Buckminster Fuller, and Mr. Gerry Gladstone. Our people have been to Buffalo and met them over there, and his concept is a good concept, we do not depreciate it in any way, shape, or form. We just simply say that we think we have a better one and our programme is to meet the metro waterfront plan and this is the first. It is the first phase of the metro waterfront plan which has been developed with a lot of effort and a lot of energy by all the people involved in the municipal levels of government.

I think you must remember also, that Mr. Buckminster Fuller talked about building an arcade up Yonge Street and University Avenue. This means you would have to go and expropriate all those properties, throw all those people out of there. All those stores, all those streets would have to be widened.

Mr. Ben: Why must it be above ground, why not under ground?

Hon. Mr. Randall: Wait a minute, let me finish. If you want the concept that he is talking about, with the arcade and all that he wants there, this is what would have to be done. He recognized that. We have had lengthy discussions on it. He also suggested that he would take his project perhaps back out on the water on floating pontoons. This is a good idea, it has never been done before, and it may be very costly, I do not know. But we think we can do what Buckminster Fuller wants to do, with our concept at the island and off the exhibition grounds.

I might say that your own leader, as you recall in the last election, said that the government should put up $250 million to develop the waterfront property, and guarantee any builder that goes in there to get it done. Well, we are getting it done without having to guarantee anything unless we are going to get our bucks back. Here is an article from our good friend, Philip Givens. He said:

> It is goofy to let the Ontario government steal the show away from us. It is a marvellous project, and it is regrettable there are no plans for a federal one.

Former Toronto mayor, Liberal MP, Philip Givens said, "Some Cabinet Ministers feel the CNE is not worth the powder to blow it up."

I think Phil is on our side in that, I think he has been very helpful to us, but we do not disparage Buckminster Fuller's programme, and I think the man is going to get off the ground. They are working on one for him down in Baltimore. But I think it is a very expensive concept for us to start with when we have to bring it on the mainland and start expropriating property and tearing down certain streets in order to make it fit.

Mr. Singer: Mr. Chairman, just to make it abundantly clear; do I understand the Minister proposes to put a housing development on the existing Toronto island?

Hon. Mr. Randall: May I just say, not islands; we are talking about Hanlan's Point island, which is where the airport is, plus fill.

Mr. Singer: Now you have considered a bit?

Hon. Mr. Randall: You are confused again.

Mr. Singer: You are not going to destroy the work that Tommy Thomson has done over the years, the millions of dollars that metro has spent to have a parks system. Well, that is fine, I am glad we have finally worked that one out.

Hon. Mr. Grossman: He said that four times.

Mr. Singer: No, he did not say it at all, and you know he did not say it.

Mr. Chairman: Order, the hon. member for High Park.

Mr. M. Shulman (High Park): Mr. Chairman, there is one point that has come out that is upsetting to me, and it is in relation to the airport. If you are going to shut that airport without making other facilities available around Toronto, you are going to create a chaotic situation at Malton. Have you arranged other facilities to take care of the numerous small planes that come to Toronto and land at the airport.

Hon. Mr. Randall: Perhaps I did not make it as clear as I should have done. The new land fill that is going out the other side of the eastern gap, is coming out there to a depth of about 30 feet at the far end, and then it starts to go back in again as you go east towards Woodbine. It is envisioned that this can be filled in and that it can become an even better airport than the one they have at the present time. It may also be able to take some of the planes coming from Winnipeg and Montreal—some of the traffic that is going into Malton right now. That is under study by the transportation board up in Ottawa, they have discussed it with some of our people here in Toronto.

I think they are figuring on runways long enough to take some of the smaller aircraft that I am talking about now, the Montreal run, the Winnipeg run, onto that runway down there, and perhaps take some of the traffic out of Malton; then they will be able to expand Malton to handle some of the bigger airplanes that are going to come in.

Then, of course, there is the discussion on whether they should build a new airport elsewhere. I have heard Uxbridge and 50,000 other places—I do not think they have quite made up their minds where the new airport should go, if they decide to build for jumbo aircraft. In the meantime, we feel the same as you do, we use it quite a bit ourselves and if there are going to be changes down there, if the airplanes have to go somewhere, we better make sure they are going there before we take them off the island.

Mr. Trotter: Just a couple of things I would like to know further on this, Mr. Chairman. The one thing that did disturb me in the Minister's remarks was that he jokingly said that he did not expect to live to see it and you had to be young if you were going to live long enough to see it finished. Is there any staged plan?

I do not expect this will take anything like 50 years; it should be a relatively short time, should it not, that is, the basic improvement? What I have in mind, I also understand that Canadian Pacific, CNR, where they have their freight yards at the front, on the lakeshore frontage, that they too are going to begin to develop an area in the very near future. Is that not correct? Well then, could the Minister give us any approximate idea of how long this might take?

Mr. Singer: Not within his lifetime or yours.

Mr. Trotter: I think the Minister is being facetious—I hope he is being facetious—when he says that.

Hon. Mr. Randall: No, I am not being facetious. I am just suggesting to you that the programme that is envisioned down there is about at least $2 billion worth of construction, I am talking of CN and CP and their plan is—over a period of 15 or 20 years—to tear up those tracks, tear out all those buildings, tear out some of the major buildings downtown, and our project we think will start and be finished long before the 15 years.

But the major problem would be, and you can recognize it, if you are going to put people on that island there must be transportation across that railway property to the island and back again. This is the thing right now that is being planned with the CN and CP to make sure that our plans dovetail with theirs. So I was not being facetious when I said I might not live that long; perhaps I will but I will not be doing that job. I am just suggesting that this is within the next 15 or 20 years, this plan will be an ongoing programme and I would hope some of that waterfront development such as our own will get underway in the next year or so.

Mr. Trotter: Well, it sure sounds better than the lakeshore raceway, I will tell you that.

Mr. J. Renwick: Mr. Chairman, I would just like to ask the Minister if he would perhaps elaborate a little more on that area fronting on the riding of Riverdale, east of the eastern gap down through to Woodbine Avenue. Just what are the stages of those plans for the development of an airport in the area fronting on my riding?

Hon. Mr. Randall: I do not know if the member has had an opportunity to look at the Metro waterfront plan, has he seen that at all?

Mr. J. Renwick: Yes.

Hon. Mr. Randall: That involves that area there, as you know. It is my understanding that the transport board and the harbour commission have talked about that area as an enlarged area for air facilities plus the fact now that most of the harbour commission's freight facilities are in that end, that is where most of the steamships go when they want to unload. I think it was this hon. member who mentioned containers the other day. More of the freight is coming by containers and they have adequate facilities at that end of Toronto to handle containership, more so than they did when they were docking where the ferries are downtown, which is now being turned into a redevelopment area by the harbour commission.

So most of the commercial enterprises, we believe, will be towards that end of the bay, that end of the eastern gap, and if air freight steps up, which I am sure it is going to, this is where they hope they can use that facility down there to bring in the larger planes that I told the member about a minute ago. So it is quite possible if you look at that Metro plan, if it comes to fruition, that whole area will be changed down there.

Mr. Chairman: On vote 2206; the hon. member for Windsor West.

Mr. Peacock: May I ask the Minister, Mr. Chairman, if item 2 of this vote headed "Ontario government building – Canadian National Exhibition" refers to the present building—is that correct—rather than to the new pavilion which he announced earlier this year?

Hon. Mr. Randall: No, the present building is handled by The Department of Public Works if there are any repairs or maintenance or new displays in there. This vote here is just for the waterfront programme.

Mr. Peacock: Mr. Chairman, when the Minister announced this new pavilion, I understood that most of the money was to be spent in this fiscal year.

Hon. Mr. Randall: No, we felt that this amount of money would take care of our needs for this year. And I might say we spent roughly about $600,000 to date. We have commitments, I would say, for about another $3 million, which we may require before the end of March. But it depends how quickly the erectors of the steel get going with the project. We believe we have sufficient money in our budget right now to do until after the end of the year, because when the project was started the land fill was the thing we had to get done first and the land fill is a month ahead of schedule. We are getting plenty of land fill in there and the project is moving ahead at a fairly rapid pace. This may mean that we will have to spend a little more money than we anticipated by the end of March, but we will cross that bridge when we come to it. In the meantime, we have sufficient funds voted here to get the project underway and pay our way.

Mr. Lewis: Mr. Chairman, just before this vote carries, is any of the money—I will not ask that—I will simply ask directly, has the film for the 1970 Expo been produced now? Is it completed?

Hon. Mr. Randall: It is in the process of being produced. About 180,000 feet of film has been shot by Christopher Chapman. The editing, of course has not been done yet. They will not start to edit and put the programme together until after the first of the year. So I expect that we will have a first showing some time in January of what the finished product is going to be, as we did before Expo '67, but I doubt whether we will see the finished product until almost a week or so before Expo '70 opens up on March 15. He is also well ahead of schedule and he has done shooting in all seasons so that the film depicts Ontario in all seasons.

Mr. Lewis: Thank you.

Mr. Chairman: The hon. member for Perth.

Mr. H. Edighoffer (Perth): Mr. Chairman, this figure of $1,140,000 for participation at Osaka, is this the total figure that will be spent this year or is there any other figure shown in any other department?

Hon. Mr. Randall: That is our estimated total.

Mr. Edighoffer: The estimated total. Now, in this total is there any cost for taking people to Osaka, not just the people who are working there, but are there any people from Ontario who will be going as guests of the government?

Hon. Mr. Randall: No, there is no money in there for guests. We anticipate everybody will pay his own way. However, if we had Ontario Day, for instance, and we were taking artists out there to perform on Ontario Day as we did at Expo '67, then we would have to pay their expenses. But that has not been decided yet. Ontario Day, I think, is in July some time. So we have sufficient time to decide what we are going to do.

But I would doubt whether we will have it—we certainly will not have a contingent like we had at Expo '67, when we had almost 1,200 people—because as I announced today the special fare we get with hotel accommodation and one meal in Japan is $989, so if we were to take a troupe of 1,200 down there we could bankrupt ourselves. So I would think the programme we have will not be made up of great numbers of people. We are not anticipating taking down any guests of the government at the present time as the member suggests, just our staff.

Mr. Ben: Mr. Chairman, I am sorry, I may have missed this, but we are talking about creating a film for all seasons? Tell me, this exhibition park development, is this going to be an exposition for all seasons? In other words, will those facilities be usable during the winter or for trade fair purposes and the like?

Hon. Mr. Randall: I would say to the hon. member that we anticipate 150 days a year at Ontario Place. There are certain factilities that you can use, of course, in the spring, through the summer and fall, and then in the winter months. With our theatre we could have film festivals, there will be plenty of parking, the restaurants could operate and if the lagoons and the lake freeze over we hope to have ice skating and ice sculpturing. We would like to see how many days a year we can run Ontario Place and provide the facilities that the people of Ontario and the people of this area would like to use, but at the moment we are banking on roughly 150 days a year and on that basis we have calculated it is a good proposition for us.

Mr. Ben: Have you given any consideration, Mr. Chairman, to creating a huge trade centre similar to the one they have in Montreal, which consists of large auditoria, ample display space, contained parking and residential quarters—I say residential, that is short term of course, for the exhibitors and the people who are coming to see this exhibition?

You are spending all this money for 150 days a year, which is less than half a year. Why not build something to keep the exhibition going all year round? There is a lot of your money in there besides the taxpayers' of the city of Toronto and others. Surely it should run all year and be utilized all year, so why not a huge trade centre similar to the one in Montreal? I cannot think of the name, I think it is Bonaventure, or the like.

Hon. Mr. Randall: Let me first of all say we have made a very careful study of trade centres. I do not know of one anywhere in North America that is paying its own way; it has to be subsidized, somebody has to subsidize it. If it is going in the city of Toronto then perhaps the city of Toronto should build it and they should subsidize it along with Metro. They have looked at it also and we have looked at the possibility of putting a trade centre downtown, but the people we talked to said: "We would like to have a trade centre but we know it is going to lose money. Will the government pick up the tag?" I said, "As long as I am around they will not. If it cannot pay for itself we are not interested in a trade centre".

The exhibition has about 32 trade shows out there during the course of the year. They use the Coliseum, they use the Better Living Building, they use the Automotive Building, and we have suggested that perhaps one of these days they should have a combination trade centre and sports palace, and some of those older buildings would perhaps have to go.

Now we have heard about sports palaces—a 50,000-seat dome sports palace—and I would just like to suggest I do not think we have the athletic facilities here—ball teams, the hockey teams and that, to fill a 50,000 stadium.

We talked to Maple Leaf Gardens and they are very happy putting 18,000 or 21,000 people a night down there on Church Street where everybody can see the game. But if you had a 50,000-seat stadium you would have to have a pair of binoculars or see it on television, because you would never see

the puck on the ice, you would never see the players.

Perhaps you could play baseball in a 50,000 seat stadium but we do not have a baseball team, and I do not think that just having the stadium would attract people to baseball.

So we have gone through all the rounds of talking about the things that we could do to build that kind of facility here, and our feeling at the moment—and we have not made any decision—is that if we are going to have a trade facility, it should go to the exhibition grounds which are being utilized for about 31 or 32 shows a year, and which do help to prepay the expenses of the exhibition, and there is transportation there and back.

Now at the present time if you were to talk trade centre at the exhibition, people would say: "Well it has to be downtown like it is in Chicago, or New Orleans, or somewhere else, or they will not go out." But I think when we get finished with our programme the trade centre at the exhibition grounds will not be too far out of town, in fact it will be in town. You can visualize what we talked about here tonight, for the number of people that will be in that CNCP complex over at the island, perhaps the trade centre will be in the centre of things. From my experience of trade shows and trade centres, I lean to a combination of both—a sports palace and a trade centre—and I think it could be utilized and could make money. But if it is not going to make money, somebody had better decide who is going to subsidize it.

Mr. Ben: I am sorry, Mr. Chairman, I threw the Minister by suggesting trade centres. Actually what I had in mind was something like Place Bonaventure—I believe that is what it is called, in Montreal—which is more a convention centre than strictly a trade centre. It has facilities for extremely large conventions and it could be adapted for trade shows. I am not thinking of trade fairs of the like of Leipzig or Hanover or Milan, but shows that we presently have at the Coliseum, furniture shows and the like, but mostly conventions.

When I was on council I one time asked a tourist bureau what they deemed to be the revenue that was derived by the city from conventions and tourists and the figure they gave me was $90 million per annum. That was the city of Toronto, and that to me is a fair bit of business coming to any city.

This was five years ago and I venture to say with the expansion of hotels like the Inn-on-the-Park, the Skyline, the Seaway Towers and others of that type, it must be some place in the vicinity of $125 million a year at least, if not more.

Therefore I would think it only proper that such a project should be subsidized by the metropolitan area, by the city, by Metro council, because it undoubtedly would be bringing a considerable amount of trade into the area. You might suggest that the levy be by way of a commercial rate only as it is, in these circumstances, the commercial enterprises such as Eaton's and Simpson's and the other merchants downtown who benefit most from it. Of course everybody benefits from the tourist dollar and the trade dollar; it spreads from the downtown area—but basically speaking the greatest benefits are to be found in the core of the city.

So I think it would be only proper to build such a centre downtown. Somebody might suggest that the exhibition is not included downtown. With the commencement of the development of the area now encompassed by the railway yards and where the ancillary services are carried on and their expansion westward, undoubtedly the exhibition is going to be considered downtown. This development is going to extend all the way out to Jameson Avenue.

So it is not important whether it is in the exhibition grounds itself or over the railroad yards. The fact is this would bring so much revenue to the city and therefore to the Metro area, and therefore to this province, that I suggest it justifies such a project being at least a three-party project consisting of

(a) private developers subsidized by

(b) Metro, and

(c) the provincial government.

Or even a four-party partnership including the federal government, for obviously it will also profit by the attraction of conventions which come from outside Canada, and we have had some fantastically large conventions of that nature—the Knights of Columbus, to name one; the Lions, another; the Shriners, a third; Rotarians. We have had some very large conventions here and we could have a lot more if we had the proper facilities for them. I would suggest this would go a long way to supplying such facilities.

We have a lot of hotel facilities, but one thing we lack badly in this city is a hall or an auditorium, covered, to seat a large convention. At the present time all we can

utilize is Maple Leaf Gardens, and it is not the best place for holding a convention. I would like therefore to have the Minister's comments on the possibility of his department making overtures now to the Canadian Pacific and the Canadian National Railways who own most of the yards down there in conjunction with the city of Toronto and Metro, to see if a large convention centre—which could be used for trade shows also—could be erected as part of the railroad re-development.

Hon. Mr. Randall: Let me first of all discuss the Place Bonaventure in Montreal. It has only been up since 1967 and it is bankrupt as you know.

Mr. Ben: No, I did not know.

Hon. Mr. Randall: Yes, it is in receivership right now. It has not paid off and it has been a very expensive venture I think for the investors, and this is the reason why I say we have got to be very cautious what we get ourselves into, because it looks good on paper but when you look at the returns somebody has to pick up the tab.

We have some buildings at the exhibition now. You take the Better Living building out there—if that were winterized it could hold some very large conventions. But it has to be winterized.

Mr. Ben: If the Minister will pardon me I am sure he will agree it would cost more to winterize that building than what it originally cost to put it up.

Hon. Mr. Randall: Well, I am not sure, I do not know, but it should be looked at.

The second thing is that there have been discussions held with the CN and CP and in fact they were the people that wanted to put a trade centre downtown with a large convention hall, roughly 250,000 square feet. But there is a big hotel going up in that area, in this waterfront complex. The hotel people themselves are talking about sufficient space to handle some of the conventions you have referred to.

I think you are right, I think it was $99 million five or six years ago and I am quite sure that Toronto right now is getting more than $99 million and I would think when we get our waterfront programme underway that it will attract a lot more people and there will be a lot more conventions here.

But we have to look at the economics. How often do these people need a hall that big? If you needed it once or twice a year and it had to be subsidized, it would cost somebody a lot of money whether it be a private investor or whether it be any level of government. The economics are being weighed now as to what it could be used for if there were no seats in there and we were not filling it with just people; if we were catering to something else like putting in booths or shows or what-have-you. When you put in booths you take these shows away from the exhibition which badly needs their kind of support.

So there are many conflicting factors in here that we are trying to analyse to see how we can best serve the interest of the various levels of government, and with the programme that we now have with regard to the exhibition it may be possible that out of these discussions we can evolve a plan whereby a convention centre can be built.

But I would suggest to you that with the new hotels going up in town—although I know some of them are rather small, and do not have the convention facilities that you and I would like to see—we must make up our minds when we build a trade centre or convention hall that it is going to be a costly proposition and there must be somebody ready to pick up the tab if there are any losses and there certainly would be losses as we found out investigating trade centres in many parts of the world.

Mr. Singer: Mr. Chairman, as I listen to the Minister discard completely out of hand the idea of a sports centre in North York, it occurs to me that he probably has not—

Hon. Mr. Randall: I never mentioned North York.

Mr. Singer: No. But it is the one that has been talked about. And the Minister, as cute as he is, knows exactly where he was directing his attention. I wonder if he has had an opportunity of examining the proposal put forward by Mayor Service of the borough of North York, if he knows anything about it, and whether or not he knows about the feasibility of putting hockey into an arena such as this? Whether he knows that discussions have taken place with Mr. George Mara who is the president of the Maple Leaf Gardens, and Mr. John Bassett, and substantial presentations made to them? And that they at least think the matter is sufficiently interesting that they are studying it further? Whether or not the Minister, in his all encompassing wisdom, recognizes that the capacity of Maple Leaf Gardens is presently some 16,310, I think it is; that it is sold out for every single game

that goes on—and I am sure he was here, or perhaps heard on the way down, the efforts that were made by the directors of Maple Leaf Gardens to extend it out over on to Carlton Street so that they could get an extra five or ten thousand in—whether he is aware that the proposition that they are presently considering in the borough of North York would encompass seating capacity for 24,000 people in a dome stadium? Or whether he is not just off into another frolic of his dismissing something out of hand that he knows nothing about?

My problem, Mr. Chairman, is this. I listened to this Minister over the years, and all you get are great flights of fancy—great broad statements meaning absolutely nothing.

Now I would suggest that before he discards completely out of hand a suggestion—whether it has merit or not—coming forth from the people of North York, who have spent a lot of time and a lot of effort and made a substantial presentation in this regard, that he understands and knows what he is talking about. Because he destroys his credibility—the same as he did about the island where he talked about, in his first instance—and then thought he was very cute by retreating—about putting houses and apartments back on the acres of land that Tommy Thompson and metropolitan Toronto have spent years and years clearing and building up into a beautiful park system.

Now I am going to send to the Minister this presentation made by the mayor and committee in North York. I would commend it to his study, and after he has had a chance to examine it, perhaps we can expect from the Minister some knowing, intelligent comment about that kind of presentation—because obviously he does not know what he is talking about.

Hon. Mr. Randall: Mr. Chairman, just to set the records straight and get my hon. friend back on the track. He seems to be mad at everybody tonight for some reason or other.

Mr. Singer: No, not everybody.

Hon. Mr. Randall: Let me just suggest to you, my hon. friend, that, in 1965, I spent almost a year with a man who had almost identically the same building. I had isometric drawings. They were so beautiful, you could eat them if you had a little brown gravy. We went through the programme from one end to the other, as to seating capacity; what it would do; and we worked out—

Mr. Singer: But not this programme.

Hon. Mr. Randall: —we worked out the economics, and we looked at the building. We did not say it would not work. We just simply said, economically there would be some problems, unless one could find somebody to help finance it.

Mr. Singer: Read it and then make some comments!

Hon. Mr. Randall: Well, I know before I read it they want somebody else to put up half the money. Right? They need a gift of "X" number of dollars before they can get under way. It has to be government supported, no argument.

Mr. Singer: Why do you not read that before you speak?

Hon. Mr. Randall: I know all about it. I have studied it.

Mr. Singer: No, obviously you do not.

Hon. Mr. Randall: Oh yes I do. I have read it and I just suggest to my hon. friend that I know what my friends at the Maple Leaf Gardens are talking about. Perhaps a $20,000 stadium may be feasible. Who knows? But I just suggest to you, if you think it is—

Mr. Singer: $20,000, that is a very good statement.

Hon. Mr. Randall: If you think it is so good, I hope you are first up there with your money when they sell stock. You put your money up. Now if you want to come to my office, I will show you a complete new programme and layout that we have had in our office for two years, showing a stadium like this in the western end of the exhibition grounds—all designed and laid out to handle anywhere up to 50,000 people.

We can shrink it to 25 or 30, you name it. It can be shrunk down. I do not write off the product.

I just simply say to you, my hon. friend, before you get off on another track that we have looked at the domes. We know something about the domes. My friend here, on my left, has been out to Texas a number of times looking at the situation out there. We have looked at it in connection with adding shopping centres in it to make sure that it is a viable entity before one walks away from it. So I hope North York is successful. It would be a great thing for Toronto if they had it; but I would not want to be the man responsible for filling it.

I just simply suggest to you that you have to look at the economics, and I do not kid

myself for one minute that they have not got a tough job on their hands. And they are beginning to recognize it when they are looking around for private money to help finance the project. So I will be glad to look it over and give you my report. I know you—

Mr. Singer: Well finally that makes a little more sense.

Hon. Mr. Randall: —getting it. I know if I got a bill from you I would have to pay it because you are a lawyer. But if I give you a bill, I would not get it paid.

Mr. Ben: Well, Mr. Chairman, I know that you are not going to reject offhand the pleadings of my hon. friend. But I would point out that Etobicoke is a more modest township or borough, and we have one of the most famous aquatic teams in Canada located in the good borough of Etobicoke.

We are actually world famous for our swimming team down there, and we hold meets to which come participants from all across Canada. Now I know a 50,000 seat dome is very expensive. But in Etobicoke, Mr. Chairman, we will be very happy if you would just put up an Olympic-size swimming pool and diving board. We will be quite happy with that.

Vote 2206 agreed to.

On vote 2207:

Mr. Pitman: Mr. Chairman, my comments on this are rather extensive. I would be quite happy to go ahead, depending on what the House leader feels.

Hon. Mr. MacNaughton: I wonder, Mr. Chairman, if it might not be appropriate to close on this vote.

An hon. member: It would be most helpful.

Hon. Mr. MacNaughton moves that the committee of supply rise and report certain resolutions, and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

Hon. C. S. MacNaughton (Treasurer): Mr. Speaker, before moving the adjournment of the House may I say that tomorrow I understand we are going to continue with the estimates of this department and then with the department of the Attorney General.

Hon. Mr. MacNaughton moves the adjournment of the House.

Motion agreed to.

The House adjourned at 10.55 o'clock p.m.

No. 174

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, October 7, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, October 7, 1969

Septic tank system for Holiday Inn at Highways 37 and 401, questions to Mr. Wells, Mr. Nixon 6724

Returning officers for GFO vote, questions to Mr. Stewart, Mr. Gaunt 6724

Statement of Chief Mackey re food store opening on Sunday, questions to Mr. Wishart, Mr. MacDonald 6725

Supervisors of agricultural representatives, question to Mr. Stewart, Mr. Burr 6726

Farm consultants, question to Mr. Stewart, Mr. Spence 6726

Air pollution over Metro Toronto, questions to Mr. Kerr, Mr. Burr 6726

Grant structure to agricultural societies, question to Mr. Stewart, Mr. Spence 6727

Sale of glasses with cellulose nitrate frames, question to Mr. Wells, Mr. Shulman 6727

Bus fare of released prisoner back to place of arrest, question to Mr. Grossman, Mr. Shulman 6728

Buddy system for hazardous police patrols, questions to Mr. Wishart, Mr. Trotter 6728

Compensation to widow and son of Constable David Goldsworthy, questions to Mr. Wishart, Mr. Trotter 6729

Westclox division, General Time of Canada Ltd., questions to Mr. Bales, Mr. Trotter 6729

Cleaning services, Queen's Park complex, questions to Mr. Simonett, Mr. Gisborn 6730

OHSIP contracts, questions to Mr. Wells, Mr. Ben 6730

Sulphur content of fuel used by generating plants, questions to Mr. Kerr, Mr. Ben 6731

OHSIP and Canadian armed forces' families, questions to Mr. Wells, Mr. Ben 6732

Pending unemployment in Thunder Bay area shipyards, questions to Mr. Bales, Mr. Knight 6732

Automobile exhaust fume levels, questions to Mr. Kerr, Mr. R. S. Smith 6733

Holding tank facilities for ONR boats, questions to Mr. Kerr, Mr. R. S. Smith 6733

Estimates, Department of Trade and Development, Mr. Randall, continued 6734

Recess, 6 o'clock 6767

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, OCTOBER 7, 1969

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: Today, in the west gallery, our guests are from Westdale Secondary School in Hamilton and from Gravenhurst High School in Gravenhurst.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

Mr. M. B. Dymond (Ontario): Mr. Speaker, before the orders of the day, I rise on a point of personal privilege.

On Thursday last the hon. member for High Park (Mr. Shulman) made certain statements in this House concerning action that I was said to have taken in respect of glasses frames made of cellulose nitrate, while I was Minister of Health.

I have read his words in *Hansard* and I must admit I am quite unable to determine what he meant, since on the one hand he says:

> The president of the company that imports those frames into Canada wrote a letter to the ex-Minister of Health in which he says for goodness sake do not ban these glasses until I have had a chance to sell them, because I have got 60,000 of them in stock. And the Minister wrote him back reassuring him, which is even worse, and they have not been banned and they are still on sale in this province.

In general, Mr. Speaker, I say it is deplorable that any member of this House is permitted to make such a specious charge and the one charged is expected to defend himself against it.

I have searched the files regarding this matter and say to you no company president wrote to me in the words by the member. Further, I did not write to any company president or to any other person "re-assuring" him or undertaking any protection. Indeed, sir, the lawyer for one such group threatened legal action against the department and myself for the, "hard and uncompromising attitude I had taken against this product".

On the other hand, the member for High Park, however, did have to backwater somewhat, since further in the debate he was forced to admit that:

> I have the original letter—a photostat of the original letter which was sent to the Minister of Health. The manager of the company informs me he received a letter of re-assurance that no immediate legislation was planned. I do not have the second letter.

In a paragraph preceding that just quoted he also says:

> I do not have his—the Minister's—reply.

Yet he deduces that I acted in a manner other than in the best interest of the public.

Indeed, had I done as the member states, the action would have been detrimental to the public good.

Mr. Speaker, no responsible member, I submit, would make such statements as those made by the member for High Park, but as I have observed on other occasions this member has so demonstrated his "unique credibility" that his statements avail little or nothing.

If he makes such statements concerning myself in the belief he will trouble me I would disabuse his mind. Indeed I look upon him as Disraeli looked upon a comparable annoyance while he was Prime Minister of Great Britain, and I would quote as he did:

> I brush him off as I would a mosquito, but am always too much occupied to bear him, or any other insect, any ill will.

Mr. M. Shulman (High Park): Mr. Speaker, unfortunately I missed the beginning remarks of the hon. member, but I believe I got the gist of what he had to say. What I wish to say to you, sir, is I received the original letter, as you know. I have filed it with you—

Mr. Speaker: Unfortunately, the hon. member need not refer to what I know, if he would just carry on without that. The Speaker does know certain things, yes.

Mr. Shulman: I checked with a member of the firm who told me there had been a reply made. I certainly do not question the hon. member if he says there was no reply made; that he personally did not receive the original

letter. I extend to him my apology. There was certainly no personal affront intended.

Interjections by hon. members.

Mr. Shulman: The fact remains, sir, that this was a very dangerous situation which I brought to the attention of this House on more than one occasion and no action has yet been taken.

Mr. Speaker: Well the discussion in the House today of course does clear the air somewhat with respect to this particular matter; and I shall do as I said last week, I shall wait until I have the printed *Hansard* and then if there is any action that I deem necessary on behalf of the House I will be glad to bring it before the House and have a determination of it made.

I would hope in future we could avoid such exchanges because, as has been seen today, they avail no one anything and they do disrupt the workings of this House.

The hon. leader of the Opposition had a question of the Minister of Health. I wonder if the deputy leader wishes to place it. I will send it over to him.

Mr. V. M. Singer (Downsview): A question of the Minister of Health:

1. Why has the department overridden the decision of the Hastings County Health Unit and permitted the installation of a septic tank system for the Holiday Inn-Gulf Oil development at the intersection of Highways 37 and 401?

2. What efforts will be taken to avoid the discharge of effluent into the Moira River?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, in answer to this question, No. 2148, I would say the department has not overridden any decision of the Hastings and Prince Edward County Health Unit. It recognizes the responsibility of the health unit in these matters.

In July the health unit requested the department's advice on the proposal to service by means of a septic tank system a Holiday Inn to be located at the intersection of Highways 37 and 401. At the request of the health unit discussions were held by the public health engineering service with the consulting engineers engaged by the principals. From these discussions emerged a design proposal for a system.

Provided certain recommendations were incorporated in the design, we could see no sound reason for condemning the proposal. Our analysis and recommendations on this proposal were forwarded to Dr. Lenk, the Medical Officer of Health, and director of the Health Unit for his final appraisal and decision.

Furthermore, it was made quite clear to the Holiday Inn consultants at the time of our discussions that this service acts only in an advisory capacity to the health unit, and that final approval and authority to proceed must come from the health unit.

We cannot understand why we have been accused of overriding the decision of the local health unit.

In answer to number two, both this department and the health unit have inherent misgivings on the longterm operations of a septic tank disposal system of such size, despite the fact that the consulting engineers' report shows favourable soil conditions. In this situation, the department would have rather seen the extension of nearby sewers to this development, if suitable arrangements could have been made.

Following this, there appears no reason for the department to deny the proposal. There should be no discharge whatsoever from the septic tank system to the Moira River; the river is about one half a mile away. In the unlikely event that this could occur, the provisions of The Public Health Act could be applied to abate it. The only over-discharge to our knowledge would be chlorinated effluent from the swimming pool to an open ditch. This, in our view, is satisfactory and in accordance with common practice.

Mr. Speaker: The hon. member for Huron-Bruce.

Mr. M. Gaunt (Huron-Bruce): Mr. Speaker, a question of the Minister of Agriculture and Food. How many returning officers were there in the province for the GFO vote?

2. Will the Minister table their names?

3. How much money did each one receive?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, I can answer the last question first, and perhaps that will suffice the hon. member, because I am sure he must realize that it would take a very great deal of work to obtain the names of each individual returning officer, and those who were associated in the polls on the voting day.

I wonder, Mr. Speaker, if he would accept the fact that $20 each was paid, plus travelling expenses, to those who worked in the respective polling places across Ontario. And

there were, according to my report, 628 polling places throughout the province.

I assume that was extra to the one that was at Queen's Park, because here it was manned by someone from the civil service staff. There were different ones who took turns sitting at the desk that day. If this would be acceptable, Mr. Speaker, I would ask the consideration of the hon. member.

Mr. Gaunt: Mr. Speaker, may I ask a supplementary, on a point of clarification? Is it fair to presume then, that there would be one returning officer per poll?

Hon. Mr. Stewart: Yes, there was supposed to be one returning officer per poll. But there was also supposed to be someone there who would assist, that is in checking names, and in handing out the ballots to the various people who came in.

An hon. member: A deputy?

Hon. Mr. Stewart: Well, I do not think that person was called a deputy. They were called polling clerks, as I understand it. And I assume they were paid the same thing.

Mr. Gaunt: And the government paid them as well?

Hon. Mr. Stewart: Oh yes, we paid all expenses of the poll itself. We paid for the hall, or the room in which the poll was held, and for those who manned the poll; and for the advertising of the places of locations of those polls, as I explained yesterday.

Mr. D. C. MacDonald (York South): Mr. Speaker, I had questions yesterday of the Provincial Secretary and the Attorney General. I wonder if they are in a position to reply to them?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, yes I have prepared a reply to the question. Since it was originally addressed to the Prime Minister—I do not usually read the answers to my questions, but this one I have carefully prepared, and I shall read it.

The question was: what is the government's reaction to the public statement of Chief Mackey last week, that food stores should be licenced to take turns for Sunday operations?

The second part, as a general proposition: does the government feel that it is a legitimate role for the police to be publicly challenging stated government policy? Or is the role of the police to enforce the law and leave its enactment to its elected representatives of the people?

My answer, Mr. Speaker, is that I am not aware of any government reaction to the comments attributed to the chief of the Metropolitan Toronto police force, nor would I consider it necessary or appropriate for the government to make a statement on his proposal.

However, as the responsible Minister, I may advise the hon. member for York South that I do not personally accept the licensing proposal as an appropriate or viable method of dealing with this area of our responsibility.

It is my own view that the present requirement of consent for prosecution provides an adaptability, that meets the many different needs and the many different situations that necessarily exist in Ontario. A licensing system would introduce a rigidity of applications which I do not consider desirable for a province with localities and customs as diverse and varied as those we enjoy.

Mr. Singer: Better to have a law as long as the foot of the Attorney General.

Hon. Mr. Wishart: Did the member ever hear of the liquor option law across this province?

Mr. Singer: Yes, but that is determined by public vote.

Mr. Speaker: Order, order!

Hon. Mr. Wishart: To continue my answer, Mr. Speaker, I am aware of no challenge being made by the chief or anybody else in this area. I read it as an opinion, and nothing more. And I certainly do not wish to stifle public and responsible expression of opinion.

Mr. MacDonald: Well Mr. Speaker, by way of supplementary question on the second one —and perhaps the estimates are a more appropriate place—but specifically, we have had this: Following a statement of government policy yesterday, we had police chiefs across the province challenging the government's position on Sunday operations, on the law on capital punishment, on the proposed recognition of China, as of yesterday's paper. I mean, how long does one go on? Or, is it a legitimate rule for chiefs of police to be challenging stated government policy?

Hon. Mr. Wishart: Well, Mr. Speaker, I do not think this is a challenge. As far as I am aware the police enforce the law and if they do not, they are told to. There is no challenge in this. We have different situations in Ontario. A further thing we must remember is that we have a law which says a complaint

may be made and information laid, and the Attorney General of each province or his deputy then must consent to the prosecution.

As I have pointed out in this answer, this gives flexibility. There are different attitudes across this province, as in the enforcement of the use of liquor—local option is a well known principle across this province and has worked very well.

The other thing I would like to add is that I did ask the Ontario Law Reform Commission—some two or three months ago—I specifically asked them in writing to make a study of this whole question of the Sabbath Day and the law enforcement of the Sunday law, the Lord's Day, whatever you wish to call it. And I would like to have the benefit of their study. I did not ask them for recommendations, but perhaps out of that would come some philosophic approach or some legal approach that might be helpful to us.

It is not an easy matter, and I think everyone is fair enough to admit that the small store—perhaps the drug store—supplying certain necessaries is a very useful thing in our society on a Sunday.

I can recall cases where they drew a curtain across a part of the store and behind that nothing was supposed to be sold. But that was an easy thing. How would you enforce the under-the-table, as it were, sale of other items? There would be a tremendous problem of enforcement; surely the hon. member for Downsview cannot shut his eyes to that. I cannot, as the Minister responsible for law enforcement. I know that if you were to get into certain areas of law and make a rigid law, you would have tremendous problems of enforcement and I think we all agree that there is a certain reason, a certain extent to which you can go in making available to the public some articles by sale on Sunday.

To draw the line rigidly is a very difficult thing and that is why I said in my reply that there is a flexibility here which I think can be used reasonably and properly.

Mr. Singer: It is the same with any other law. Why have laws at all?

Mr. Speaker: Does the hon. Minister—

Order!

The hon. Minister will not engage in debate with someone other than the questioner originally, at least until there are changes in the rules.

Is the hon. the Provincial Secretary prepared to answer that question?

Hon. R. S. Welch (Provincial Secretary): No, I do not have all the information I require.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker, a question for the Minister of Agriculture and Food.

How many supervisors of agricultural representatives does the department intend to appoint; where, when and why?

Mr. J. P. Spence (Kent): Mr. Speaker, I have a question for the same Minister.

1. Has the Minister hired farm consultants in the province since his statement in the House concerning this matter?

2. If so, how many have been hired?

3. Will the Minister table the names, salaries and locations of those hired?

Hon. Mr. Stewart: Mr. Speaker, in reply to both these questions—may I suggest that these can both more properly be dealt with at the time my estimates are before the House for consideration because they are matters that will be in the budget estimates—there has been nothing finalized in any way and no decisions have been taken. May I assure the members of the House to this degree, that we could deal with it more fully then if it meets with the approval of the hon. members concerned.

Mr. Spence: I have another question—

Mr. Speaker: The hon. member for Sandwich-Riverside has not completed his questions.

Mr. Spence: I am sorry.

Mr. Speaker: Are you satisfied with the Minister's explanation? The hon. member for Sandwich-Riverside has the floor.

Mr. Burr: A question of the Minister of Energy and Resources Management.

What gaseous pollutants are in the brown cloud hovering on most calm days above Metropolitan Toronto? In what amounts in parts per billion?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, the gaseous pollutants found in the atmosphere over Metro Toronto are sulphur-dioxide, oxides of nitrogen and hydro-carbons.

The second part: it is extremely difficult to determine exactly what the concentration of

pollutants are that occur in the atmosphere. The figure would vary considerably, depending on how close to the source the reading was taken.

What we are interested in is determining the effect on the environment at ground level, and we are constantly monitoring to obtain these figures.

Mr. Burr: Another question for the Minister.

Is the Minister aware that, in New York, a new air pollution control law forbidding the burning of coal and oil with more than one per cent sulphur content went into effect on October 1, thus lowering the previous permissible maximum of 2.2 per cent?

Hon. Mr. Kerr: Yes, Mr. Speaker, I am familiar in a general way with the New York law. The hon. member may be interested to know that I have recently asked the staff of my department to investigate and evaluate the New York proposals with a view to initiating a similar approach in Ontario.

Mr. Burr: Thank you.

Mr. Speaker: The hon. member for Kent might complete his questions now.

Mr. Spence: Mr. Speaker, another question to the Minister of Agriculture and Food.

What plans, if any, does the Minister have for altering the grant structure to agricultural societies in the province in the coming year.

Hon. Mr. Stewart: Mr. Speaker, absolutely none. May I assure the members of the Legislature, and the agricultural societies and fairs throughout Ontario, that we have no plans whatever to lower the grant structure in this coming year.

Mr. Speaker: The member for High Park.

Mr. Shulman: Mr. Speaker, I have a question for the Minister of Health. I would like to ask it regardless of the statement that was made earlier.

What reply did your department send to the March 11, 1969, letter from the Argus Optical Company requesting the sale of glasses with cellulose nitrate frames not be banned, until they had disposed of their stock of these glasses?

Why has the sale of these glasses not been banned?

Hon. Mr. Wells: Mr. Speaker, in answer to this question, number 2165, as far as I can determine there was no reply to the letter of March 11, 1969, from the Argus Optical Company. However, a search of the records shows that following receipt of this letter and others, my predecessor met with the legal representatives of several of these optical companies and outlined his concern about this whole problem.

He then asked our department to find out if existing legislation would allow for the banning of these glasses, and was informed by our legal people that there is no existing legislation on our books that would allow this.

He therefore instituted, or put into progress, steps towards preparing the necessary amendments, and intended to introduce them in this session. And I intend to introduce these in this session in due course.

Mr. Shulman: Mr. Speaker, on a point of order in reference to a statement made by the member for Ontario. Am I correct in that he said there was no letter? Well, sir, in that case I wish to withdraw the apology which I gave to him, sir.

Hon. Mr. Wells: Mr. Speaker, there is absolutely, as far as I can find, no letter to the Argus Optical Company.

Mr. Shulman: Mr. Speaker, it was a play of words. He did give a reply.

Hon. Mr. Wells: No.

Mr. Shulman: All right. I have another question for the Minister—

Hon. Mr. Wells: No.

Now, Mr. Speaker, in fairness, as far as I can find out, I am not sure that the lawyer who came in and discussed this matter in any way represented the Argus Optical Company.

Mr. S. Lewis (Scarborough West): How did the lawyer get there?

Mr. J. Renwick (Riverdale): Single lawyer? And he represented—

Mr. Speaker: Order, order.

In any event, my recollection of the evening of last Thursday is—and the tape is very, very definite—that the hon. member for High Park had said that they replied, that a letter had been sent, I think, and he did not have a copy of it.

Therefore, it is quite plain to me that there was no letter sent. As to any play upon words that is now being introduced, I will be glad to consider that part of the problem when the whole matter is before me at a later date. The hon. member for High Park has the floor.

Mr. Shulman: Mr. Speaker, on a point of order.

Surely the material thing is whether a reply was given, whether it was verbal or written is not the point. He has got up here and misled the House—

Mr. Speaker: Order!

That is not the accusation and allegation made by the hon. member for High Park on Thursday evening.

Mr. Shulman: It certainly was, it certainly was.

Mr. Speaker: I will be glad to refresh my mind and have the hon. member come and hear the tape with me. In the meantime now, the member for High Park still has the floor. He has another question.

Mr. Shulman: What a place.

To the Minister of Correctional Services—it is a mad house.

Interjections by hon. members.

Mr. Speaker: Order!

Mr. Shulman: Why is prisoner—

Mr. Speaker: Order!

Interjections by hon. members.

Mr. Lewis: Imagine meeting with lawyers without a letter, what is the Minister talking about?

An hon. member: The member does not know.

Mr. Lewis: What did the former Minister do? Did he phone the lawyers and say come on down for a chat? Letters are usually acknowledged.

An hon. member: Only one lawyer!

Mr. Lewis: Only one lawyer. They are loose with the truth.

Mr. Speaker: Would the members of the third party please give the courtesy to their own members of having the floor?

Mr. MacDonald: Mr. Speaker, will you please address us in our appropriate way and not "the third party?"

Mr. Speaker: Members of the New Democratic Party.

Mr. Shulman: Looseness with the truth in this House. Question for the Minister of Correctional Services: Why has prisoner Eric C., who is due to be released from Millbrook tomorrow, been refused bus fare back to his place of arrest?

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, of course, we do not have a policy of providing bus fare to an inmate's place of arrest. For example, an inmate could have been arrested in Tokyo, and we do not intend to give him his fare back to Tokyo. The policy of the department—

Interjections by hon. members.

Hon. Mr. Grossman: That is the question that was asked. If I answered this without pointing out the difference between the place of "arrest" and the place where he was sentenced, the hon. member would be up on his feet tomorrow and saying I told a lie.

I am telling him that we do not have this policy. The policy is to provide a man, generally speaking, with the fare back to the place where he was sentenced, Mr. Speaker, and this is precisely what has happened here. This man was informed on September 18, that transportation would be provided to Port Arthur where he was originally sentenced. Further, the inmate has been advised that the department will provide a rail ticket from Peterborough to Calgary, the inmate paying the difference in cost of $13 over the cost of transportation to Port Arthur.

And it should be noticed, Mr. Speaker, that this man has an accumulated trust fund of over $200 to his credit.

Mr. Speaker: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, I have a question of the Attorney General. Is the Attorney General prepared to direct the Ontario Police Commission to issue a directive recommending the "buddy" system to Ontario police departments for hazardous police patrols?

Hon. Mr. Wishart: This is a matter, Mr. Speaker, which is generally left to each individual police force. I understand that it is widely used but we do not direct it as a general provincial policy.

Mr. Trotter: Supplementary question, Mr. Speaker. Would the Attorney General, who is in charge of the administration of justice in this province, not have a policy that would literally not only protect the public but protect the policeman on duty? We are trying

to avoid a situation that happened in Toronto two days ago.

Hon. Mr. Wishart: Mr. Speaker, if the hon. member had the duty of administering law enforcement perhaps as distinguished from administration of justice or as part of it, he would realize that to make a solid general directive that policemen going out on patrol must always go two by two, would be to—

Mr. Trotter: Hazardous duty!

Hon. Mr. Wishart: —would be most unwieldly and most unnecessary. The matter where policemen going into certain areas, perhaps at certain times of night, into certain dangerous situations should go two by two or maybe, four by four or six or seven or eight or ten. But to put out a general directive and to say that in all these situations when police are on patrol at night or any other time, they must employ the "buddy" system and be accompanied by another policeman is an unwieldly thing. This is an area of local government. You have local boards of police commissioners. They are aware of the situation and they can best direct that phase of our law enforcement at that level.

Mr. Trotter: I disagree with you but we will debate that on another occasion. I have a second question of the Attorney General, Mr. Speaker.

In view of the small pension that Constable David Goldsworthy's widow is entitled to, because of his relatively short term of service, is the Attorney General prepared to consider compensation to the widow and her two-year old son?

Hon. Mr. Wishart: It is really a question asking for statement of policy, Mr. Speaker, which I am not bound to answer and, in fact, it is very difficult for a Minister to stand up and state what the policy might be.

But I would like to deal with the matter. The Ontario government has no policy, as such, to pay the widows of employees in any part of the public service; policemen, firemen or others and to launch such a policy might go very far afield.

I think I would like to mention this, that I was looking and looking at the question. I had occasion to consider The Compensation for Victims of Crime Act and the reading of that Act would indicate that there is no bar. Of course, the claims made are dealt with by the board set up under that Act. There is no bar to the widow of a policeman making a claim and I would think if that were done the claim would be considered in the light of any pension that the policeman might have and all the other circumstances.

But I think, to come back to the question, I have to say that the government has no policy of supplementing a pension of persons in the service whether they die peacefully in bed or on duty.

But I think our Compensation for Victims of Crime Act may afford a substantial method of dealing with a situation of this kind.

Mr. Trotter: I have one more question, Mr. Speaker. The Attorney General anticipated my supplementary question. I was concerned whether they were covered under legislation for compensation for victims of crime. I take it, your answer is "yes" to that.

Hon. Mr. Wishart: No, there is no bar. I saw nothing in the Act to prevent that.

Mr. Trotter: I have a third and final question, Mr. Speaker. What steps are being taken by the Attorney General to provide fire protection in the townships in the County of Prince Edward, which were served by the Canadian Forces Base at Picton prior to the closing of that base more than a month ago?

Hon. Mr. Wishart: Mr. Speaker, having just received the question today, I referred it to the fire marshal's office. I will have the answer very quickly.

Mr. Speaker: The hon. member has a question of the Minister of Labour.

Mr. Trotter: This is a question from yesterday, Mr. Speaker, to the Minister of Labour. Does the Minister intend to take any action to ascertain the justification of the request of the Westclox division of General Time of Canada Limited, Peterborough, of its women employees that they voluntarily take an average pay cut of $18 per week? Does the pay cut apply only to the women?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, in reply to the question, I noted over the weekend that this request had been made to the employees by, and it was being studied I believe by the union. This is a matter for union-management consultation. As long as the provision of The Employment Standards Act and The Minimum Wage Act have been complied with then, it is up to the parties to negotiate on such a proposal. I might just go on to add that if the parties did reach agreement on such a proposal, which would be a change in the collective agreement, that would come then to the

labour relations board for approval before the agreement could be altered in that respect.

Mr. Speaker: The hon. member for Hamilton East.

Mr. Trotter: By way of a supplementary question, Mr. Speaker, would there be any offence against the Ontario Human Rights code that we have, asking women to take a cut in pay and not the men?

Hon. Mr. Bales: Mr. Speaker, at this point it is a proposal. We would have to let them negotiate. The parties are quite free to negotiate on such a matter.

Mr. Speaker: The hon. member for Hamilton East.

Mr. R. Gisborn (Hamilton East): Mr. Speaker, my question is to the Minister of Public Works. Are the cleaning services of the new buildings in the Queen's Park complex done by private contractors? If so, what is the firm, or firms', names? When were these operations started? What are the terms of the contract? What is the number of civil servants who would have been used, if the work had not been contracted out?

Hon. J. R. Simonett (Minister of Public Works): Mr. Speaker, the answer is yes. The firm's name is Allied Building Services (1962) Ltd. Their operation started on October 16, 1967. The contract is for a period of two years. The contract price is $374,928 for two years. The contract was administered on a pro rata basis when first initiated as the building was not fully occupied. As occupancy increased, the contract was pro rated accordingly. And the number of civil servants who would have been needed would have been approximately eight.

Mr. Speaker: The hon. member for Humber.

Mr. G. Ben (Humber): Mr. Speaker, first of all, if I may, I believe I have some answers to questions which were taken as notice by both the Minister of Health—

Mr. Speaker: Normally, those would come after the hon. member's questions of today, but if he wishes yesterday's first.

Mr. Ben: Well, there was also a question that I had on my desk here, in the absence of the Minister of Health, and it was swept away so I do not have a copy of it available.

In the meantime, with your permission, Mr. Speaker, I will ask the current question of the Minister of Health. What is the department's projection as to the number of contracts that OHSIP will be handling with respect to single, couple and family contracts? Will the Minister indicate for each category the number of fully subsidized and partially subsidized contracts?

Hon. Mr. Wells: Mr. Speaker, in answer to this question 2172, part one: on October 1, 1969, a breakdown of the coverage by category is 1,116,838 single contracts, 596,911 couples contracts, and 1,182,155 family contracts.

In answer to part two, Mr. Speaker, the complete breakdown by category is being assembled, but as far as fully assisted and partially assisted is concerned, at this time only approximations can be made. However, we estimate that there are probably about a million residents in the province who will receive full premium assistance and another one million who will receive partial premium assistance.

Mr. Ben: If I may ask a supplementary question, Mr. Speaker. The Minister says one million will be receiving full payment of premiums, and one million partial. Is the Minister referring to contracts or individuals?

Hon. Mr. Wells: Well, we are just referring to people. As the member knows, under the new Act people are entitled either to receive assistance on the premium they pay, or they can claim for the assistance at the end of the year as a rebate, if they are entitled to it, if their income entitles them to it.

Mr. Ben: By way of supplementary again, perhaps I should elucidate for the benefit of the Minister. He indicated there were approximately 2,800,000 contracts in force at the present time. Obviously, as the Minister said some time earlier that some 7,200,000 were covered, these 2,800,000 contracts must cover 7,200,000 or more individuals.

Hon. Mr. Wells: The 2,895,904 contracts cover—

Mr. Ben: I have not added it up but I accept the addition for the time being. Now, in the last figure the Minister gave us, he was not referring to contracts, he was referring to individuals. How many contracts would be represented, or has the Minister any idea?

Hon. Mr. Wells: No, we have not had time to get that.

Mr. Ben: Now, with the Speaker's permission, may I ask a question of October 6. Why are foreign students eligible for OHSIP covering about three months, while out-of-

province students are barred? What protection do out-of-province students at Ontario universities now enjoy?

Hon. Mr. Wells: Mr. Speaker, the answer to this question 2161 is that out-of-province students are not barred from OHSIP, they have the same privilege as foreign students; that is, they may be covered after fulfilling the three months residency requirement and they may apply for premium assistance after 12 months if they intend to remain as residents of Ontario.

Foreign students may obtain coverage for their three months waiting period in the country of origin. Out-of-province students from participating provinces are covered on their parents' contract in their own province until the age of 21. Of course, thereafter, as in Ontario, they may obtain their own coverage in their home participating province which would apply in Ontario for the three months if they are here.

Most participating provinces, continue to cover students attending an out-of-province or foreign university, as does Ontario, provided it is indicated that they intend to remain as residents of their home province.

Mr. Speaker: The hon. Minister of Energy and Resources Management has answers to questions from this member.

Hon. Mr. Kerr: Yes, Mr. Speaker, question 2093.

Mr. Ben: If the hon. Minister of Health is retiring I have one more question of him.

Hon. Mr. Wells: Oh, I will be back.

Hon. Mr. Kerr: The first part is: What was the average sulphur content of fuel used by (a) the Richard L. Hearn generating plant, (b) the Lakeview generating plant, in the six-month period ending March 31, 1969?

The answer is the average sulphur content of (a) the Hearn plant, was 1.84 per cent; and (b) the Lakeview generating plant was 2.19 per cent.

The second part is: How many tons of coal were used by each of these plants during the said six months? The answer: during the six months' period the Hearn plant used 1,609,480 tons of coal, and the Lakeview plant used 2,331,234 tons of coal.

To question three—does the Minister intend to introduce legislation this session prohibiting the use of fossil fuel containing more than .37 per cent sulphur?—I can say at this time I have no such plan.

Mr. Ben: Would the Minister accept a supplementary question with reference to the answer he has just given?

Hon. Mr. Kerr: Yes, all right.

Mr. Ben: Would the Minister please explain to the House why the Lakeview plant—which I understand is an Ontario Hydro project as distinguished from the Hearn plant, which is a Toronto Hydro project—uses fuel which has a sulphur content 15 per cent greater than that used by the first plant?

Hon. Mr. Kerr: I think, Mr. Speaker, the main reason is the amount of coal used by the Lakeview generating plant. It is almost twice as much. And I think that the Ontario Hydro plant uses a mixture of coal, some with a lower sulphur content than others. I think it is a matter of getting the low sulphur content fuel in sufficient quantities. They are using both types of coal, having different contents of sulphur. This is the reason the Hearn plant indicates a lesser percentage.

Mr. Ben: Another supplementary question, Mr. Speaker. Yesterday the Minister acknowledged that it was these chimneys that caused most of the pollution downtown, and here, on his own admission, his plant burns fuel which has a higher sulphur content than that used by the city of Toronto, and he is the one that passes these laws, and should be controlling them. How does the Minister explain that? Besides, quantity has nothing to do with the percentage content of sulphur.

Hon. Mr. Kerr: I just have to re-emphasize, Mr. Speaker, that because of the quantity of fuel used and what is available as far as supply is concerned, the Lakeview generating plant uses a mixture of fuel. Now to be frank with the hon. member, to use consistently, if it is available, the lowest possible sulphur content in coal means there would have to be an increase in Hydro rates. So this is the situation that exists. What happens? How does it affect the rate structure and how does it affect Hydro's customers? This is the dilemma I am in as a Minister fighting pollution, and as the Minister reporting to this Legislature for Ontario Hydro.

Mr. Ben: Is the Minister aware that New York State has passed a law which will take effect a year and a half hence which will ban fuel containing more than one per cent sulphur?

Hon. Mr. Kerr: Well, Mr. Speaker, the hon. member should realize that the low-sulphur-

content coal produced in that country is very close to the city of New York.

Mr. Ben: The last question, why did you not put up a nuclear plant? Now, does the Minister have another answer for me?

Hon. Mr. Kerr: It is question 2094, Mr. Speaker.

The question: how many tons of (a) anthracite coal, (b) bituminous coal were delivered to Toronto docks during the year ended December 31, 1968, or during the last full year for which records are available?

The answer: the quantity of coal delivered to Toronto docks: anthracite—there is none recorded; bituminous—2,619,752 tons.

The second part of that question: has the Minister's department been keeping a record of the sulphur content of fossil fuels used in industrial areas?

The answer is the air management branch knows how much coal is being consumed by the major users and the sulphur content of that coal. For instance, the Ontario Hydro normally burns 2.2 per cent of sulphur coal. For unfavourable weather periods, Hydro has a stockpile of one per cent sulphur coal.

I guess the member does not need the third part. I can carry on—

Mr. Ben: I could ask why is one per cent sulphur coal not used all the time?

Hon. Mr. Kerr: The air management branch —this is to further clarify the answer—is developing a computer model for air pollution control, and part of the input data to this model will be details of coal consumption in Metro and the sulphur content.

Mr. Ben: Mr. Speaker, the Minister of Health is back in his seat and I have a question of him. May I ask it now?

Mr. Speaker: I have no current question of the Minister of Health from the hon. member.

Mr. Ben: I apologize, Mr. Speaker, it is of the Treasurer. I apologize to the hon. Minister of Health. It is the Treasurer, and he is not in his seat.

Mr. Speaker: The hon. Minister of Health took as notice on October 2 a question from this member. Does he have the answer?

Hon. Mr. Wells: Mr. Speaker, is that 2108? Yes, I have the answer to 2108, regarding Canadian armed forces' families.

The answer, Mr. Speaker, is that dependants of members of the Canadian armed forces residing in Ontario do not receive their medical care coverage through the armed services medical facilities. The federal government has seen fit to provide medical care in this manner for service men only, and not for their families.

Now, the premium charged for OHSIP, if a serviceman wishes to obtain OHSIP coverage for his family, depends on the number of dependants and the serviceman's income, of course.

One dependant, a wife for example, would be enrolled at the single rate. Two dependants, a wife and one child, would of course be enrolled at the couple rate. And three or more dependants, a wife and two or more children, would be enrolled at the family rate.

Mr. Ben: Could I ask a supplementary question? Does the government not subsidize any part of the cost for the premiums for the wife and the family under those circumstances?

Hon. Mr. Wells: Mr. Speaker, the normal premium assistance rules would apply.

Mr. Ben: Perhaps the Minister would care to elaborate. Under the laws of this province an employee in a group of 15 or more is, by law, compelled to belong to OMSIP. And premiums are deducted from his salary and paid over. In many instances there is a contract where the employer pays part of that.

Now, does not the employer of the soldier make any contribution whatsoever to the premiums of the family of the soldier?

Hon. Mr. Wells: As far as I understand, no. Of course, these questions should be directed to the federal government. It has been rather irresponsible in this whole matter.

Mr. Ben: May be, but we can only find that out if the Minister gives us clear and understandable answers; and if he gives us answers perhaps we will go after them.

Hon. Mr. Wells: I agree, Mr. Speaker. But I say they have been very irresponsible in the handling of all the federal civil employees.

Mr. Speaker: The member for Port Arthur has a question from the other day.

Mr. R. H. Knight (Port Arthur): Mr. Speaker, I have a question of the Minister of Labour:

Will the Minister use the good offices of his department to help hold off a serious unemployment problem promising for this winter in the Thunder Bay area, as indicated in an urgent brief presented on September 27 to the Prime Minister of Canada by Port Arthur shipyards' local 5055 of the United Steelworkers of America?

Hon. Mr. Bales: Mr. Speaker, in reply to the question. This is primarily a federal matter but I can assure the hon. member that the appropriate facilities of my department would be available, as they always are, in reference to counselling, training or retraining of the unemployed workers that may arise.

Mr. Knight: Will the Minister accept a supplementary question, Mr. Speaker? I would like to bring the question around specifically to the area where the problem is. I would like to ask the Minister what assistance his department could give specifically to the employees of the Port Arthur shipyards, who have stated to me in an urgent telegram, sir, that this is going to be a very bleak winter if they do not have a ship or some other contract at that yard? Is there anything specific this department can do to head off that problem?

Hon. Mr. Bales: Mr. Speaker, I think I answered that question in that I said if they were unemployed, and desired counselling or retraining, we would be glad to provide that information and assistance.

Mr. Speaker: The hon. member for Nipissing.

Mr. R. S. Smith (Nipissing): Two questions of the Minister of Energy and Resources Management:

In view of the Minister's statement that automobiles are the single most major cause of air pollution in any urban centre, can the Minister inform the House how he plans to conduct inspections for violators of his new regulations on car exhaust fume levels? And how much will the inspections cost?

Hon. Mr. Kerr: Two mobile testing vans have been purchased, and will operate in conjunction with The Department of Transport's safety check lanes during the fall and winter months. Arrangements are being made for inspections to be carried out at Department of Transport permanent locations in Toronto.

The second part of the question, Mr. Speaker: there will be no cost to the car owner, of course, for these inspections. The cost to the department can be properly evaluated, only after the programme has been in operation for some time.

Mr. R. S. Smith: As a supplementary, does this refer to trucks? Are they going to be tested the same way with these mobile vans? Will they be able to do that type of testing?

Hon. Mr. Kerr: Yes, the only problem with trucks are those carriers that have their exhaust pipes going up into the air. We are going to have to utilize some form of gear that can reach into this type of exhaust so that it works through the testing system. Otherwise, all the other vehicles will be.

Mr. R. S. Smith: I have a second question, Mr. Speaker, of the same Minister:

What, if any, holding tank facilities were installed in the boats operated by the Ontario Northland Railway on Lake Nipissing during this past spring and summer? If the boats in question had holding tank facilities what pump-out stations, if any, were used by these boats?

Hon. Mr. Kerr: For several years, the Ontario Northland Railway boat has had a 500-gallon holding tank with an automatic chlorinating system. Wastes were treated at this chlorinating system for disposal in the lake. As the hon. member is aware, the regulations of OWRC provide that by June, 1971, all boats with toilet facilities must make use of pumping stations.

The ONR has already made arrangements to increase the holding tank facilities to 1,000 gallons, and a contract for a pump-out station service at their terminal for the 1970 operations.

Mr. R. S. Smith: What about the other boats that are operated by the ONR? That is only the one boat. I think the Minister is referring to the *Chief Commander*—the barge, and what-not?

Hon. Mr. Kerr: The hon. member referred to the boats operating on Lake Nipissing. I would assume that my answer applies to all boats, is he talking about the barge? Well if there are facilities on that barge, they would have to comply with the same regulations.

Mr. Speaker: Orders of the day.

Clerk of the House: The 21st order, House in committee of supply, Mr. A. E. Reuter in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

Mr. Chairman: On vote 2207. The hon. member for Cochrane South.

Mr. Ferrier (Cochrane South): Mr. Chairman, as far as the ODC vote is concerned, I would like to raise a problem that I have touched on briefly and exchanged some discussion with the Minister a few days ago. It is the matter of the closing of a Timmins meat firm, and I would like to read into the record an article that appeared in the Timmins *Press* on September 29, 1969.

> Less than two weeks after a provincial government conference in Timmins aimed at helping northern Ontario, a Timmins industry has closed after being refused assistance from the provincial government.
>
> T. Cube Meat Corporation of Canada, Limited, in operation since November of last year, closed its Timmins plant today.
>
> R. P. Tesluk, Secretary-Treasurer of the company, in a news release to the *Daily Press* this morning, said the company regretted the action had to be taken. It had approached the provincial government for assistance, in particular the Ontario Development Corporation. But this assistance had been refused.
>
> "Closing of the plant," the statement went on, "will have a very detrimental effect on the economy of northern Ontario, especially to the farmers involved in livestock production. There will be immediate unemployment for 20 employees working at the plant. It will mean that the company will cease to stabilize meat prices in this region. The company would like to thank all its customers with whom it has done business in the past."
>
> Meat Corporation, which went into operation less than a year ago, took over the premises, which for about 30 years housed Timmins Packers, operated by a group of Timmins business men. The new company asked for financial assistance in July, 1968, and was refused. It went ahead in November of that year and again applied for assistance in July of this year. The reply came on Saturday—another refusal.
>
> Mr. Tesluk said the government did not see fit to help the company. It was like knocking heads against a brick wall. The government, he said, is destroying industry in northern Ontario. It is a very narrow-minded point of view. It is just paying lip service to northern Ontario.
>
> Michael Tesluk, president of the company, said the company had asked for $300,000 in order to acquire the assets of Timmins Packers, which ceased operation in 1966.
>
> "We are," he said, "a group of local business and professional people trying to do something for the north, and all we get is the brush-off. The government has no faith in the north. The company was the key to development of the livestock industry in the clay belt. The government has often asked about developing the clay belt but backs down when it comes to action.
>
> "The government is quick to help big companies but will not help the small guy. If you are rich and do not need the money you will get it."
>
> Mr. Tesluk said very little interest was shown in the company's request. No one even bothered to inspect the premises before refusing assistance. The only way to get some government people to visit the plant was to drag them there during the recent conference.
>
> In its 10 months of operation the company served approximately 5,000 farmers in northern Ontario and northern Quebec. At the recent Timmins conference a brief was submitted by the farmers asking the government to give Meat Corporation all possible assistance.
>
> In voicing his disappointment, Mr. Tesluk forecast an immediate increase in the price of meat in the Timmins area.

The hon. Minister, in reply to my question of a week ago, said that this particular company was insolvent and it did not qualify for assistance, and that some of their equipment was outdated and needed to be upgraded.

I think we should look at a few things here, Mr. Chairman. This company was started by a group of local business men who believe in the north. These business men all have other occupations—a lawyer, a doctor, owner of a construction firm, of a sign display firm, and a plumbing outfit. They put in about $111,000 to $150,000 of their own money to this corporation to buy new equipment to begin operation.

They had faith in the north and they felt that here was some way that we could do something about the fact that we have not got secondary industry in the north: "We are prepared to go ahead and we are prepared to put our own money into this." And they formed the company and began operation. They tell me they were making a profit of between $500 and $1,000 a week before taxes before they closed down, and they have assets—they tell me—of some $300,000 or more.

Now I wonder really, Mr. Chairman, if a company in this position is completely insolvent. They have attempted to get assistance from the Ontario Development Corporation but the corporation never seemed very interested in helping this company. I understand from the heading of the vote on the Ontario Development Corporation that they are prepared to give some guidance and assistance to a company in their operations, but in this circumstance no such assistance was given.

I think that when I ask that this whole matter be looked into and investigated more fully, the Minister should do this, because I do not think that the Ontario Development Corporation has gone out of its way sufficiently to help this company. The president of the company has written to the Minister refuting some of the things that he has said and I hope that the Minister will be able to reply that this company is not in such bad shape as he led us to believe when he answered my question last week.

I think that if the Minister, as he has said before, is a great champion of free enterprise in this province, then this is the kind of operation he has got to take a good look at to see if he can help. The big meat packers are trying to put a company like this out of business; a company that has the opportunity of helping the agricultural industry in the north, which is having a hard enough time to survive as it is. But here is a company that is giving it an opportunity to survive, and the large companies are trying to put the pressure on, but it has held its head above water and, as I say, it is making a profit.

I think if we are going to encourage competition that the ODC has got to look at this kind of operation and try to find some way of helping it and to help it expand.

The loan that this company asked for would enable them to purchase some new equipment and update their operation to some degree—they could put a floor in their plant—and they foresee that they can up their profit to something like $2,000 a week, and they can provide 50 jobs in their operation. They are now paying something about $3 an hour, which is certainly above the wages paid in the gold mines up there.

This company feels—and in talking to them I think that they have a good point—that the Ontario Development Corporation has not really gone into the affairs of this company nearly thoroughly enough; it has not considered the assets they have. I do not think that they have considered the kind of good that it can do, not only to the Timmins community but to all the farming area around there, and I think it is incumbent upon the Minister and the Ontario Development Corporation to do everything possible to try to keep this business in operation and to really develop the north if you are really serious about it.

This is the kind of thing that we have been calling for—for people to put their money up to start a new industry and to help it to grow and expand, to help it meet its problems. I think that ODC has got to do some counselling here, some help, and to come up with some kind of loan one way or another to keep this company in business, to keep those jobs in the area, and to help the farmers to have an outlet for their products. They have had no trouble marketing their products—all kinds of meat products. So I would like to ask the Minister if he is willing to reconsider this, is he willing to have the president and the directors of the company come down and meet with him and to go into the whole thing very thoroughly, to do everything possible to keep this company operational, if it is at all feasible?

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, speaking to the hon. member for Cochrane South, may I say that we are willing to sit down and talk to the management of this company again, if they can bring back any more information than we already have.

This is the second time the meat packing industry up there has become insolvent.

The killing equipment in this plant is obsolete. The other equipment is not too bad.

If we gave them any kind of a grant the first thing they would have to do is turn around and use that money to pay their creditors, and then they would need operating capital. So you would have to take that into consideration and they would be operating an inefficient operation, regardless of what you say.

Our Mr. Clark was in there during the meeting up in Timmins. We sent him over to look at the plant and see if there is any way to solve its problems. It was absolutely impossible for us to make an ODC grant to a company that was insolvent. And this is their problem.

If they had come to us perhaps before they got into this difficulty, our consultants, through ODC, could have helped them; but when they have gone bankrupt and then come and say: "Well, we are a group of young businessmen in town and we have put our money in." You have mentioned sums of money—and they have lost their own money. Now what they are looking for is to recoup their money at the taxpayers' expense.

It is all right to wave the flag for the north. I am waving the flag for the north every day in the week, but I am not going to help the north country by paying off an insolvent corporation that did not come to us before it went bankrupt.

I suggested the other day to you—and the Minister of Agriculture and Food said—that there is not enough livestock up there to keep that plant in operation and make these boys competitive. Now they found out through a very sad experience that they cannot operate a packing plant up there and make a dollar. I just suggest to you, sir, that unless there is a new plant built, a completely new plant built, and the old one taken off the books—they went insolvent, they went through bankruptcy, they got rid of the creditors they now have—then I suggest they come back and talk to us, and we will see if we can help finance them. But under the present circumstances we would be throwing money down the drain to try to keep these people in business.

Now whether you know it or not, they went to the federal government—it is a federally designated area—and the federal government looked at it with IDB; and they turned them down. So I just suggest, as far as we are concerned, we would have done anything we could to keep them in business; we are interested in helping small business in the north, small business anywhere. But the thing had gone too far. We would be severely criticized if we put money into a company that was going down the drain—in fact, had lost all its own money and said: "Well, now give us some taxpayers' money to pay off our creditors—and we hope we can stay in business."

At the present time, I believe the company statement showed a financial deficit of $200,000. So the first thing we would have to do is give them $200,000 to pay off their creditors. I do not think we are in business, and I do not think you would expect us to bail out the creditors. They took that chance when they sold the company, and they gave them credit. What we would be doing is bailing out the former creditors; and I just suggest to you that our first responsibility is to make sure that they have an enterprise that is going to get a 30 per cent chance of succeeding.

We are quite prepared to go in and help them. I would suggest when you go back to Timmins, you should sit down with the president, or have him come down and see us. I have a long letter in my desk, five or six pages, from him—I have not read it yet, I have not had a chance since coming in with the estimates. But I am prepared to sit down with ODC, and see if there is any way we can find a solution to the losses they already have. I just suggest to you that I think that the plant that they have will be just as inefficient today as it was yesterday. And if they put any more money into it, they can get into further financial difficulties. But if they want to come down and talk to us, we are quite prepared to see them.

Mr. Chairman: The hon. member for Perth.

Mr. H. Edighoffer (Perth): Mr. Chairman, I was—

Mr. Chairman: The hon. member for Perth was on his feet at the exact same moment as the hon. member for Cochrane South.

Mr. Edighoffer: Mr. Chairman, I was very interested in a press release a year ago. This was put out at the time the hon. Treasurer was helping to launch a sloop manufactured at Centralia Industrial Park. Now, when this launching took place, I noticed in this release that the Provincial Treasurer gave great credit to the EIO programme, and said it represented "a slice of Ontario's opportunity pie".

Now, Mr. Chairman, I find that anyone with a good recipe usually is glad to have the ingredients made known. But I am starting to believe that this Ontario opportunity pie maybe has a very thick crust on top, so that some of the ingredients are hidden. I tried the other day, when the estimates began, to put before the Minister, in my opening remarks, our concern in this party for some of the inequalities in this department's programme for prosperity—and, in particular, the EIO programme.

Now I read with much interest the submission which was made by the Ontario Chamber of Commerce to the Minister concerning this programme.

The brief stated that on June 14, 1968, the Minister made the following remarks here in the Legislature:

> If anyone here has an idea of how we can improve the criteria—

that is for granting an EIO loan—

> —we would welcome it. We recognize that it is a difficult thing to accomplish without discriminating against some other municipality. But if anybody has a suggestion to put forward we will be glad to have it, I can assure you.

Well the Ontario Chamber of Commerce did put forth a very valid suggestion and I will again quote briefly from this brief:

> The board submits that no fixed set of criteria for the granting of an EIO loan has been publicly stated by The Department of Trade and Development. Therefore the board recommends that when the programme is reviewed in June, 1969, all designated areas should be de-designated and asked to reapply under a set of clearly defined and publicly stated criteria for designation.

Mr. Chairman, I submit that the Minister, according to this announcement on June 26 of this year, did not consider the suggestion of this interested and concerned group of people in the province. He merely stated: "We have decided to make no changes in the methods by which municipalities are designated."

Now I know the Minister will probably rise and say that this programme must remain flexible. I agree that it must have some flexibility, but it still would be possible to set out definite guidelines so that the people of Ontario would know exactly how their money is being used. Now because of these unknown guidelines I would just like to ask three brief questions:

1. How many years must a business be in operation to qualify for assistance under the EIO programme?

2. If a firm qualified for an EIO loan, does a change in ownership nullify or affect the condition of the loan in any way?

3. If a loan is approved is there any maximum time limit for starting construction and commencing production?

I would appreciate the Minister's comments.

Hon. Mr. Randall: Well Mr. Chairman, in answer to the hon. member for Perth, may I say that we have had a thorough study of the criteria; and all I can say in defence of the criteria is that the federal government saw fit to adopt it almost as a whole in order to build in the word he does not like—flexibility.

And I think one of the difficult things about any industrial programme is, and we learned from the federal government's incentive programme up around the Owen Sound and Georgian Bay area, that the inflexibility of that programme created a great many problems.

I think your own member for Bruce peninsula will tell you that, not more than a year ago, there were about 1700 people still unemployed up there, despite all the industry that had gone in. Because they had left it on so long that it attracted a lot of people, transients who moved in there, took the jobs, and some of the plants had not got into full production.

When I was up there last year, I made arrangements to include Owen Sound for a limited designation to see if we could mop up some of the unemployment that was still there.

I might also point out that by leaving it on as long as they did, they created some problems for the municipality, as regards the cost of sewers, and water, and homes and servicing that area to take care of the influx of industry.

The reason we have developed our programme is so that when these towns have got an amount of industry, which we feel will take care of some of the major problems on our criteria, it is called the blue plate special. When they have had their fill, we like to turn off the key and move somewhere else, and use the time and energy and money to give another town a chance.

So we have got built-in flexibility. And if the chamber of commerce had any ideas that we did not already have, certainly we would be glad to accept them. I get briefs from chambers of commerce, Canadian Manufacturers' Associations. I can recall a chap coming from the Canadian Manufacturers' Association, and giving me hell all afternoon and then when he was going out, he said: "It sounds like a pretty good programme. How do I get a forgiveness loan?" I told him—and today he has a plant going down in eastern Ontario producing a product that is shipped all over the world. Now he does not think the plan is so bad.

I think what happens in many cases is that they do not get the facts—and if they do not get the facts then of course they criticize the programme. But I would suggest to you

that the criteria that we are using now is as flexible as we have ever used and we are still looking for new measurement methods if anybody has them. We are quite prepared to look at them if we think they will fit the ODC programme.

And I am sure that if anybody has had an opportunity, with their researchers, to come up with a new deal it certainly would be the federal government before they commit themselves to spend millions of dollars that the Minister, Mr. Marchand, has said he will spend on their incentive programme right across Canada. And I can assure you that his Deputy Minister, Mr. Kent, came down and said: "We are going to pattern it pretty well after what you fellows are doing in Ontario."

So I do not think it is necessary for me to read out to you, and I do not think you want me to bore you with all the details as to how the programme works. You have seen the application form that the municipalities have to fill out and there is enough information there that can rule themselves in or out. Now they may rule themselves out and they say, "Well I made a mistake." We have had many, many clerks take the form and fill it out and the town is not designated and then the business people in town come down and say: "Look the clerk did not have all the information." And we have sat down and said: "Okay, this is the information we require, fill out a new application and we will examine it." And in many cases we have put them under designations.

So the programme, as far as I am concerned, is open for anybody in the designated areas of Ontario to come in and make an application.

The hon. member asked how many years they have to be in business. They do not have to be in business any years. If you started a business today and said I have got a quarter millon dollars I am going to put into used bicycle factory, if you are going in a designated area you could come in and make application for a forgiveness loan. If you have a plant there and you are going to extend it and you say it is in a designated area, if it qualifies under the ODC programme you could get money for the extension of your plant.

The second thing is a change in ownership. If a plant is operating under the name of Brown and they change to Jones and it stays there and then Jones buys all the assets and takes on the obligations, keeps on producing the same product and employs the same number of people, we could not care less who runs the business. But if Mr. Brown was to sell out to the Americans and they walked over with a truck and they took the business out of there lock, stock and barrel back to the United States then we would say this is a forgiveness loan, you have to pay it back if you are not going to remain there for the period of six years. That is why we have the six-year period in there; the company has to stay there for six years.

We have not had any instances like that—where the company has gone out of business or been sold out and the new owners have moved the business out. If they move the business out of that municipality into another municipality they have to pay the forgiveness loan back. These are the conditions we set down when we sign the agreement.

Insofar as the starting production is concerned, I think right now we have committed ourselves for almost $30 million, but that money will not be called on for perhaps 18 months. In some cases it may take anywhere from six months to a year to build some of the plants that have qualified under EIO, and get the equipment in. Some of this equipment is very special equipment that has to come in, so it could take a plant anywhere from six months to two years to get built and get equipped and, in the meantime, train their people.

So while the commitment is there by ODC, the actual cash does not have to be expended until they get into operation, and I believe that covers the questions that the hon. member has asked me. We negotiate each loan on the basis of the conditions of the application and the loan is given to the management group on a contract basis that they will perform as we ask them to perform. If they do not perform the way the forgiveness loan application suggests then they just do not get the loan or they are on their own.

Mr. Edighoffer: Mr. Chairman, I notice on many of the releases by this department that they always have the number that will be employed and the number expected to be employed. What controls or what information does the department keep in regard to the total overall employment, say over the next five or six years?

Hon. Mr. Randall: I might say that when they come for a loan they tell us how many people they will be starting with and then we ask them to forecast the number of people they will be taking on up to the next four

or five years. Then we have a fairly good forecast on the initial employment, which I mentioned as of the end of August 28, 1969, in my opening remarks, would be something like 7,071 people. We know this for sure when the plant opens up.

In the next five years that goes to 14,970. Now I appreciate that in four years many things can happen. Maybe the company will not be competitive in the area it is going to market its goods; a number of things can take place that would prevent them from increasing their employment. On the other hand there are many other companies who will double their employment, so that on the average the number of jobs that we indicate will take place because of the forgiveness loan is close to 15,000 in the next two years.

I might say that we have monthly meetings and we get quarterly reports from these companies as to their progress—how the plant is coming along, where is the equipment, when did they start employing their first help—and these reports continually come to us until the plant is in operation and they are underway.

Mr. Chairman: The hon. member for Scarborough West was on his feet. I had forgotten—do you have a—

Mr. S. Lewis (Scarborough West): I have some questions and observations which might be a little extended with the Minister, perhaps, if there are some specific things that people want to raise—

Mr. Chairman: I think there are a couple of specific—

Mr. Lewis: Then if I could defer, but reserve the right to enter at some future time.

Mr. Chairman: The hon. member for Kent.

Mr. J. P. Spence (Kent): Mr. Chairman, I would like to ask the Minister in regard to some industries that cannot qualify under the ODC loans, it would appear to me that some of those small companies that are processing agricultural products do not seem to qualify. Over a year ago—this industry is not in a designated area but in a village where a family had formed a company and it was an egg cracking plant which the family built—the family built the building, a new building and they needed money to equip it with new machinery. We appeared in your office and some of your officials left the impression with us that they would not qualify or they were not on the list.

Is this the fact, that some companies who process agricultural products do not qualify under this department?

Hon. Mr. Randall: I am informed—and I remember the member's visit to the office—that the egg-cracking process at that time was very competitive, as I think the member recognizes, and there were some doubts in our minds that it could be a very successful operation, with the kind of competition that was available.

There is some further discussion going on now with regard to assistance to agricultural processors, if you will, in certain areas such as egg drying. We would be happy to have a look at anybody at the present time the member believes should be assisted through ODC. If they are a marginal case, that is the reason why I would suggest that perhaps a small family business getting started on egg-cracking—I guess that is what you would call the same thing, egg-drying or egg-cracking—may find it difficult to take a loan, build a premises and make sufficient money to pay their way.

But I just suggest to the hon. member if he has anybody else in the area, even the people he brought in before, if the situation is any different bring them back in and let us have another chat with them and see if there is any way we can find a solution to their problem.

Mr. Chairman: The hon. member for Nipissing.

Mr. R. S. Smith (Nipissing): Mr. Chairman, I have two or three questions: First, in regards to the Ontario Development Corporation loans as well as the EIO programme, which applies for federal designation and does not fit in in those areas that are federally designated. Now, in regards to the tourist business, as you are aware there are no loans or grants available to operators themselves. But there are provisions made where an attraction, or something like that, which is in an area and will provide business for the facilities that are around it, can obtain EIO incentive grants as well as an ODC loan. But it is the question of how you come to designate an area, whether in the department's opinion it is a tourist centre.

I had a group of people in my area last year who were interested in the creation of a museum business which would attract people to the whole area and they talked to people within the department and I spoke to some. It was indicated to me and to them

that we were not a tourist area in the department's opinion. Well, it happens to be the single biggest business in our area and it is a far greater business in our area than it is in some other areas where loans have been made and incentive grants. I would like to find out from the Minister how he arrives at whether he considers an area to be a tourist region or not. That is my first question.

Hon. Mr. Randall: If I remember northern Ontario, Wawa is not far from North Bay, is it? Is it Wawa where we have the ski lift?

Mr. R. S. Smith: No, that is 600 miles away from me.

Hon. Mr. Randall: All right, is there not one just north of North Bay?

Mr. R. S. Smith: No, you made a grant to an individual 40 miles south of us at Sundridge for a ski resort; but in our area, which is 40 miles away from that and where the tourist population in the summer months is much greater, we are not considered a tourist area.

Hon. Mr. Randall: I would not say, we do not consider it a tourist area, I think—

Mr. R. S. Smith: Not for your programme, you do not!

Hon. Mr. Randall: It was a term loan made 40 miles away, repayable, not a forgiveness loan.

The difficulties in the tourist industry, as the member well knows, is that they have a very short season and most of them have at least two or three mortgages. I have had a number of discussions with the Minister of Tourism and Information (Mr. Auld) as to how we can establish, perhaps one of these days, a fund whereby we can consolidate these mortgages that the smaller, let us say, "mamma and pappa" tourist organizations have, where a fellow buys a tourist lodge and says, "Well, I haven't made any money because I am so busy paying off two or three mortgages". How can we assist him in putting those mortgages together under one package so we can help the tourist industry?

But with the information we get when a tourist application comes to us, we ask The Department of Tourism and ourselves, is this an area where we should invest ODC funds? We take their recommendations because we think they know better than we do where the tourist area is. I cannot believe they would say North Bay is not a tourist area because I agree with the member, I think it is a tourist area. I think a good many people start out for northern Ontario through North Bay. I know when I travelled up there back in the 1930's it was called the "Gateway to the North" and I think it still is. But my associates, when we get applications from the tourist industry, they are referred to The Department of Tourism and Information.

Mr. R. S. Smith: I am not talking about applications from tourist operators, what I am talking about is groups who are willing to start up a local attraction which are eligible under the Minister's programme, but under the programme this department then decides whether the area is considered, in their opinion, a tourist region. And this is what I would like to know, how you come to that decision, whether it is or it is not an area that should be allowed to qualify for a loan for a tourist attraction? This is the point I am trying to make and the Minister has talked about everything else but that.

Hon. Mr. Randall: We do not decide the area. If the member has a group that we have refused a loan to, I would like to know who they are. We do not decide the area, we decide whether it can be a tourist attraction and whether the ODC should grant money for that purpose. But I would suggest if the member has a group of individuals who want to start a tourist attraction in North Bay, let us have a look at them. If we have already looked at them and we have decided that it is not a good investment for ODC, that is a different matter. But if they are going to start a tourist business and we get the information from The Department of Tourism and Information that it is not going to be a viable entity in the city of North Bay, then undoubtedly we would not give them a loan.

Mr. R. S. Smith: The group that spoke to people within the department is the Lakeshore Tourist Resort Owners, and I spoke to them too, and I got exactly the same answer as they did, that we were not considered a tourist region by this department in regards to the ODC programme.

And this is what I would like to find out, how does the department come about to decide what is a tourist region and what is not, because this is what I was told, and this is what they were told. A system was developed of deciding or making a decision as to what is a tourist region and what is not, and that is what I want to find out.

Mr. Chairman: Perhaps I may be permitted a brief interruption for just a moment.

We have some very distinguished visitors in Mr. Speaker's gallery. We have His Excellency Vincent H. MacFarlane, High Commissioner of Jamaica in Canada and Mrs. McFarlane. I am sure we would like to extend a welcome to our distinguished guests.

Hon. Mr. Randall: I do not recall the Lakeshore people, but I do not think they were turned down by us on that basis. And I would like to suggest that we take a look at the file and find out where they were turned down because Mr. Etchen tells me that we had a look at that situation. Evidently they were not turned down on the basis of North Bay not being a tourist area, they were turned down on perhaps some other basis and I would like to find out what it was. I do not have the information here now.

Mr. R. S. Smith: I have another couple of questions or statements, Mr. Chairman.

In regards to the EIO incentive programme, in northern Ontario we are federally designated and therefore we come under the federal programme so, in effect, the province has no incentive programme operational in northern Ontario. We feel that the provincial programme of EIO is in direct competition to us because we are designated federally and we also feel that the province should devise a secondary or supplementary programme to the federal programme.

In other words, they should be into such fields as the development of parks, industrial parks and what-not, in the provision of extra funds for sewers and water, to provide these facilities, as well as the furtherance of the highway programme in that area.

We feel that if the province is sincerely interested in the development of northern Ontario, they must be interested in the field in which they can do something, and that is in the area of service and roads; and this Minister's department has done nothing in this area, as far as northern Ontario is concerned. Since you now do not apply the EIO programme to northern Ontario, this department is pretty well out of any kind of development in that area of the province. We would like to ask first that the Minister look at the EIO programme in regard to its opposition to the programme that is now effective in northern Ontario, and, secondly, that a secondary programme be developed to the federal programme, that is in effect there.

I would like to hear the Minister's comments in this regard because, within the last short period of time, there is developing a competition between, whether a company should go to the Nipissing-North Bay-Sudbury area, under the federal programme, or whether they should come down to some other area that is much closer to Metropolitan Toronto under the provincial EIO programme.

I know that this does not apply to large industries who are looking for very large grants, they will come to our area because the federal government will give them that, but there are not that many of those around and what we are primarily interested in, is the smaller industry that is being attracted away from our area, to areas closer to the large municipalities of Toronto, by your programme.

Hon. Mr. Randall: I would say to the hon. member, Mr. Chairman, through you, we are discussing with Ottawa now the ramifications of the two incentive programmes. We hope that when we are through our discussion we will be able to put a package together for northern Ontario. We are not in a very clear position at the present time to decide where we go in and where Ottawa goes out, and *vice versa*. There are some major difficulties there, for instance, we have been told that if we bought a company that was going to locate in North Bay to the federal government, and they were going to give them, say, $100,000, depending on their own equity going in—and perhaps our programme worked out $150,000—the federal government can say to them: "Well, if you move to Quebec we can give you $200,000; and you can get the provincial incentive on top of that."

Now, I do not say this has happened, but this could happen under this programme.

As you know, Mr. Marchand brought in two Acts. One was an incentive Act, and the other was an organizational Act. The organizational Act would cover the things you just spoke of a minute ago, and that is the infrastructure within the town say, of North Bay, the roads, sewers and a few other things that would expand that town and make it a better place for industry to locate.

At the present time, I do not know anything that has been done yet with either one of those Acts. As I suggested to my friend from Sudbury yesterday, I would have liked to see them put their money into the equalization of freight rates. I think it would have

done more for northern Ontario than anything else if that would have happened—and leave the incentive programme to the provinces.

But we are now discussing, with Ottawa, the possibility of a package plan recognizing that we cannot go into competition with each other, because we are not going to achieve very much for northern Ontario, particularly, unless we recognize that the two plans must be tied together. But we can have it where an industry can walk in and get this loan from ODC, and also an incentive loan from the federal government. First thing we know, we will be paying the guy more than he is getting in the south, as you recognized.

Mr. R. S. Smith: Well, I think in the federal Act there is a provision that if they get a provincial loan it is deducted from the amount available from the federal government.

Hon. Mr. Randall: Well no, it is not quite that easy, because the federal government will look at it and say: "Look, you can get more if you move to another province." There are other matters in there that we are discussing.

Mr. R. S. Smith: And the second Act you are talking about is the question of federal aid to developing provinces, in regard to services such as sewers, water and roads. Now Ontario is not going to qualify for that because—

Hon. Mr. Randall: Northern Ontario would qualify for that.

Mr. R. S. Smith: But it will be through the provincial government. It will not be direct payments from the federal government to a municipality.

Hon. Mr. Randall: The organizational Act will be handled by the federal government; it has nothing to do with us.

Mr. R. S. Smith: Yes, but it will not be direct grants to municipalities.

Hon. Mr. Randall: Could be. Sure.

Mr. R. S. Smith: I doubt that. That is not what Mr. Kent said in Sudbury last week.

Hon. Mr. Randall: Mr. Etchen says it will be to the companies going to the area. If there was a road required to put a company in, or industrial land had to be serviced to accommodate the plant, this is where the loan would go.

Mr. R. S. Smith: Yes, but it will not be municipal works.

Hon. Mr. Randall: No.

Mr. R. S. Smith: It is certainly additional works that the plant has to put in itself.

Hon. Mr. Randall: Yes, so they will be assisted by the organizational Act to do that.

Mr. R. S. Smith: But the whole point is that the federal legislation is there, and it is offered us now, and your legislation does not cover us at all in northern Ontario. What I am asking you to do, is develop an additional programme besides the EIO, so that you can provide additional services to municipalities, not to the individual companies.

I am not asking you to give greater incentive to the companies in that area because, as the Minister says, it would be rather ridiculous to pile it on top of the federal programme. But what I am asking you to do, is to develop a programme whereby roads, and other services will be available in municipalities, so that they can attract industry under the federal programme.

What we need is a supplementary programme to the federal programme. You talk only about municipalities, you know. But there are other departments within your own government who should be active in this such as The Department of Highways in the development of four lane highways, and what not, into the north. This is what I think should be a total approach of the government; and not each one going off in their own direction and none doing very much—which is the case right now where you have no incentive programme whatsoever for northern Ontario.

Hon. Mr. Randall: We are working, as I have said, with the federal government now to try to co-ordinate a programme that will do some of the things that the hon. member is asking for.

I do not know how soon we will be able to come up with some of the answers to some of the difficulties we have experienced to date. But I am quite sure that these matters you brought up—and we have made a note of them—we will discuss with Mr. Marchand and his people, and see if something could be done with regard to assistance in the municipalities where they want to expand.

Now you say there is no programme for northern Ontario. Let me just differ with you for a moment. If Eatons or Simpsons put a warehouse in North Bay, you would qualify

immediately for a forgiveness loan—but federally they would not include anything but secondary industries, you know.

Mr. R. S. Smith: Well, I indicated to you that anything that is not covered federally is covered by the province. But how many incentive grants were made in the last year, on that basis, in northern Ontario? Any?

Hon. Mr. Randall: Well there are loans made in northern Ontario, but—

Mr. R. S. Smith: Not loans, incentive grants!

Hon. Mr. Randall: —but I do not suppose to North Bay, because I do not think any warehouses have gone in there yet.

Mr. R. S. Smith: No, but incentive EIO grants. How many were made to northern Ontario, that part of Northern Ontario that was designated federally during the past year?

Hon. Mr. Randall: We did not have more than two or three applications for northeastern Ontario during this past year.

Mr. R. S. Smith: How many were approved?

Hon. Mr. Randall: Well, I would have to check. Just a minute, let me see if we have it here. Two in northeastern Ontario, and four expansions, which qualify for EIO grants.

Mr. R. S. Smith: But they were not in the federally designated area.

Hon. Mr. Randall: I would have to check it.

Mr. R. S. Smith: And, now that the whole area is federally designated, you will not have any, or practically no, applications. But if they were in the federally designated areas it would be a little different.

Hon. Mr. Randall: Actually, Mr. Etchen tells me they were just outside the designated areas.

Mr. R. S. Smith: Yes, well that is it. So now that the whole area is federally designated, you have no programme that you can say is effectively going to work. And this is what I am asking you to do, to develop a supplementary programme to the federal programme. Because this is what has to be done if your government is at all interested in what is going on up there.

I think this has been known for some months—what was going to happen federally. Well three or four months anyway. Yet the provincial government and this Minister's department has done nothing except cancel EIO grant incentives in those areas that became newly designated.

Mr. D. A. Paterson (Essex South): Mr. Chairman, I would like to get from the Minister a little further explanation of what he meant by a "blue-plate special" deal that he offers in designated areas.

My interpretation, if he would correct me, is possibly related to that of the municipality of Kingsville, the only one designated in the county of Essex. I believe earlier this year, it was my impression, due to the success in the number of industries that were moving into that municipality, that there was an indication that there would be a slow-down of directing industry to that municipality, and possibly the dropping of that particular community come June.

Subsequently, we were pleased to learn that it had been re-designated for a further two years.

Now I just wonder whether my impression was wrong, or whether the Minister and his department have a criteria of the ratio of jobs that are being created in a community. Say this is 3,000 people, the number of jobs, or what is the number of dollars that are going to be expended in that particular area? Is this the criteria, or is there any criteria?

Hon. Mr. Randall: Let me just suggest, when I said blue-plate special, I meant it that way because, in the town of Kingsville, for instance, if there were 500 people unemployed there now, and they qualified for Ontario Development Corporation, and we put 500 people to work in there. Then we take a look at Kingsville, and say: now perhaps we can move down to another town, Tillsonburg or somewhere in the same area that perhaps has 200 people out of work.

In many areas this was what we have been able to do. When a town has employed the people and we have met the difficulties, that is the facts in their application that they have provided to us, then we like to think we can move away from there for a while and put in another industry.

Now if we have to come back, we are quite prepared to come back. In the case of Kingsville, you say it has been re-designated.

One of the things we do find in the Ontario Development Corporation programme, is that once you get it going, and a town gets a couple of industries, then everybody starts marching with banners. The town is now growing, and wants more industry. It is going to be turned into another city of Hamilton,

and the chamber of commerce, and the mayor, and everybody gets excited. Then we say: well, now you've got the 500 jobs we are going to have to turn the key in the door.

For a while everybody is disappointed; and they write me letters and say we just got going and we got some serviced land already can't you keep the programme under way? But we point out to them that if there is a justification for continuing—if something has happened during the period that they have been de-designated—we are quite prepared to continue, but we are also quite prepared to come back and take a look at it maybe a year from now. This is what I mean by blue plate special, this is what I mean by the flexibility; you can move in and move out.

Mr. Paterson: Therefore my basic interpretation is correct: if they are successful in attracting more industries within the next few weeks, there would be a cooling off period so that the municipal services can handle these new industries and the slack in jobs is taken up.

Might I ask the Minister to look into the application of the Lakehead Industries, that is an existing industry in that municipality that apparently is trying to transfer its operations from metal fabricating in the automotive industry into new plastic equipment and so forth. I believe they have been dealing with your department and I would appreciate anything that could be done to expedite this particular request successfully.

I might state that I had the pleasure of representing your department, due to the estimates being processed on Friday, at the opening of the Precision Spring Plant in that community. It is amazing what a little item like that will do to the spirit of a whole community, and this I like to see in the small towns.

There is one matter of interest in this one designated area in the County of Essex, in that the regional development council for their region designated this particular municipality to be a dormitory or a housing type community, and that industry should go elsewhere. There seems to be a bit of conflict in the minds of local municipal people in that county that on the one hand one branch of your department is recommending this, yet under this vote you have re-designated that community, and possibly some day we can get an explanation on that.

Mr. Chairman: The hon. member for Scarborough West.

Mr. Lewis: I am very sorry. I can wait.

Mr. G. W. Innes (Oxford): I have a couple of specific complaints about the EIO programme. A couple of industries in my area have complained bitterly that they have lost substantial labour and products by reason of the creation of an EIO loan to another plant, another area, and I would like to ask the Minister what studies the department makes, through their officials, to investigate the disruption that will occur in another area which is not designated where they could forseeably lose quite a bit of employment, lose two or three products. It seems, in fact, these people were quite belligerent about it because they had lost considerable revenue, and the products besides, and not only that—they felt that by the taxation structure they were contributing indirectly to a loan to another community to put themselves out of business.

I would like to ask the Minister what his department does to investigate the possibility of employing people in one area and yet on the other hand putting people out of work in another area?

Hon. Mr. Randall: I recall the hon. member bringing some of these problems to me. As you know, we looked at the situation and we replied to the people in question. We are bound to have some of this. I think we brought in something like 186 new companies and expansions since the programme got under way in January, 1968, but there is always the fellow with a vested interest and I don't blame him. If I had a vested interest in a company and I saw a chap opening up in another part of the province I would think, well they are perhaps using some of my tax money to give me a little more competition.

On the other hand, I think he must recognize that if we did not do it in this province a man could cross the border, either to Manitoba or Quebec, and do exactly the same thing and those jobs that belong to the province of Ontario, the product would still be here. What is often overlooked is that the money that is collected from him in the form of corporate taxation is perhaps going to support some unemployment or some welfare recipients in another part of the province, and we can look in the town of Cornwall, where I think their welfare costs were running around $2 million a year and there were about 3,100 people unemployed.

It is obvious to me that the chap that you speak of and a few others—I might say we have only three or four complaints to my knowledge about using their money in order

to put competition in against their company, but usually when we explain the position of ODC and why we are doing it, and what it means to the province and what it means to the industry; these people are fairly reasonable. There are some who are not reasonable, but you are not going to kill a whole programme because one or two people take exception to the fact that the government has an incentive programme under way. And I would suggest to your friend—and I think we answered him; he may not be satisfied with the answer—but if we were to take the attitude that we are not going to do this, I think we also will be inclined to take the attitude we are going to stop imports because it is affecting our manufacturers. Yet at the same time we are asking people to knock down tariff walls so we can ship more of our goods abroad.

At the present time the United Kingdom is our No. 2 customer. Most of the goods going out of here to the United Kingdom do not have a tariff on them. They arrive over there duty free, and we have enjoyed a very healthy market. I am afraid when the United Kingdom goes into the EEC market perhaps there will be some tariff problems that Canadian manufacturers will have to worry about.

I am getting away from what you asked me, but I am just trying to put the thing in context so that you can see that everybody wants to put a low fence around his bailiwick and say: "Do not interfere with me, I am doing all right." But at the same time some of the tax dollars that these people have been paying are going out in welfare payments and unemployment payments that we believe would be better spent if we created a job so the products he is making can be sold to more people.

Perhaps it is hard to sell them that idea, but I don't think you ever sell the guy who is unemployed. In this province we have pretty well full employment, we have people earning a fairly good income and they are able to buy the products that are manufactured here, so weighing the two situations —that man you referred to and anybody else that complains about the forgiveness loan programme—we have to look at it on the basis of what is the overall good of the programme and what are we achieving.

The one thing you must keep in mind is that if this province stopped an incentive programme tomorrow—we are on the border of two provinces and five states who have incentive programmes—what do we do? We bring Ontario to a standstill, we do not give our people jobs, we do not increase our economic expansion—

Mr. E. Sargent (Grey-Bruce): The Minister does not believe that?

Hon. Mr. Randall: Sure I do. Oh, you bet I do.

Mr. J. B. Trotter (Parkdale): That is a lot of nonsense.

Hon. Mr. Randall: —we just stand right still and we do not get the jobs. And you should be the last one, my friend, to criticize, because if it was not for the federal incentive programme the hon. member for Grey-Bruce would not have those industries in Owen Sound.

Mr. Sargent: That is federal!

Hon. Mr. Randall: I know, but you did not turn the feds down, you did not say, "Don't come in here." You did not turn the feds down now. So let us be honest, you did not turn the feds down, you were glad to take the incentives, and the difficulty we have is the fellow who has the incentive, the town that has the incentive, thinks we are great people, but the guy that does not have the incentive thinks we are ruining his business and ruining his municipality.

And I just suggest to you it is not an easy decision to make when you go into a programme of incentives, but I think you will have to look at the overall success of the programme and I am sure before we get through here today or tomorrow I will be able to outline some more successes that my friends from the opposite side will buy.

I just suggest to the hon. member—

Mr. V. M. Singer (Downsview): Like the island city.

Hon. Mr. Randall: Yes, that is a good one.

Mr. Singer: Wait until we get back to that on the housing.

Hon. Mr. Randall: I would suggest if you have anybody else, send them to us. We have sat down with these people, we have been able to sit down and talk to them and explain the government position on incentives and recognize where the pressure is coming from competition.

Mr. Innes: I know, but you have sure twisted it real well.

My specific question: do your officials check on the disruption that would occur in another area by reason of a new plant?

Hon. Mr. Randall: Our trade and industry branch, with their researchers, check on every application that comes in and we look at the industries that will be involved and on the basis of that we make the decisions.

Mr. Innes: There is just one other short question: Recently some of your officials were in the town of Ingersoll to explain why it was not on the designated list, and one of the reasons mentioned by the officials was the town's close proximity to other areas of full employment. They did indicate that about 600 people drove daily out of that town to other areas for work. The department used this as a criteria for not giving Ingersoll a designated listing.

The Ingersoll officials thought this was not a true measure to use. They felt the people living there should work there, and they should not be cluttering the highways up driving back and forth.

Now, I do not know, I just ask the Minister if he thinks it right that they should use that as a criteria? In other words, they seemed to indicate that if they had 1,000 people driving out of there every day, the more that went out the less would be the incentive for them to get the programme. I thought that that many going out of the community would be an advantage for them to get a designated area listing.

Hon. Mr. Randall: As long as they are bringing the money home, the town does not care, as long as they spend it on their main street. In your own town, for instance—you may be interested in this—we made a survey—and I appreciate that maybe the town fathers do not entirely agree with it—but during the last five years two new industries have been established, the Essex Wire Corporation employing 358 people, Checkerboard Farms, employing 108, for a total of 466. We take off two plants that are going out of business or will go out of business, Canadian Industries and Shelby Knitwear, with 160 lost jobs there, to bring it back to a net gain of 306 jobs in the area.

The assessed value in the town in 1968 was residential $6,691,000; commercial and industrial assessment, $4,435,000, and the rate of growth of industrial employment over the five-year period has been approximately 26 per cent, so sometimes these fellows are screaming about something that has not happened.

As of July 31, 1969, the sub-office of the Canada Manpower, which included Ingersoll, reports 37 males and 27 females registered for employment for a total of 64 unemployed. Translated into a comparative basis, this is approximately one-half of the provincial average exclusive of Metropolitan Toronto. Additionally, it is reported that at that date there were vacancies for 29 male employees.

Now I think I agree with the member. They said: "Well, if we could only get more industry in here, those 600 people would not have to go to London or somewhere else to work." Well, I do not think that is a No. 1 priority on the ODC programme at present. Once we get some of these other problems taken care of, perhaps this is where a town could expand.

We have heard a number of people talk about building satellite towns. I think satellite towns are fine, but I think we have some very fine towns that should be expanded before we start building satellite towns. And I think Ingersoll is one of them. I think if they have the services in there, they have schools, they have hospitals, they have doctors, they have all the municipal services, we should make sure we do something for those towns before we start looking around to build new ones. When that happens, then I think perhaps we will be looking at a different kind of programme.

Mr. Chairman: The member for Scarborough West.

Mr. Lewis: I started to get edgy, Mr. Chairman. I have some brief initial questions which I would like to ask the Minister.

I take his mind back to January of this year, to the Canada Wire and Cable delegation of the United Electrical Workers that met with the Minister—local 521—and, I think, they presented a brief. They were in his office, they chatted amiably with him about the problems they were having at Leaside and Simcoe, if my memory serves me.

Can the Minister tell the House what the upshot of all that was, or how he dealt with the argument they made about the EIO loan disenfranchising certain of the employees in the Leaside plant?

Hon. Mr. Randall: They brought in a brief, we had a very, I would say, informative discussion. Canada Wire and Cable Company is the oldest plant they have in Canada. Despite the brief we recognized that Canada

Wire and Cable Company must rationalize if they are going to be competitive.

If you look at the profit return in the electrical industry, I think it is less than two per cent of the sales dollar. If conditions continue at that plant as they were continuing, I think these people, not only these people but I think several hundred more, would lose their jobs. The programme down in Simcoe was a different programme, manufacturing a different product which was formerly imported from the United States.

Now the union suggested that part of the wire making, or their wire to be made, or being made in Leaside, had gone down to Simcoe. We were not aware of that and we checked it out with the Simcoe people and the whole programme down there was a new project, it had nothing to do whatsoever with the one in Leaside.

Our feeling was that in Toronto where a hundred people went off the UEW payroll, those people could go somewhere else in Toronto and get a job because there were a number of jobs available through the Toronto Manpower centre.

This is not true down in Simcoe, where we had an EIO programme working. Maybe they were not happy with what we told them, but I think we had to face the facts of life; I think this is exactly what has taken place in many major industries. And I suggested that perhaps the unions will have to recognize that the rationalization is going to take place. In fact, I think one of the members on your own side there yesterday brought out the fact that industry must become more efficient and rationalized. I think if they rationalize they are not going to lose jobs.

In the long run you know as well as I do that if they rationalize and get more efficient they should sell more products and employ more people. If a company does not make money, it is not going to stay in business too long, it is going to turn the key in the door and everybody is out of work.

I have gone through this experience in my business career and working on six businesses I recognize that maybe there is a difficult problem to be faced by the employees when you walk in to nurse a sick company back to health. But I do not think Canada Wire and Cable is going to get unhealthy with the backing it has. I just simply suggest that it is in the interest of the labour force in this country that they do become highly efficient if they are going to employ seven or eight hundred people over there in Leaside, which is, as I said earlier, one of their oldest plants.

Now while I am on my feet I might tell you we had a delegation from Westinghouse, I think it was the same union from Westinghouse when they closed the plant in Etobicoke. This plant was completely inefficient. They could make that product up in Hamilton. They were going to use the space in Hamilton to make that product, by the same token they were cleaning out a plant that they had in Brantford in the riding of my hon. friend, the leader of the Opposition, and they were going to make television sets that were made in the United States in the Brantford plant.

As a consequence they had an operation going up in Orangeville. Now when people came in to see us they said: "Will this mean that you are going to throw 100 people out of work in Etobicoke to give them an EIO loan up in Orangeville?"

When we traced it all through, the people out at Etobicoke could not find jobs in that area, or they were invited to go to Hamilton. Now the union itself would not let them take seniority if they went to Hamilton. However, they were offered jobs in Hamilton if they wanted to go.

May I just point out, too, that in the last statement I saw of the Westinghouse company they did $105 million in sales and their profit was less than $2 million. This industry has been very badly hit. I am surprised they employ as many people as they do in the electrical industry with the kind of profit return they have because this is one industry that has suffered very heavily from imports. They have been to Ottawa, they have talked to Mr. Pepin, they talked to the federal authorities and said: "What can you do to get us some protection?"

At the time that happened the Quebec Hydro purchased 55 pieces of equipment overseas. It was not given to the electrical companies here, and when somebody said: "Why do you not give some of that business to Ontario?" they said: "We do not borrow our money in Ontario, we borrow it overseas and that is where the orders have gone."

Now I might say for the Brinco people up in Newfoundland they give Westinghouse, I think, four out of five of their major orders. So these companies are going through the rationalization period. Undoubtedly somebody is going to get hurt, but we take a look at the people laid off, we get our people working through trade industries to see if we can find jobs for them. I think, with the Manpower offices here, we are doing a pretty good job.

Mr. Lewis: I can see, Mr. Chairman, that for the next little while I am going to face a kaleidoscopic knowledge—I will grant the Minister that. However, there are a couple of anomalies that I would like to try to zero in on.

First let me ask you, sir, you did, nonetheless, manage to give Westinghouse an EIO grant, as I recall, at some point in the last year between September 1, 1968, and August 31, 1969—what was the amount of that grant to Westinghouse?

Hon. Mr. Randall: I have it here. If you want to carry on I will check it up for you.

Mr. Lewis: Well, I think it is of importance. If I am correct, when you made your allusion to Canada Wire and Cable not going under considering the backing they had, the Canada Wire and Cable is a wholly-owned subsidiary, is it not, of Noranda Mines? Am I right about that?

Hon. Mr. Randall: I would say you are.

Mr. Lewis: Noranda Mines, as my friend from Parkdale points out, another barely solvent company, on the brink, a foreign-controlled firm if I am right? Foreign ownership ultimately controlling Canada Wire and Cable?

Hon. Mr. Randall: You said Westinghouse?

Mr. Lewis: Well, let us go back to Westinghouse. I have no qualms about Westinghouse, the very name tells me of its origin.

Hon. Mr. Randall: You did not have to do any research?

Mr. Lewis: No, I did not have to do any research at all. But I am going to try to bring to bear the fruits of a little research about what is happening to foreign control of Ontario's economy, and how the Minister is assisting that in his own cherubic way.

I would still like to come back to the grants to Westinghouse. What is—

Hon. Mr. Randall: $250,000!

Mr. Lewis: A quarter of a million dollars to Westinghouse of Canada at precisely the point in time, if I am correct, when they were laying off 135 employees at the Etobicoke plant.

Now I grant you that there has to be a certain rationalization of industry in the province. Those things make good sense. But I am sure the Minister can understand the sense of grievance, not to say outrage, on the part of workers when they lose, inevitably, their seniority—many of them with 20 years of service—by virtue of layoffs in one area of the province; and then the same company receives a quarter of a million dollars outright grant from the government in another area of the province.

You can, I am sure, sir, understand how the sophistication of industrial rationalization does not entirely satisfy the fellow at Westinghouse in Etobicoke.

Similarly, perhaps I can come to Canada Wire and Cable. It is not, as the Minister points out, an impoverished firm. Yet it received from this government just a few months ago $187,083, to extend the plant at Simcoe while laying off 100 employees at Leaside.

In other words this simultaneous process began again; the industrial rationalization resulting in serious dislocation of manpower, and a tremendous government grant—let us face it, $187,000 in anyone's ken of reckoning is a substantial sum of money—going to Simcoe.

One does not begrudge Simcoe, albeit the number of jobs created by the $187,000 were 15, rising to 20 or 25 within five years. The number of jobs lost at precisely the same point in time was 100.

Now I again say that there is not necessarily a discernible anomaly here. But one can understand the worker's feeling when a quarter of a million dollars is handed out to one company, Westinghouse—not staggering to bankruptcy is Westinghouse—and Canada Wire and Cable, also marginally affluent in terms of the corporate world.

Now I understand those things, because I think that the Minister inevitably is going to have to cope with the apparent inconsistencies in the mind of the work force—when a significant number of men and women lose their jobs on one hand, and a lesser number of jobs are created on the other hand in another part of the province; financed, in significant measure, by government money.

Hon. Mr. Randall: May I ask the hon. member a question?

Mr. Lewis: Yes, sorry.

Hon. Mr. Randall: If Westinghouse did not get the loan to go to Orangeville, and they did not build a plant up there, it did not mean to say that they were still not going to lay the 100 people off in Etobicoke. You

are suggesting now that, because they laid 100 people off, they should be penalized and not get the $250,000 up in Orangeville?

Mr. Lewis: No, I am not suggesting that they should be penalized. I am questioning the manner in which they got the quarter of a million, and the nature of the forgiveness loan for Westinghouse. I am not sure, if I were a hard-headed Minister of Trade and Development—and I do not relish such a post—

Mr. Trotter: The day will never come.

Hon. Mr. Randall: There are days I would trade you, believe me.

Mr. Lewis: If I were a hard-headed Minister of Trade and Development, I am not sure that I would warmly embrace Westinghouse as it crossed my doorstep—when it laid 135 men off in one area and then simply grant it the largesse of a quarter of a million dollars! I might give it some money as an incentive with certain significant strings attached—modest strings like an interest rate, or perhaps government equity in the enterprise, or in the loan—but I am not sure that I would hand it out gratis.

That is essentially the point I am making. What gnaws, what sticks in the craw of the dislocated work force is that they suddenly find themselves unemployed, while this kind of money, free for the asking, is going to the same company that has disinherited them, or dispossessed them, for the moment.

However, Mr. Chairman, I know these things go on; and there is nothing that the 135 unemployed in one place and the 52, I think, at Canada Wire and Cable in Leaside in the other, can do, at the moment, to retrieve the position.

Can I come to another point which I wanted to raise before getting into the main thrust of things? Mr. Etchen, the head of the ODC was kind enough to supply our office with a list of EIO loans approved for foreign-owned companies from September 1, 1968, to August 31, 1969. I thought I would ask the Minister, through the chair, what the government's definition of "foreign-owned" is? When Mr. Etchen arrives at that phrase "foreign-owned", what does he mean by it?

Hon. Mr. Randall: Fully owned by foreign parents—a subsidiary of a foreign parent.

Mr. Lewis: A fully owned subsidiary, 100 per cent?

Hon. Mr. Randall: In most cases, yes.

Mr. Lewis: In most cases 100 per cent. I see.

You will admit, Mr. Minister, that there are some companies that could be called foreign-owned which would not be owned 100 per cent? For instance, if I may take an example that comes to mind, you gave a loan last week to Winchester Western, makers of armaments and bullets and such things that intrigued Undershaft in the days of "Major Barbara". And—

Hon. Mr. Randall: And hand grenades.

Mr. Lewis: Doubtless, doubtless those—and other arms manufactures.

As I understand it, Winchester Western is owned 51 per cent by Olin Matheson, a United States company. I am right about that? I suppose then that you would call that a foreign-owned company as well, so that the criterion of 100 per cent does not necessarily apply. One could call it a criterion for 51 per cent.

Hon. Mr. Randall: I would say if they have the controlling power.

Mr. Lewis: If they have control. Now that is an interesting word. As I understand, there is a significant distinction between ownership and control. For instance, it could be said that A. T. and T. controls Bell, with something like two per cent of the shares.

Hon. A. F. Lawrence (Minister of Mines): They do not.

Mr. Lewis: They don't, don't they? We will come to that.

One could point to certain takeovers recently in Ontario, or in Canada, where a company with two or five or ten or 15, or 20 per cent of the shares actually exercises control. So that when one talks about ownership, one has to distinguish it from control and I am glad the Minister made that point for me, because of course, control can come with a very modest percentage of the shares. It does not require 51 per cent or 100 per cent.

What I am really saying then, is that the list Mr. Etchen was kind enough to give this office was the most restrictive definition of foreign ownership you could have: 100 per cent, or very nearly 100 per cent. Yet in the list he gave us—and it is quite a list—there are 56 companies in the period from September 1, 1968, to August 31, 1969—how many EIO loans were given during that total year period? What percentage does this 56 represent?

Hon. Mr. Randall: I would say a little over 50 per cent.

Mr. Lewis: A little over 50 per cent! A little over 50 per cent of the loans given under the EIO programme were to foreign owned companies! Now, thanks to some of the industrious research which is done around the NDP caucus office, ably assisted by Mr. Etchen, who does not yet have a membership card but who has certainly helped us, I learned that 50 of the 56 companies are American owned. I suppose, working on your own formula, that that would mean that approximately 50 per cent of the EIO loan in the year period ending August 31, 1969, went to American owned companies, and by that, one means 100 per cent of nearly 100 per cent ownership. If we included all those of between 50 and 100 per cent, think of the heights to which we could aspire. And if we made the distinction between ownership and control; one would recognize that the EIO programme was a government subsidized programme of American enterprise in Ontario's economy.

Hon. Mr. Randall: What have you got against Americans?

Mr. Lewis: Not a thing. However, I think it is something that is worth noting.

Hon. Mr. Randall: May I ask the hon. member a question? Does he endorse the Waffle report?

Mr. Lewis: The what report?

Hon. Mr. Randall: The Waffle report.

Mr. D. C. MacDonald (York South): That is irrelevant.

Hon. Mr. Randall: It comes up next November, the Waffle report.

Mr. Lewis: The Waffle manifesto?

Hon. Mr. Randall: Have you signed the manifesto?

Mr. Lewis: As a matter of fact, I have not signed the manifesto, and if I am given an opportunity later this month I will publicly say what I think of it, which is not very flattering. But I will deal with that part of it later on.

Hon. Mr. Randall: I would say that the Waffle report—they are going around getting a lot of things decided. You fellows may find yourselves out of office when you get to Winnipeg.

Mr. MacDonald: Do you feel vulnerable at this point?

Hon. Mr. Randall: Not me, I do not feel vulnerable.

Mr. Lewis: If you do not feel vulnerable then let me continue my adventures in the labyrinth of Stanley Randall's department. I am intrigued to note, however, and I refuse to regard it as an insignificant fact, that the Minister sits with total equanimity at the phenomenon which is developing here in Ontario.

Hon. Mr. Randall: I am waiting for you to come up with the solution.

Mr. Lewis: Oh, I will offer some comments, and solutions, and—

Hon. Mr. Randall: I have read all the criticisms, what I want are solutions.

Mr. MacDonald: Listen, instead of talking so much.

Mr. Lewis: I have not made any criticism yet. I am just trying to establish facts. Has the Minister any knowledge of what amount of money is involved in these EIO loans to foreign owned companies, that is, American owned companies?

Hon. Mr. Randall: That is a question?

Mr. Lewis: Yes.

Hon. Mr. Randall: The 100 per cent Canadian ownership is 102 companies who get $13,860,000 of the loans to date. The 100 per cent foreign ownerships are 77 loans, $15,550,000. Five mixed ownership, Canadian and foreign get $680,000, and mixed ownership, foreign majority get $20,000, for a total of $30,290,000. So, of the amount of money, it is almost a 50-50 split between Canadian ownership and American, say foreign ownership.

Mr. Lewis: Not quite.

Hon. Mr. Randall: Oh surely!

Mr. Lewis: As I recall it was $13 million and $15 million.

Mr. MacDonald: Right!

Mr. Lewis: Yes, well $2 million to you, Mr. Minister is neither here nor there, but to the recipients of the loans it is a substantial amount of money.

Mr. MacDonald: You have doubled C. D. Howe. What is $2 million?

Mr. Lewis: If I can understand the division, with 102 loans to Canadian owned companies and 77 loans to American or foreign companies, and five loans to mixed ownership—

Hon. Mr. Randall: Seven!

Mr. Lewis: —seven to mixed ownership, that is 84 non-Canadian. Mr. Etchen in the Toronto *Star* back on March 8, 1969, in a Terry McGrath article, is quoted as saying:

> Do we want these foreign firms or not? They can produce employment and produce economic activity in our slow growth areas, and we do have slow growth areas in Ontario, the worst of which matches those in Nova Scotia, and elsewhere. We prefer to give funds to Canadian firms, Etchen says, and the great majority of our loans go to 100 per cent Canadian owned companies.

You know, 102 to 86 is not what I would style as the "great majority". Perhaps we have a different view of arithmetic calculations, but—

Hon. Mr. Randall: You would think you were pretty good in politics, would you not, if you have 102?

Mr. Lewis: I would think that one should take more care, because it is not a great majority. One might have been right in saying that the major portion of our funds go to foreign controlled firms, that is, American owned companies in Ontario. A significantly greater proportion of the funds, something between $2 and $3 million more go to American owned firms, in the period of the entire programme. Mr. Chairman, let us come at it from another way.

The simple proposition, Mr. Chairman, is that these are not, of course, forgiveness loans at all. That is one of the more adept euphemisms which this government has developed. They are grants, outright, open, charming grants. And grants for a very substantial amount.

Hon. Mr. Randall: May I just check you there. If they do not follow the regulations laid out, the grant has to be paid back, so it is not an open grant until the six years have gone by.

Mr. Lewis: Well, we look at it in this party, in our own way, as an open ended grant.

Hon. Mr. Randall: I would not expect you to look at it my way.

Mr. Lewis: Mr. Chairman, we look at it as an open ended grant because somehow we feel—

Mr. Sargent: The Minister could be wrong.

Mr. Lewis: Well, let me tell the Minister why it is that we do not put the same restrictions on it. Somehow we feel that the companies involved, the corporate entities which are the recipients, may be sufficiently solvent to meet the conditions of the six-year period. As a matter of fact, they may even be sufficiently solvent not to have needed an outright grant from the government of Ontario at all.

I suppose, having made a claim like that, it is necessary to look at some of the documentation. So, let me choose at random 12 of the companies, or rather 12 of the instances.

Allied Chemical Company received for the Belleville and Falconbridge Developments half a million dollars in each case. That was a million dollars to Allied Chemical! My colleague from Sudbury East says, in his moments of abject cynicism, that for the purpose involved, there may not be any other place in the Province for Allied Chemicals to have located except at Falconbridge. However, he is a man of charity, and is inclined, on occasion, to feel that maybe they needed half a million dollars to process sulphur anyway, because they might have wanted to process sulphur in Simcoe or in Peterborough, or in Red Deer or any other of the obvious places where sulphuric products are available.

American Optical Company received $224,000; Campbell Soups half a million in one instance, a quarter of a million in the other instance; Crane Limited half a million; General Foods a quarter of a million; Honeywell $218,000; Kraft, half a million; Black and Decker, $220,000; Uniroyal $135,000; Union Carbide, $130,000 plus $75,000, over $200,000!

Mr. Chairman, just so that one realizes the aching penury which characterizes all these trembling companies, let me read into the record some of the profit structure for each of these struggling entities.

Hon. Mr. Randall: Are you making a case for me?

Mr. Lewis: Yes I am making a case and I am hoping that we can engage around it.

Allied Chemicals has a modest sales range of only a billion two hundred million dollars a year, but that is pretty restricted. Their net

income which I understand, as 'profit' in 1967, was in excess of $73 million. Their retained earnings, which they can use for investment purposes in the same year, was $412 million.

Its total assets are something in the nature of $1.6 billion. It needs $1 million to come into the province of Ontario like the Minister needs an EIO programme for his own self aggrandizement.

Campbell Soups, Mr. Chairman, received a quarter of a million dollars. It had a net income, that is profit, in 1967 of $48 million. It had retained earnings for investment purposes of $382 million. Its total assets are half a billion dollars. General Food, another—

An hon. member: You are really making a case. I am standing here wringing my hands.

Mr. Lewis: General Foods—

Mr. MacDonald: No money for Big Brothers, but look at this hand—

Mr. Lewis: —has sales over a billion dollars. It had a net income of almost $100 million in 1967, and it had retained earnings for investment of $450 million. You gave General Foods a quarter of a million of the Ontario taxpayers' money in order that they could locate in Cobourg.

Honeywell Industries, Mr. Chairman—a truly neophyte concern, whose total sales were only $1.5 billion in 1967, whose operating profit was only $88 million and whose earned surplus for investment purposes, i.e. coming to the Province of Ontario, was only $260 million. Those are old figures, of course—the most recent we have available. They have probably done rather better since.

Kraft Foods, Mr. Chairman, whose total sales are $2.3 billion, whose net income, profit, that is, is $76 million, and whose earned retained earnings for the year were $526 million, i.e. retained earnings for investment purposes for the Province of Ontario—$525 million of retained earnings, $76 million of profit and we give them $.5 million gratis of the Ontario taxpayers' money to locate in Ontario!

Interjections by hon. members.

Mr. Lewis: No, they are retained earnings.

Interjections by hon. members.

Mr. Lewis: Yes they are cumulative, right. I am sorry; the difference in the figures I have lies in what they had at the end of the year and what they had at the beginning of the year.

Interjections by hon. members.

Mr. Lewis: I am not going to say that they gave big donations to the Tory election fund, I do not know what their donation structure is.

Mr. Sargent: It is a pretty safe bet.

Mr. Lewis: It would have its moment of amusement if it could be proved that the amount which the companies received was the amount which they returned. However, I will not speculate on that, Mr. Chairman.

Union Carbide—and you do run excellent campaigns gentlemen, a lavish campaign—Union Carbide Corporation has sales ranging over $2 billion and its net income was $170 million. That is not a bad profit—just between you and me, Mr. Chairman, $170 million—that is all right when you are up against it—and their earned surplus was $1,358 million as of December 31, 1967. Union Carbide received $200,000 of the people of Ontario's money and they had an investment fund of $1.3 billion.

Mr. I. Deans (Wentworth): And we cannot reduce the premiums for Medicare.

Mr. Lewis: I wonder if they have patches in their trousers, and use ink in their fountain pens, because the impoverishment of Union Carbide, boggles the mind. Then we have Uniroyal—

Mr. P. D. Lawlor (Lakeshore): Giving all that money away to the boys gives the Minister a good feeling.

Mr. Lewis: The member for Lakeshore makes a good point. He says it gave the Minister a good feeling. Now I did not mean to sound slighting before if I did and it sounded to me as though I did, so I will withdraw it now. But I am sure that in his own cheerful, reckless and entrepreneurial way, the Minister would feel fairly good about saying to Union Carbide: "Well $200,000 fellows. All right I have looked at your ledger sheet; it would be nice to move it into the black."

Now we come to Uniroyal. Uniroyal had net sales which were only $1.2 billion in 1967, they had a net current income—they are having problems these people; they only had $33 million by way of straight profit—way down. They did, however, have retained

earnings of something in excess of $300 million, and that at least was encouraging to Uniroyal, which received a $135,000 grant from the government.

American Optical, which is a wholly-owned subsidiary of Warner Lambert—it is hard to keep some of these wholly-owned Canadians and wholly-owned Americans sorted out because of the conglomerate influence in the last few years. Suffice it to say that we have unravelled the maze and we have learned that American Optical have made a net income of something in excess of $10 million, and had current total assets, and retained earnings of somewhere in the vicinity of $56 million.

Crane Company, with a sales range of $350-$400 million, had a similar net income and had a similar investment account. And Black and Decker which went out to Brockville—and that will end those that I intended to raise—had a retained earnings of some $60 million for investment surpluses. They received a grant of $220,833.

So much for the position of these companies. Mr. Chairman, let us try to get it quite straight. These companies are mighty multi-national corporations; they are breathtaking, awesome, multi-national corporations entering into the world of conglomerates. They have sales operations which run into the billions; they have profit structures which run into the hundreds of millions, and they have retained earnings for investment purposes of several hundreds of millions as well. To all of these companies, we in Ontario saw it necessary to give as an incentive somewhere between $150,000 and $500,000 of the taxpayers' money free—free without a single caveat attached. None of these companies is going to go down the drain in the interim—they could float the government of Ontario let alone float a modest plant in the hinterland somewhere which creates a certain number of jobs.

The cost per job varies greatly too, Mr. Chairman. I would like to come at it this way now, adding the footnote, lest it has escaped the Minister, that these large multinational corporations are all, without exception, American-owned corporations.

To bring 40 jobs to Belleville, Allied Chemical required $12,000 per job, under your financing scheme. To bring Allied Chemical to Falconbridge to provide 33 jobs required $15,000 per job. To bring Union Carbide to Walkerton required in excess of $4,000 per job. To bring Kraft to Ingleside to create 20 initial jobs for a half a million dollar loan works out to $25,000 a job. To bring Uniroyal to Lindsay cost us $5,600 per job. To bring American Optical to Belleville cost us $7,484 per job. To bring Black and Decker to Brockville cost us $8,833 per job.

In other words, Mr. Chairman, we paid a lot of Ontario's money out to create jobs. That is a perfectly legitimate procedure. Let me endorse it wholeheartedly. Job creation costs money.

But whether it costs on the plane of $4,000 to $25,000 when you are rationalizing industry is something that only time will tell. But it costs money. Whether, Mr. Chairman, that money should be entirely free, with no strings attached, is a separate proposition and it is that to which members of this party take very considerable exception.

Let me move to another area, Mr. Chairman, though I do not want to bore the House by reading it all. I have the material in front of me and if the Minister challenges or requests I will read it for him. All of these companies, and those which condescend to have Canadian directors on their boards—the one or two token directors which they allow even for their Canadian operations—these companies, Mr. Chairman, have quite startling interlocking directorships. As a matter of fact, it can be said that, courtesy of The Department of Trade and Development the interlocking directors get together over lunch and say to each other: "Say, did you hear about that fellow in Ontario. He gives away half a million dollars at a shot to locate where we intended to locate anyway, or where it is necessary to locate because it is the only place where we can manufacture or produce whatever it is we manufacture or produce."

I do not know how these things become *au courant*, I do not know how they become fashionable in the board rooms of a corporate society, but I can imagine any of of these people. Let me see if I can find them. Mr. McKinnon, a good Canadian, Mr. Neil J. McKinnon as I recall—I think he is on the University of Toronto board of governors—who is a director of Allied Chemical and a director of Campbell's Soup and a director of Honeywell, sitting around with all the other directors as they say to each other: "Say, we got $500,000 for Allied Chemical and $250,000 for Honeywell and $500,000 for Campbell; are there any other companies for which we share common directorships, and which we were going to locate in Ontario? Perhaps we could have an extra quarter of a million, perhaps even half a million!"

There were probably significant lakes of tears in the corporate board rooms when you lowered your incentive grants to a different maximum. The fact of the matter is, Mr. Chairman, that these interlocking directorships make it very simple to embrace the proposition, indeed to induce the proposition, that what is good for one company can be carved out neatly by another company in that friendly camaraderie and that familiarity of the corporate world. Not what I would call a necessary kind of incentive to bring industry to Ontario.

And let me add, Mr. Chairman, by way of one qualification, that my colleague from Thunder Bay (Mr. Stokes) and my colleague from Peterborough (Mr. Pitman) are going to take some time before this vote is through to demonstrate, I think irrefutably to this House, that not only is this a give-away programme to American corporations, but that it is one of the most senselessly uneconomic and most poorly distributed labour producing programmes in the province of Ontario. It has all kinds of liabilities in addition to the obvious liability of the amount of money that is going out from the taxpayer.

One might also point out, Mr. Chairman, if these things mean anything to the Minister —and I do not suppose they do, but they mean something to those of us in the New Democratic Party—

Mr. MacDonald: The people in Middlesex South, for example.

Mr. Lewis: So perhaps I might allude to them. That some of these companies—

Hon. Mr. Randall: Does not leave anything—

Mr. Lewis: No, I do not leave anything out, I do not want to leave anything out.

Some of these companies—dare I mention them by name—are engaged in pretty significant armament industries to underwrite the Viet Nam war; some of them are engaged in fairly significant exploitation of the third world, that is, Southern Africa and Latin America. Some of them, or affiliates thereof, are engaged in what might be called price fixing practices.

If you look through the boards of governors involved in some of these companies, you will find certain interlocking directorships for American Cyanamid Company. You will no doubt recall the clipping from the Toronto *Daily Star*, February 29, 1968:

> Three leading U.S. pharmaceutical manufacturers were fined a total of $450,000 in federal court yesterday following conviction last December for violating anti-trust laws. The firms are Charles Fizzer, Bristol-Myers and American Cyanamid Company.

Each of the companies were convicted of conspiracy to restrain trade, conspiracy to monopolize, and monopolization in the manufacture and distribution of so-called wonder drugs: tetracycline, chloromycetin and the other wonder drugs. It was a very famous case at the time.

So these firms and the people who are involved in them are not exempt from practices which are not wholly palatable in an economy, and certainly price fixing of wonder drugs is not the most pleasing of phenomena.

And some of the companies I dare say, and I have not made the analysis, but we on this side of the House will do it before January comes around at least—to demonstrate the labour practices of some of the parent firms—

Hon. Mr. Randall: I thought this presentation would take care of two years.

Mr. Lewis: —in the United States.

What we are saying, Mr. Chairman, is not that therefore you exclude them from Ontario. Because obviously you do not. But whether in terms of their profit structure, their capacity to invest, their retained earnings, their interlocking directorships, their modes of operation, the other things they are engaged in around the world, whether one gives away over $15 million of the Ontario taxpayers' money—that is an entirely different kind of question.

That is a qualitative distinction which we want to raise in this group about these companies.

Not that you do not have some kind of incentive programme; obviously you do, but what kind of incentive programme do you have. And how does the Minister indicate to the House, in equally irrefutable terms, that the money that was handed out made the difference in the locating? We find that very, very difficult to believe, Mr. Chairman. It is inconceivable that that would have made the difference for these kinds of companies, with their capacities.

Now I want to make some general remarks quickly to tie it together. I know the Minister is going to leap in and read me a little lecture, a friendly lecture, on the virtues of American capitalism and the need to invest in Ontario's economy. He has a number of speeches about

it which he has made gratis all over North America, which the *Globe and Mail* was unfriendly enough to categorize as "the mindless remarks of a sophomore". But I would not characterize them that way, I might—

Hon. Mr. Randall: I do not tell them how to run a newspaper.

Mr. MacDonald: Maybe they should though.

Mr. Lewis: I might quote from that famous Cookie D-Day speech—do you remember that Cookie D-Day speech? I will come back to that. If anyone in the House missed D-Day at Colonial Cookies on June 6, 1969, I think they should hear it.

Mr. Chairman, what we have in the EIO is a programme which divides, fundamentally, the social philosophies in this House. And for those of us in the NDP almost everything about it is wrong.

Surely the Minister's contention—and this relates to his remarks yesterday that almost every town or village in the province in a designated area can have an industry if they can get one—is a piece of simple-minded economic madness. It should be viewed as such.

Few societies have witnessed a more foolhardy assault on elementary economic planning than to provide an industry at every corner in such an indiscriminate fashion. To challenge the Opposition to enter such committees, which is what you did, Mr. Minister, and publicly to disavow the programme, is of course, irrelevant rhetoric. You understand that as well as we do. To offer the largesse, is not to legitimize it.

I remind you, sir, that you threw the same gauntlet at us when you introduced the homeowner's rebate. You said at the time: "Go and tell the homeowner that it is the wrong kind of tax rebate." And now I remind you, sir, that the government is frantic for its repeal.

Mr. Singer: Only some of them!

Mr. Lewis: Only some of them are frantic for the repeal, but one never knows.

Mr. Singer: Since you made the last speech.

Mr. Lewis: You are right, you are right! The member for Downsview is right.

The brighter ones are frantic for its repeal. Being a compassionate man I therefore will not tell you who wants to persist.

Mr. Lawlor: Of course it won't go through, because the majority are not inclined that way.

Mr. Lewis: Now Mr. Minister, you understand sir, and you make it quite clear, that some industry in Ontario may not be viable; you have made that point yourself. You said yesterday that you embraced the contention that only 35 per cent of Ontario's farms were truly economic according to the report which came out.

Well surely the same reasoning must be applied to the questions of overall economic growth. What we in this group submit to you is that if you repect economic growth centres until their reversible patterns are established, and if you treat regional government and regional development as political slogans which can happily follow, at some later date, incentives to industry; then you have turned political and economic priorities on their head.

In the toastmaster's quest for flare and bravado and fame and notoriety, you will single handedly reduce this province to a haphazard, pock-marked economic landscape. The worst features of urban sprawl, planlessness and indiscriminate development, will be your legacy to Ontario; and a more economically or environmentally destructive inheritance cannot be imagined.

My colleague from Riverdale (Mr. J. Renwick) yesterday shouted across the floor to you that within one year you will have accepted the proposition of growth centres and of regional development and regional government and regional economic planning. It will play havoc to some of the things you have already done; but it will, of course, finally intrude some sense into the chaos that now separates you from some of your Cabinet colleagues.

If that were all, Mr. Chairman, that would be bad enough; but there is more, as I have tried to indicate this afternoon.

It is unconscionable—and let me make it as clear as I can—it is unconscionable that vast sums of public money should go to corporate enterprises of such gigantic wealth and influence. And I mean grants.

It is impossible to persuade any thinking Opposition that outright handouts make the difference in location of the companies discussed in this debate. It is as reckless and irresponsible an invasion of the public purse as the government could possibly contrive.

You recall that the scheme at the outset was an eleventh-hour political manifesto, a

desperate gasp to hold northern Ontario for the Tory Party in the 1967 provincial election. It was an inspired gimmick, a device; call it what you will.

It was of little thought and of unprincipled motive. And it failed. But the scheme having been hatched by the most reckless of entrepreneurs, holds on; and with every passing day it is subject to awesome abuse.

If I may coin a phrase Mr. Chairman, "let me make it abundantly clear," we in the NDP cannot countenance this particular kind of incentive programme. At the very best, what you should be offering are non-interest loans, repayable over the same period of time out of the vast accumulated profits of these companies.

Mr. Sargent: Hear, hear!

Mr. Lewis: And that would be quite sufficient. You don't have to give them outright grants, you can give them the loan without interest or, and this is surely more equitable, you can give them loans at low interest and you maintain a government equity in the enterprise as well.

Mr. R. Gisborn (Hamilton East): Hear, hear!

Mr. Lewis: So that you maintain the public sector, the public interest, in the development in the province of Ontario and you don't so lavishly submit to the protocol.

But to hand out $15 millions plus in this fashion!

Let you remind you, Mr. Chairman, when we did not even get enough money from the Minister of Social and Family Services (Mr. Yaremko) to fund a programme for the Indians in the province of Ontario; we could not find $30,000 for Big Brothers in the last fiscal year; we could not cut the premiums under the OHSIP programme; we had to cutback the budget in all kinds of crucial and legitimate social areas; we cannot solve poverty in the quarter of the population afflicted here in the province of Ontario.

Mr. C. G. Pilkey (Oshawa): He imports it!

Mr. Lewis: Yet the Minister hands out in excess of $15 million to Allied Chemical and Union Carbide and Kraft Foods and Campbell Soups and Black and Decker, and every other international multi-corporation you can imagine.

To hand out that $15 million is, therefore, a breathtaking corruption of power. That is what it amounts to. And when you consider that it may simply be reinforcing an inchoate, unplanned growth, then I say to you, sir, that this is free enterprise Toryism run amuck.

But that is the least of it. If even by way of a token sop to your critics—such largesse were confined to Canadian-owned companies, however large, one might choke a little, but it would still be possible to swallow. However, such is not the case. Vast sums of public money are going to foreign firms, that is American-owned and controlled, by the Minister's own words "multi-national corporations", with which they continue and extend their domination of Ontario's economy; I repeat—with which they continue and extend their domination of our economy—with the money that you give them by way of EIO loans.

Now Mr. Chairman, it has to stop. It simply has to stop.

Willy-nilly, whether he realizes it or not, this Minister is eroding our political and economic sovereignty in this province wth every passing day and every such EIO grant. He may, philosophically, be the most rabid continentalist in this Legislature, and I suspect he is, but nothing endows him with a majesty permitting the public financing of the sale of Ontario to foreign corporations. That is a perversion of public enterprise if ever one heard it. And it is the kind of public enterprise which is odious in the extreme..

It is bad enough, Mr. Chairman—if I can make this point in bringing the remarks to a close—that American capital already owns and controls us with our own money. Let me indicate to you the facts.

In 1964, the most recent year for which figures are available, the investment of U.S.-controlled firms in Canada, and you simply divide by two for Ontario, totalled $2.557 billion. Of this amount $2.008 billion, or 78 per cent, came from internal corporate sources by way of retained earnings and depreciation. Another $423,000,000, or 17 per cent, came from Canadian financial institutions. Only, please note, only $126 million, or five per cent, came as inflow capital from the United States.

So the United States owns and controls us with our own money; retained earnings and depreciation and money from Canadian financial institutions.

Now for the longer period 1957 to 1964, the parallel figures are 73 per cent, 12 per cent and 15 per cent. Obviously the proportion of capital formation from external American investments continues to drop as

the Canadian economy expands and the subsidiaries draw their financial capacity from indigenous sources. That is the first point to back up the statement.

The second point is that the operation of these international corporations are so profitable that their returns to the United States by way of dividends, royalties, licenses, fees, rentals, and so on, over the last several years were twice as great as the total amount of new capital investment. The ratio is typical and the figures are now available which show the Canadian contribution to the U.S. balance of payments.

In 1964, U.S. receipts from its foreign manufacturing subsidiaries in Canada amounted to $2.5 billion. On the other hand, the return was $1.4 billion. The overall positive effect on the balance of payments is seen to be $1.2 billion, or almost $1.2 billion—a contribution almost equal to that of all Europe coming from Canadian society alone, coming largely from the Ontario sector of the Canadian economy.

I have before me from the journal *Survey of Current Businesses*, October 1968, the international investment position of the United States in 1967. It points out that at the end of 1967 nearly half of all U.S. investments abroad were direct investments defined as U.S. ownership interest in foreign enterprises of at least 10 per cent. Mr. Etchen uses almost 100 per cent, these people use just 10 per cent to demonstrate foreign ownership or foreign control.

The interesting part of that article is that direct investment for Canada in the year 1967 from the United States was $18 billion. For Europe—all of western Europe—at the same time, it was $17.8 billion. In other words, the direct investment in Canada from the United States continues to be in excess of all that it similarly invests through the entire western European economy. There is no country in the western world which is subject to the same assault by American capital.

Mr. Chairman, we can obviously engender a debate with this Minister about the relative merits of foreign capital. He has made a great many speeches opening the doors of Ontario's economy to investment capital. He uses a very interesting phrase. He goes to Chicago, New York, San Francisco, and calls his speech "Ontario Unlimited."

Now if that does not betray a particular bent of mind I do not know what does.

But I would like to point out, Mr. Chairman, that there is a significant difference, even here, between owning and controlling us with our own money, which is earned by virtue of participation in the economy, and owning and controlling us with our money which is gifted, courtesy of Stanley Randall, Minister of Trade and Development; and which gift, with the greatest of respect, Mr. Chairman, does not make a jot of difference to these companies as to whether or not they locate in Ontario.

Even if it did, no one would surely suggest that for Allied Chemicals wanting to locate at Falconbridge to process sulphur, the offer of an interest-free loan of a half-million dollars—with their kind of profit position, would have made much difference. It might be one of the variables but it would hardly have made the difference. And it might not have been as significant a variable as the basic product which was required in that immediate vicinity.

We have also tried to point out, Mr. Chairman, that these companies are engaged in pursuits which are not wholly congenial to the human condition, and therefore one does not hand out grants. I do not think there is any need to stimulate them. I do not think there is any need for this Minister to contribute to our elimination as a nation state. He is, of course, the supreme merchant. He is selling, in this instance, not industry, but society; not productivity, but the economy; not the resources, but statehood. That is what we profoundly object to on this side. He does it, Mr. Chairman, with an enormous panache and flair.

> Today is June 6, said Stanley Randall, D-day for Colonial Cookies, Limited, with the D standing for double. For your new bakery plant represents double the size and double the capacity of your old facilities, and you also need to double your sales and staff. I know you will reach those ambitious but realistic goals. In D-day fashion you have already proven you know how to successfully invade and capture foreign markets.

An editorial in the Toronto *Globe and Mail*, June 7, reads as follows:

> An outrageous parody of the tragic triumph of 25 years ago by a cynical iconoclast? The strained imagery of some mindless high-school sophomore? No, just Ontario's Minister of Trade and Development, the Hon. Stanley J. Randall, as he opened the new bakery of Colonial Cookies, Limited, Kitchener, at 5 p.m., June 6th, 1969, on behalf of the government elected by the people of Ontario.

There was of course a peroration to the speech. Mr. Randall said:

> To open your new plant I understand I have to take a bite of a special Colonial king-size chocolate chip cookie. In fact I am told it is three feet in diameter. With your new facilities today and your bright future tomorrow I can accurately call this giant chocolate morsel a fortune cookie. It certainly represents good fortune today and a sweet taste of tomorrow's success. June 6th is indeed D-day for the management and staff of Colonial Cookies Limited.

Interjections by hon. members.

Mr. Lewis: Well, I tell you I will never accuse you of having a ghost writer. The imprimatur is clear, Mr. Chairman. It has about it that flavour, that very quintessence of the Minister of Trade and Development.

I guess it does sell. But it is what you are selling that worries us and what you are giving away. I must say that in the process of excitement the Minister says a great many things which are instructive and it sets the tone, and it is a tone which he handles superbly. I do not think anyone on this side has ever denied that.

On March 24, 1969, to the Canadian Hotel and Restaurant Association you geared your remarks to Americans because you said "most of you here tonight are from the U.S."

You said:

> I ask you then to consider a stake in the economy of my province through a direct investment in a plant in Ontario, a joint venture, or licensing agreement. We warmly welcome investment in Ontario—your investment. All forecasts of our future economic development indicate we will continue to require substantial foreign investment capital. From 1963 to 1968, for example, 251 branch plants of U.S. companies were established in the province.

Not bad for five years—251 branch plants of U.S. companies, and doubtless there will be a great many more branch plants of U.S. companies. But there is one speech in particular, which unhappily I may have misplaced, which I wanted to quote from because it shows the tendency to excess in selling the society in this fashion. In any event, because I cannot quote from it, I do not see it, I will —oh yes, I can quote from it.

Mr. Singer: Paraphrase.

Mr. Lewis: Yes I could paraphrase, but there is one sentence which I think is so important.

Mr. MacDonald: You can't paraphrase him!

Mr. Lewis: Yes, to ask one to paraphrase these speeches is something.

> As regards location, says Stanley Randall to Ontario Unlimited week in Philadelphia at the businessmen's luncheon at the Warwick Holtel in Philadelphia—

I have to read the opening; it has a touch of the creative about it. This is how the Minister began:

> Since the Philadelphia mint supplies a significant portion of coins minted in the United States, your vibrant Keystone City is an ideal place to hold Ontario Unlimited week.

I guess that sets it down pretty clearly. "As they say in show business, this must be the place." The other things from show business are not repeatable, Mr. Chairman.

Later on in the speech the Minister says:

> That is why my province is increasingly becoming home sweet home for enterprising investors. We have the industrial muscle and fast-growing markets. Would you believe the province out-populates 43 U.S. states?

That is an unusual phrase thrown in.

> As regards location, Ontario is Canada's workshop, it stands one and a half times as tall an area as Texas and extending far southward it is immediately adjacent to the most heavily populated and most highly industrialized sections of the United States.

Now, I commend the next sentence to every member of this House:

> Besides over seven million affluent hard-working Ontarians—

"Seven million affluent Ontarians." Mr. Chairman, that is the kind of excess and immoderation to which exuberant Ministers are carried when selling provinces to other societies.

Whether the Minister has recognized it or not, there is a quarter of Ontario's society whose income level lies somewhere below $4,000 a year, and to go to Philadelphia and describe Ontario as having more than seven million affluent Ontarians is to indulge in commercial licence which is not given even to this Minister.

It is very hard, Mr. Chairman, very hard to walk the line between excess and propriety in international corporate relations. The enthusiasm that creeps into that kind of immoderate statement is the same enthusiasm that tends to make rather grandiose the handing out of EIO payments. And it is the kind

of thing that does not commend itself to people in this Legislature or generally.

I may say, Mr. Chairman, that the finale to that particular speech was as follows:

> Let me say in Philadelphia, the fountainhead of American liberty, that we in Ontario also do not worship the golden calf. We hold that the enlightened self-interest of the competitive enterprise system implies that private enterprise exists not just to serve the individual, but to serve society.
>
> I am not just making appropriate social noises when I say that private enterprise as it exists in 1969 has provided an expansion of our economy in terms of higher wages achieved through free collective bargaining, more jobs, more leisure and the money to enjoy it, arising from increasing plant efficiency and a shrinking work week and a higher standard of living achieved by greater productivity, higher rates of pay and the consumers' broad freedom of choice of goods provided under the system.
>
> I am proud to say that my department's industrial development programmes which I outlined a moment ago have won 31 major national and international awards in the past three years, including an Oscar academy award for our Expo '67 film, "A Place to Stand".
>
> So this Ontario Unlimited week with your co-operation could open doors to mutual progress and prosperity, the likes of which we can only guess at. With this in mind, I warmly welcome you to Ontario, the province of opportunity. Like Philadelphia, Ontario too must be the place, the place to stand and the place to grow and above all, to coin an old phrase, the place to live the good life.

Hon. Mr. Randall: What is wrong with that?

Mr. Lewis: Nothing!

Hon. Mr. Randall: The member has done pretty good in this country, has he not?

Mr. Lewis: It is the rhetoric, Mr. Chairman, of the entrepreneur which, as indicated, is of a quality which is out of touch with the realities. The realities, Mr. Chairman—and I am sorry to intrude on the time of the House at this length—are that the Minister is depreciating the economy and depreciating our future possibilities as a sovereign nation state, and, in the process, is allowing himself to indulge in corporate practices which are not beneficial in human terms.

We can lay down all kinds of alternatives, and I indicated some of them to him. We can talk about an Ontario Development Corporation and indicate in specific detail what government might do to attract industry in a sensible fashion and maintain its own equity. But on balance, Mr. Chairman, I think the indictment is fairly clear. We urge the Minister not to abandon an incentive programme, but to recognize that he has no right so to abuse the public money as he has abused it in the last 18 months for objectives which are questionable because they could easily have been achieved in alterantive ways. That is the thrust of our argument.

Mr. Sargent: I would like to take one moment of my time to congratulate the member for Scarborough West on his very wonderful address. I think it is one of the finest talks heard in this Legislature for a long time.

I disagree with one thing: he said he was against entrepreneurs like the Minister; I think we are lucky to have people like the Minister in government. Obviously he is a great salesman for our province. But I do think that the whole department was a brainchild of Bob Macaulay as a tool for the government to use as a front to spend public funds on behalf of the party, that was the basic concept of the department at the outset and he has carried this on to undreamed-of extensions of licence. It is very important that the Minister should be aware of the fact that he is squandering public funds in a manner that is shocking—he should be ashamed at the things that are going on.

I would take a Xerox on the full speech and say it is something that should be printed for the public to know, even the press does not carry all this, the public should know what is going on.

Turning a bit further in using public funds to give people like Mr. Caswell, the head of the Conservative association in North Bay, a multi-millionaire, $400,000 for a hotel because he is a good Tory—

Hon. Mr. Randall: We never gave Mr. Caswell a dime. He was loaned money to be paid back and it was not $400,000.

While I am on my feet, perhaps the member would like Canadian Pittsburgh Glass to move out of Owen Sound; there is a big corporation.

Mr. Sargent: And you had nothing to do with Pittsburgh Glass whatsoever!

I want to tell the House what happened there. As mayor of Owen Sound for about 15 years I worked to get Owen Sound area designated.

Hon. Mr. Randall: The member did not get it, we got it.

Mr. Sargent: And the federal government designated it and this department had nothing to do with it whatsoever.

Hon. Mr. Randall: We asked the federal government to designate it.

Mr. Sargent: I have a file that thick and you had nothing to do with it at all.

Hon. Mr. Randall: Sure we did.

Mr. Sargent: The whole thing is that when we open a plant in Owen Sound, this man comes in with all his entourage and makes a big speech, he is the star of the whole piece, and he had nothing to do with it. And here I sit in the back row and I see what is going on there, the big star, taking all this credit and he had nothing whatsoever to do with it. We had $30 million of development from the federal government and this Minister had nothing to do with any of it, but he took the credit for it.

Mr. MacDonald: Who invited him?

Mr. Sargent: Well, I do not know. I did not. But I think your friends in Pittsburgh Glass, all the corporate groups, the interwoven corporate groups, that run this province—

Mr. MacDonald: It must have been a Tory-dominated arrangement.

Mr. Sargent: Well, you look through the boards of directors and you will see who runs this province; not we who are elected by the people. The lawyers up on top are pulling the strings, and just like puppets, we jump.

But we have people like Holiday Inn coming in getting these loans—another million-dollar corporation—getting loans for motels; and as the former speaker outlined, the millions of dollars in profits that these people are realizing. And we are giving them the taxpayers' money to further their ends.

Now, in my area, when I want a loan for a small businessman, I pick up the phone. I call Mr. X, and Mr. X is very helpful. He goes to bat, and he says: "Why sure, what can we do for you?" So we have a series of conferences, eight or ten conferences. Nothing ever happens. I do not suggest at all that it would be politically against a Liberal member, this could not happen, but it is a strange quirk of fact that we have never had them yet—that is, got a business loan for a small businessman, even for a medium-size businessman.

My point today is that—and it is the concern that we all should have here—like the small family farm disappearing, the small businessman in this province is disappearing, the medium size businessman is disappearing. We are getting back to the old system of the feudal barons, where we have an economy where we have a large business. We have large unions and we have large governments —and we have the disappearance of free-enterprise.

I think it behooves you, Mr. Minister, to tell your department, and we want none of this nonsense that is going on now. I mean this snow-job I get from Mr. Etchen here. He listens to my people, and sends them back with the stories that—well, you just do not qualify. But it is funny how all the big boys qualify, the boy has not got a chance in this province of Ontario.

It is time, that the Minister took a good look at himself—because he is a tool of the big interest rate today. Do not kid me you are not. I am getting sick and tired of you people taking credit for federal development of industry in our area, and having done nothing for it. You will not help out a single small business that needs help.

Somewhere along the line I think we should look at ourselves this way too. All of us are looking for new sources of revenue to do the things we want for our people, and we have virtual control of our whole economy, and American interests. American control of the corporate group are profits of employment. We have American control of our unions—so what do we have left? I think it is time that, if someone was the leader of this Province, that he should say: "We will take a look at it—somewhere like Mexico. If you go into Mexico to launch a business, 51 per cent of the wealth of that corporation is owned by Mexican people; and the balance by the outside people that come in to do business there.

We are the people, Ontario is people who have created the market here, and we deserve the right to tell the American people coming in here, that, by virtue of the fact that we create the economy, we create the welfare, and that if they are going to come in here, and drain off our money, 108 per cent of our

dollars, then we should put some rules and some guidelines on how much money we want for them doing business in our marketplace. This, I tell you, is the area for money to do the social work needed for our people, that is by taxing the American profit in our economy.

And it is time that the Minister, Mr. Chairman, took a good look at the point about loaning money to a U.S.-controlled corporation. Number one, that is wrong; but number two, he should look at the facts: that if the unions in the plant are American-controlled, then we should have a statement of the finances in these unions. That could be a guideline as to whether or not they should be borrowing money from the taxpayers of Ontario.

Hon. Mr. Randall: If I may just ask the hon. member, I will get back to a lengthy statement to my hon. friend from Scarborough West, when everybody else has finished.

I would like to say I was up in Owen Sound a few months ago, and we received a wire from a gentleman down here. It said:

TODAY MARKS THE OPENING OF THE LARGEST AND FINEST SERVICE PROJECT IN CANADA, I CONGRATULATE YOU AND ALL YOUR KIWANIS MEMBERS—STOP—I SINCERELY REGRET THAT I CANNOT BE ON HAND TODAY AS I HAVE JUST BEEN ADVISED BY THE OPPOSITION WHIP THAT I AM THE FIRST UP IN BUDGET DEBATE—STOP—PLEASE CONVEY MY KINDEST REGARDS TO THE HONOURABLE STANLEY RANDALL, MY REGRETS AS I CAN SAY IS THAT HIS PERFORMANCE IS A CREDIT TO OUR DEMOCRATIC SYSTEM OF GOVERNMENT. KINDEST REGARDS, EDDIE SARGENT.

Interjections by hon. members.

Hon. Mr. Randall: When I was up there I talked to the chamber of commerce, and they said: "Well, we are not designated". They told me they were not designated and they told me their problems. I suggested perhaps I can get you designated for a limited number since you have just been de-designated by the federal government. They had just lifted it. So we designated it when I was up there —I forget, it was around June or April, I guess—and already General Signal has twenty jobs up there. They got an $81,000 loan, and there is another one under consideration right now, so I think that the member for Grey Bruce—

Mr. Sargent: Under consideration?

Hon. Mr. Randall: I might say to the hon. member I think we are doing pretty good by Owen Sound.

Mr. Trotter: Mr. Chairman, I wanted to just come back to one major point which the member for Scarborough West touched upon. It has been raised before in this House, and I think that it is of a major importance to the life of this country. That is, the fact that the government today, though the leadership, that we are getting in this province—and to a large extent, federally—we are becoming the pallbearers of Canadian independence.

Inevitably, if we continue to sell our major industries to American control—I know there are other interests involved, but the Americans are our major concern—we inevitably are going to lose any Canadian identity which we heard so much about during our centennial year.

Earlier this year, I brought before the present Minister—it was last June 26—an example of the forgivable loan programme, and that was the loan of half a million dollars to the United States subsidiary, the company known as the H. D. Lee Company of Canada. And I know that the textile industry in Canada, the Canadian-owned textile industry, was deeply concerned.

After I brought the matter up, I subsequently learned that a group of businessmen in the industry, particularly those that made slacks, attended upon the Minister in the hope that such a loan would not be allowed —because by encouraging a large American concern to come into this particular industry, and by giving it a half a million dollars loan, they felt that it was going to be a serious blow to the Canadian textile industry.

When I asked the question on June 26 the Minister gave me the answer that, before any loan is given, a great deal of research is made in the industry. The businessmen that talked to you Mr. Minister—and I say this to you through the Chairman—came away with the impression that little or no research had been done whatsoever insofar as the textile industry concerned them. If the Minister's civil servants have done any research, I would certainly like to see what they have done. I would hope that he would table any research on that industry so that some of us could get some idea how in the world you make your judgments.

As the member for Scarborough West said: "There is little sense in establishing industries in small towns if they are not going to

be economically sound." Now I am one of those who thinks it is unfortunate that too much industry is being centralized in the Toronto area. Let us, before we start in an attempt to decentralize, make sure that we are not giving away the country—which I feel that both the federal and provincial policies in Canada today amount to.

The Social Credit government in British Columbia is probably the most irresponsible of the lot, and also the Social Credit government in Alberta. When we look at what they are doing in Alberta and in British Columbia and what they are doing in Ontario and what they are doing in Ottawa, we have before us an extremely serious problem.

I was going over a report of the Ontario Economic Council and this particular report, which was issued in 1968, was dealing with transfer taxes—death duties—and their effect on the productivity and control of our economy. In the report they made out they set out the major sales of Canadian companies to foreign interests, and for 1964 there were 30 major companies that were sold, all but one of which were sold to other than Canadian concerns. Of the 30 major sales, 29 were sold to foreign companies and of that 29, 24 were American controlled.

In 1965, of 19 major sales, 12 were to foreign firms that were taking over the control of Canadian firms. These were all firms located in Ontario, and of the 12 foreign companies that moved in, seven were American.

In 1966, of the 23 major sales, 11 were foreign purchases and all of them were American firms.

This has been the story for a number of years, and government on any level has refused to take any necessary action. To me it is like an obituary list when I see the major sale of Canadian companies, because I cannot see in the long run how we can have any political independence, that is in the long run there can be no political independence for Canada, or for Ontario, if we continue to sell out to what are primarily American controlled firms.

Now if your Ontario Development Corporation is going to be anything, its primary duty should be to develop the prosperity of Ontario business, but not at the expense of selling out our heritage, but this is what this government is doing. It is first of all doing nothing to stop the economic colossus to which we have to face up to every day of our lives, and that is with the Americans on our border. But you are literally encouraging the Americans with free handouts.

I have met businessmen—and I would not give their names, or the names of their firms —that laugh at the policy of this government, because they know they can come here and they can get a loan, or what they call the forgivable loans, and they can spend the money in enlarging their plant; then can supply a few extra jobs to fill your requirements, and depreciate the loan over a period of time and just forget about what they have invested.

As one man said to me: "You might as well take it because they are offering it to you." They will come down here and are literally laughing at you when they come in to take it, but what is most unfortunate is that the small Ontario or the small Canadian, businessman does not seem to be able to get the loans nearly as easily as the large concerns.

Now by and large the major concerns are American, or American controlled, so that in the first place the Canadian firms are going to be at a disadvantage, because in most cases—unless they are something like Massey-Ferguson—they are bound to be a smaller firm. I think the only Canadian firms that rank extremely high in the world corporate structure is something like the Canadian Pacific Railway or Massey-Ferguson. I have not seen you giving them any loans.

Hon. Mr. Randall: They have not applied for them.

Mr. Trotter: They have not applied yet—and I assume they would not have much trouble getting a loan from you—but the two things that I think are needed in any Ontario Development Corporation are these:

First, it would be major government policy that simply would not allow the sell-out of Canadian concerns. I know that this present Minister, or this government, would never accept this theory because it is interfering with private enterprise. Well I think it is stupid to worship that sacred cow and sit back and watch the Canadian country sold out.

You know the Americans, who are supposed to be the very keystone of the free enterprise system, do not sit idly back and allow certain firms to be sold out. I think of one Canadian firm that was going to be purchased by an American firm back in 1964—our Canadian firm was the John Labatt Company. We sat back and did nothing, but

it was the Americans who stopped it because they feared a certain industry being controlled by too small a corporate group. Yet we in our policies in this province will just do nothing and my feeling is we encourage this. I say that basically we are wrong in our major policy in not stopping the sale of Canadian concerns, and this too is the fault of the Ottawa government. It simply should not be allowed.

I might point out that many countries who need foreign capital, will not permit the control of their country or of their industry to anything close to the extent of which we have done.

Second, if a government, through a development corporation, is going to encourage industry it should certainly encourage small industry in many of the towns and cities throughout the province. I would be glad to see Napanee, or any other town or city in Ontario, get industry, but the first responsibility of government is to see to it that it is a Canadian firm—and even more than that an Ontario firm—that is moving into these smaller areas. The fact that you are encouraging major American firms to go into some of these smaller communities means that they are going to be more and more dependent on American capital.

One more way of eroding at Canadian independence. We talk much of the importance of the small towns, of the small cities and of how they should be encouraged, and yet as I go down the list of major sales of Canadian companies I just need to pick out one year—1964—such names of such municipalities as Galt and Guelph and Preston. In these cities were firms that were once independent Canadian firms in the relatively smaller cities that are now owned and controlled by American interests.

My argument to this Minister and to this government, Mr. Chairman, is that we do a disservice to these smaller centres when their industry becomes American controlled, but also we certainly do a tremendous disservice to the Canadian identity which we have striven so long and to this point so successfully to maintain, but without a proper Canadian economy there can, in my view, be no political independence in the long run.

Government is going to have to take a far more active concern in planned economy than it has in the past, but whether we have wanted to admit to it or not, it has slowly crept upon us, whether they call it creeping socialism, or whether it is really a mixture of socialism and old time capitalism, which I think it is, we are certainly going to have to do more to protect the interests of the people as a whole. There is one mythology that exists, I think, among Canadian businessmen. The Canadian businessman so often thinks that the Tory Party best serves their interests because so many of them have been businessmen. Yet if the Canadian businessman, particularly the businessman who attempts to run a relatively small business or a family size business, take a look at the sell-outs of where American corporate control has moved in on them, they will know that this present government has not served them very well. That is why I emphasized and used as an example the location of the H. D. Lee location in Napanee. It is most certainly going to hurt Canadian industry and the Canadian textile industry is being harmed with the money from Canadian taxpayers because of the dismal policies of the present government.

Mr. MacDonald: After listening to the hon. members for Grey-Bruce and Parkdale, I am almost tempted to distribute to them membership application forms for the New Democratic Party, because if they really believe these things there is only one party which is today fighting that consistently, because—

Interjections by hon. members.

Mr. MacDonald: It is not the case of a halo, it is a case of the facts. You want to follow those who learned—like Mel Watkins—into the party where it could be worked out. However, Mr. Chairman, that is not the reason why I rose.

Mr. Singer: Does the member subscribe to Mel Watkins' views?

Mr. MacDonald: No, but we will work it out. Do not worry. We can work it out.

Mr. Chairman, I rose because I wanted to deal with the one specific case that the hon. member for Parkdale cited, namely, the H. D. Lee Company. In the broad context of the picture of American takeovers and the development in this province and of this government's assistance to them, my colleague the member for Scarborough West has already sketched for the House. I want to isolate one or two aspects with regard to the H. D. Lee Company. They have been alluded to but I think they are worthy of being driven home.

The garment industry in Canada is a surfeited industry, it is already producing all that it can cope with in terms of the Canadian market. Its production is in the range of $1,285 billion. It has some 110,000 workers in it, and it serves the textile industry, with

some 77,000 more workers. In other words, it is rather an important industry but it is an industry that has intensive competition, an industry that is having increasing difficulty because of the fact that there is a smaller and smaller proportion of the Canadian consumer dollar being spent on clothing. In short, an industry with difficulties before any action that this government might take. And yet—with the Minister not present I do not know the purpose of all this—

Hon. A. Grossman (Minister of Correctional Services): Does the member mean the purpose of his absence?

Mr. MacDonald: Maybe he is just running for cover. Maybe we should wait, maybe we should take time out. I have two specific questions I want to ask the Minister and there is no point—

An hon. member: Here he is now!

Mr. MacDonald: Good!

I might just briefly recapitulate for the Minister. I was dealing with the one instance of the H. D. Lee Company, which was raised by the hon. member for Parkdale, and I had put some statistics on the record indicating the size of the garment industry in Canada—I forgot to add its importance in terms of providing employment for women—but also that it is an industry which faces intense competition, which is in increasing difficulties because of a declining proportion of the consumer dollar being directed towards garments.

Now, in face of this situation, the Minister provides a loan of half a million dollars to a giant in the garment manufacturing industry from the United States. Indeed, it is interesting to note that if this company ever grows to the full potential that is sketched out in its presentation, it will have a plant of $1,100,000 and that is equal to two-thirds of the existing plant worth of the companies that are now in operation in the province of Ontario.

In short, you are going to come within reaching distance of doubling the production in the province of Ontario. One of the gentlemen who attended with the delegation to the Minister, made to the Minister—certainly he has made it subsequently—the suggestion that 100 operators can produce all of the jeans that are bought and used in Canada. And yet this plant is going to have some 500 operators. Now, this is all very grand; this certainly conforms with the superlatives, and Ontario unlimited, and everything else that the Minister is so magnificently capable of, but what I want to ask the Minister is, what research was done on the industry prior to making this loan available, bringing in a new company that is maybe going to wreck an industry which is already struggling. What research was done? I do not know whether the Minister would care to reply to that directly.

Hon. Mr. Randall: First of all let me say that this company was shipping into Canada only 15 per cent of the goods manufactured here by the man who objected in question, the rest were garments that were not manufactured here, that were imported here and there was no competition for them.

Now they also, by coming here, will be able to ship about $1,300,000 of these high fashion garments to the United Kingdom. At the present time they are shipping from the United States, or their Belgium plant. They have about 27.5 per cent duty, so that when this company comes into Canada it will stop about $1,900,000 imports coming from the United States now.

Mr. MacDonald: What assurance that that will be the case?

Hon. Mr. Randall: Well, they are shipping $1.9 million in right now, that is the figure. $1,900,000 is being exported by the Lee Company into Canada of which 15 per cent will affect Canadian industry, and $1,300,000 is being exported and they are going to ship that out of the Napanee plant.

I might also suggest to my hon. friend, that the Lee Company is going to employ perhaps 150 people to get started with, and they expect to have 500 in the course of a year or so. The high fashion product they manufacture from is called denim, that is not manufactured in Canada and should be manufactured here because there is a heavy duty rate on denim, and so they are going to look around for a textile manufacturer who will manufacture the denim right here. Now, this is the story on the Lee Company.

As far as I am concerned, the difficulties the Canadian manufacturer is having is not with the ODC loan, or with the Lee Company. His difficulty is that he is making what is referred to in the trade as a cheap and dirty product, and I do not mean to be disparaging. He admits that himself.

He says it is a low cost line of slacks, and his biggest problem is facing the onslaught of competition from the low wage countries in the Far East, and that is being discussed with the federal government right now. They

are making a survey, and I believe in November they are coming out with a report on what they are going to do on the quotas of these cheap and dirty garments coming in from the low wage countries in the Far East.

Mr. Trotter: Mr. Chairman, could I ask the Minister a question at this point? If a Canadian concern has to upgrade its products to get into a different line, why does the government not encourage the Canadians to upgrade their products and supply the capital? Because some people in this industry simply did not have the capital to change their machinery, or their equipment. This is what I cannot understand: why do you not encourage your own people to meet the new marketing requirements? This just does not seem to be done.

Mr. MacDonald: Mr. Chairman, let me ask another question of the Minister so that he can deal with them both. The Minister has presented a very attractive bill of goods, but I wonder if he was not sold a bill of goods. And to make certain he was not sold a bill of goods—so that we can get dollar value for the $500,000 that we gave them—may I ask the Minister: does the contract have any binding commitments in terms of cutting out imports from the United States, and increasing exports? Are they in the contract?

Hon. Mr. Randall: That is part of the agreement. And, let me say this also, we had our own people down there in the major plant. We checked what they were going to do when they come to Canada. We also researched the market here before we talked to these people. We researched it for them, so that the research was done. In answering my hon. friend over here, we have been down to Mr. Otis' plant, and we have offered to assist him in any way, shape or form. He says: "You cannot help. I am making a cheap product. This is all I know how to make, and I am not interested in exporting. In fact I could not find an export market for it."

We have gone into his plant, we have endeavoured to help him get into a new line or product, we have endeavoured to help him sell more domestically, and more on an export market. But he himself said to me that it was only a matter of time anyway—if they were going to allow all these cheap foreign import to come from the Far East countries.

I say to you, his argument is not with the Lee Company. And I will also say this, that if the Lee Company did not come into Ontario, it could have gone into Manitoba or Quebec. Now my responsibility is to bring industry into Ontario. I do not give a damn what happens in the rest of Canada—my job is right here in Ontario providing jobs for 100,000 people who have to come into this province. And when we pay 43 per cent of the national income, I think I am doing a job for Canada by bringing these people in here.

Mr. MacDonald: Let me pursue it then. Did I get the Minister correctly when he said that it is part of the agreement that the imports will be reduced, and that the exports will be at the levels that he suggested?

That is what he said the first time, I just want it into—

Hon. Mr. Randall: Well let me just suggest to you, sir, when the manufacturing plant is decided on, it is decided on to produce a certain amount of goods that are now imported. It is decided how much they can get in the export market, because the product has acceptability. There would be no sense in coming here unless they are going to produce the product they already have a market for—in Canada, as well as in a domestic market. These are the things we discussed with them, and set it up on that basis. Now if they are going to manufacture some other product—well it is news to us. As far as we are concerned, this is what they are setting their plant up for, and if they meet those commitments we are quite happy. If they do not meet those commitments, the loan does not go through, the loan comes back to us.

Mr. MacDonald: The Minister is a very skillful operator, and at this moment he is an "operator;" I asked him a question, he evaded it. Well, I will give him the answer. It is not part of the legal binding agreement.

Hon. Mr. Randall: I do not think it would have to be—if they are going to manufacture.

Mr. MacDonald: Mr. Chairman, you said a moment ago it was part of the agreement, and I am telling you it is not part of the agreement. Therefore if this company does not do what you now said it is going to do, you sit there and smile and say that is part of the market system.

Hon. Mr. Randall: Let me just straighten you out for a second if I may.

I do not care whether the company manufactures the slack it is exporting to Canada today or not. I am simply concerned that they

will manufacture $1.9 million worth of that product or a similar product here that will not only serve this market but be exported. We are not going to go in and tell them what they have to manufacture; they know better than we do what is going to have to be produced in order to make a dollar and stay alive, and employ the people in Napanee.

While I am on my feet I may point out to you that there were 1,400 people registered to work in the Manpower Centre in Napanee when they came in.

Mr. MacDonald: Mr. Chairman, just let me pursue this if I might. I grant you all of that, and as my colleague from Scarborough West said, we are not opposed to an incentive programme. We have recognized, and we pleaded for, some government action by way of economic planning to get industry into those areas. What we are objecting to is the kind of incentive programme and the kind of phoney economic planning that is produced by it.

All I am saying, without labouring the issue any more is that I do not think there was any real research done. What the Minister is producing is a rationalization of a situation because of the storm that has developed in the industry since he has assisted in financing H. D. Lee to come in here. Furthermore, he has no commitment—the record will indicate that he had no legal, binding commitment that they are going to cease these imports into Canada and manufacture it here. They will do as they please. They will do as they please in walking off with the $500,000 which you have seen fit to give them.

So I give the Minister fair warning. If he is so confident that we are not going to have disastrous consequences in an industry that is already faced with intense difficulties, then I wonder what this Minister is going to do to assist those Canadian companies that are struggling to survive?

It is all very fine to talk about 500 people who are going to get jobs in the Napanee area where 1,400 people are now seeking jobs, but if meanwhile you wreck a good number of Canadian companies that have been in operation for years, and those jobs go down the drain, you do not need to be very bright to recognize that you have accomplished nothing.

Hon. Mr. Randall: We have not wrecked any yet that I know of and there are 102 Canadian companies that have been assisted through EIO. We do not ignore the Canadian companies. You keep on talking about what we are doing for the foreign companies, yet you ignore the fact that 102 Canadian companies have been assisted.

Mr. MacDonald: That is not what I was talking about.

Hon. Mr. Randall: I know it is not. He is ignoring the facts. And I will answer the member after dinner perhaps.

Interjections by hon. members.

Hon. Mr. Randall: I have the information, stick around, do not go away.

Mr. Trotter: Mr. Chairman, the Minister has informed us that this one man who complained, I think he mentioned the name of Otis, said he could not be helped. But surely there must have been other companies in the textile industry that could be helped without bringing in an American firm?

And I would be curious to know how much research has been done and if there is any possibility, as I asked the Minister earlier, if he could table the report on which this loan was based and also could he table the agreement with the E. D. Lee Company, so we could have a look at them. I would like the report and the agreement; I would like to know what kind of research they do.

Hon. Mr. Randall: Well, I will get the report. I will table it for the member tomorrow.

Mr. Trotter: Will the Minister have it tomorrow?

Hon. Mr. Randall: Sure!

Interjections by hon. members.

Hon. Mr. Randall: I might say that the NDP members already had that report, I do not know why this member did not ask for it, he could have had it.

Mr. Trotter: No, I have not had it.

Mr. MacDonald: We were given this report on a confidential basis and, quite frankly, I am a little curious as to why it should be on a confidential basis. It is part of this whole mythology that when the government is dealing with a company it is not public business and therefore it cannot be released. Now, the Minister says he did not know why the Liberals did not ask for it. May I ask why agreements that are made between this

government and any company which is being given public money should not automatically be made available all the time?

Hon. Mr. Randall: I will find out why you cannot have it.

Mr. MacDonald: Find out which?

Hon. Mr. Randall: I will be glad to find out what documents you can have and what we do not think you should have.

Mr. MacDonald: The one I am most interested in, is the final agreement that is signed with the company.

Mr. J. Renwick (Riverdale): I am interested in the ones the Minister thinks we should not have.

Hon. Mr. Randall: Mr. Etchen tells me that you got a signed copy.

Mr. Singer: Mr. Chairman, before this breaks up, the Minister is undertaking to see what he can produce and table. I do not know when he is going to produce and table it, but I think it is an important part of this particular debate on this particular vote. I would think that if the Minister is not able to table it while this vote is still under discussion, then this vote should be held over until he does table it, because once it is here, it certainly is going to lead to further discussion and additional debate. So that if the Minister cannot bring us back an answer at 8 o'clock, then I think it is only reasonable and fair that this debate be kept open until he does bring that answer back.

Mr. Chairman: We can pursue this at 8.00 o'clock.

It being 6.00 o'clock p.m., the House took recess.

No. 175

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, October 7, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, October 7, 1969

Estimates, Department of Trade and Development, Mr. Randall, continued 6771

Motion to adjourn, Mr. Welch, agreed to 6812

LEGISLATIVE ASSEMBLY OF ONTARIO

The House resumed at 8 o'clock p.m.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

On vote 2207.

Mr. Chairman: Was the Minister going to make a reply first? All right, carry on. The member for Peterborough had the floor.

Mr. W. G. Pitman (Peterborough): I am sure the Minister would be very disappointed if I did not have something to say on his estimates. I want to say a few words about the EIO programme. I find it very difficult to follow after the most devastating attack that was made this afternoon upon this programme by my colleague and friend, the hon. member for Scarborough West.

Hon. S. J. Randall (Minister of Trade and Development): I would not call it devastating.

Mr. S. Lewis (Scarborough West): And "friend". I want you to notice the "and friend".

Mr. Pitman: I want to make the point, Mr. Chairman, in my few remarks this evening—

Mr. V. M. Singer (Downsview): You are driving them out.

Mr. Pitman: —that not only is this Minister selling off Ontario to the United States, but to what purpose is he doing it?

I think it is time he took a look at the first principles of the equalization for industrial opportunity programme. It is to equalize, it is not to increase the number of jobs. Now the Minister might say: "Well, if we did not bring this plant to put into this small town in eastern Ontario, or northern Ontario, they might go to the United States."

But essentially it is not an attempt to increase the numbers of total jobs in the province of Ontario. We are paying out some $22 million to a great number of companies—well over 50 per cent of them of course the larger companies, American owned. And we are really paying them to put these jobs into an area B rather than area A, because area B has less natural economic opportunities than does area A.

In other words, we are talking about moving employment. We are not really talking about increasing employment. I think it is important that we get this straight, because some people have indicated to me that they thought this $22 million for 1,100 jobs was a total increase.

They expressed surprise that it cost that much to total the increase to that number of jobs. But it is not an increase at all. Essentially it is a movement of jobs from one area to another.

So that what the Minister decided, sometime during the last election compaign, was that it would be a very good ploy to place industry across this province.

We will talk about the rationale, or the lack of rationale, of that in a few moments. But there are some areas in Ontario, says the Minister, who have possibly a lack of transportation facilities, who have a lack of supporting industry, and therefore because there is no concentration of other industry they tend not to come into that area.

It may be that they have a lack of power, although that is very unusual in Ontario. Perhaps they are not near markets, perhaps they are not near raw products. So what the Minister says is that we are going to cancel out all these natural attributes, and we are going to place an industry in some part of Ontario which otherwise would never receive this industry.

Now I want appeal to the chair, that this is not an economic programme as much as a social programme. What has happened is that the Minister of Trade and Development has decided the kind of Ontario we are going to have, and he is going to change the existing patterns, the likely patterns, the natural patterns—and he is going to place industry in certain areas, uneconomic as it may seem from the point of view of the capitalist, from the entrepreneur, or certainly from the point of view of the economist.

And when one asks him what he is doing, he says: "I am putting a payroll down Main Street". Now I want to suggest to this House that this is the most simplistic, almost infantile,

velocity for spending $22 million of the taxpayers money, and it is $22 million of the taxpayers money.

An hon. member: Twenty-nine million dollars.

Mr. Pitman: Now $30 million—well one can scarcely keep up with the Minister's generosity to American corporations.

Hon. Mr. Randall: You have lost the 102 Canadian companies.

Mr. Lewis: Oh, we will come back to them.

Mr. Pitman: We will come back to the 102 Canadian companies.

Let us take a look at the areas the Minister has designated. I have brought a map, Mr. Chairman, and I hope the chair will allow me to use this map. It is what you call a visual aid, I think, in the proper educational language.

Mr. Singer: Is Peterborough on that map?

Mr. Pitman: Indeed it is, to the hon. member for Downsview. Indeed Peterborough is on that map. Now, the Minister has designated in the province of Ontario—and this is a very distorted view of the Minister's activities, because I think you will realize that northern Ontario is practically ignored in this particular sense—

Hon. A. F. Lawrence (Minister of Mines): Why not use one of our maps which has northern Ontario shown on it?

Mr. Pitman: I am sorry, I cannot be faulted for the fact that the province of Ontario turns out maps like this, that shows northern Ontario about one tenth or one twentieth of the size it should be. However, the point is this: I ask the Minister to take a look at this map to see where the designated areas are.

Interjections by hon. members.

Mr. Pitman: Mr. Chairman, you are going to have to protect me from all the flak that is arising from various parts of this House. The Minister apparently is listening and wants to know what I think about his social policies for Ontario.

He has designated practically the whole of eastern Ontario, and what he calls eastern Ontario is everything east of Trenton, apparently, which includes all of this area here.

As well as that I think you can see this spray of blue. Every one of those pins represents an EIO industry in some part of Ontario. But if you will notice, there is no pattern, there is no essential degree of plan. He has just simply designated areas, spotted throughout the whole of western Ontario.

Now, as the Minister of Mines would agree, northern Ontario as it is shown here—I think one could almost say that the total land area which the Minister has designated would be 75 per cent of the land surface of this entire province.

Seventy-five per cent of the land surface of this province is designated for equalization of industrial opportunity loans; and I would say to the Minister that 95 per cent of that 75 per cent have but one hope in Hades of ever getting an interest rate. What I am suggesting to the Minister is that this is a hoax. It is a cruel hoax for most of the people who are living in designated areas across this province.

Instead of any kind of planful activity, instead of any kind of essential effort, to determine where industry is going to go—and decide on where that industry would provide growth and jobs in an effective economic development and growth—the Minister has simply used a massive political effort to designate practically the whole province except a very small amount of the area in western Ontario, and what the rest of us call eastern Ontario. The Minister apparently does not.

I bring that to his attention with a map simply because I think it is important that we recognize where that point is.

Mr. D. C. MacDonald (York South): We have you plotted.

Mr. Pitman: Let us take a look. I can remember during the election campaign that I got the rather strange idea—maybe the member for Thunder Bay can correct me on this—I got the rather strange idea that this was a programme for northern Ontario.

Mr. J. E. Stokes (Thunder Bay): That is where it was announced.

Mr. Pitman: That is where it was announced. We are finding one Minister at least in the Cabinet who was going to make some impact on the difficulties and the problems of northern Ontario, but what happened?

Back last year I asked a question as to how much money was spent on the various sections of Ontario. As of December 31, 1968, $1.68 million has been made available to companies in northern Ontario, $7.55 million in eastern Ontario and $6 million in western

Ontario. In other words the programme had no effective impact in the north whatsoever.

To bring it up to date, which brings it, I think, up to last Friday, October 3—I am sorry, I bring it up to September 24. In the north 25 loans, a total of $5,225,000. The average loan—$209,000. The number of jobs —757. This is as of September 24, 1969.

Eastern Ontario—64—over twice as many in eastern Ontario to the total of $12,514,000. An average of $195,000 per loan; and the number of jobs 2,315.

Now remember, northern Ontario got 757 jobs, eastern Ontario, 2,315. The rest, which really is western Ontario—89 loans, compared to 25 in northern Ontario—$10,896,000. An average loan of $122,000, and the number of jobs 3,160.

In northern Ontario 757, and 3,160 in western Ontario. That makes a total of nearly 5,475 jobs in the rest of Ontario to 757 in northern Ontario. Really that is some programme for northern Ontario. God help the northern Ontarians because this Minister is not doing very much for them.

Now, designation. What does it really mean? As I say, and as the member for Scarborough West pointed out, what we are doing is paying American corporations, very large American corporations, to move—really to replace workers, to place them in one part of Ontario rather than another part of Ontario. There are very few of these companies who would not find the capitalization from their own resources. After all Allied Chemical scarcely needs Ontario taxpayers' money to carry on—or Kraft Foods. Certainly they would increase their development in Ontario because it is economically worth while for them to do so. They would do so in the Golden Horseshoe of the Toronto-Hamilton axis.

What the Minister does, as I say, in designating 75 per cent of the land area of Ontario is he simply forgets about all the other implications of what he has done.

For example, he has gone ahead and created virtually a provincial land use plan. I was floored by his remarks yesterday afternoon. Fortunately I looked up the transcript because I could not believe the Minister could have said this. He said:

> I say to you that regional government will come a lot easier in many communities if they can have a balanced assessment, if they can employ their people and there are some firms operating there from which they can get some tax money, and this is just exactly what we are trying to do is spread that industry into those areas and we are going to continue to do it.

Now does the Minister really believe that he is going to solve the tax assessment problem in the province of Ontario by putting an industry in every municipality? Is that his solution?

I am sure the Provincial Treasurer (Mr. MacNaughton) must have been under his desk when the Minister made that statement. The Minister of Municipal Affairs (Mr. McKeough) must have run for cover when the Minister made that statement. Because that is absolute idiocy, absolute lunacy. You could not possibly solve the tax assessment problem that way. In that sense, the only way you are going to do that is through what my leader his already suggested—by some kind of equalization plan by which you reduce the necessity for these individual municipalities going out and finding industry.

Hon. Mr. Randall: You said some kind of plan. Do you have one?

Mr. Pitman: We have one, indeed we have submitted it to this House. The Minister of Municipal Affairs thought it was a great idea, and I suspect that probably this government will end up by putting it into effect in some kind of inadequate way before the next election.

A foundation municipal plan is the only way that you are going to solve that problem. You are never going to find industry to go to all the little communities across Ontario. For one thing, would this Minister really submit that that is the way it should be done? Does the Minister really believe that you can distort and destroy all the developments of this province by urbanizing when you have got implications of housing problems which are massive in some of these small towns. When you have not dealt with the problem of pollution, some of the towns that you are here suggesting—

Mr. E. A. Winkler (Grey South): Are you against small towns of Ontario having industry?

Mr. Pitman: That, Mr. Chairman, is rather an obvious question.

Mr. Winkler: Well come on! Say yes or no.

Mr. Pitman: Mr. Chairman, I can very easily say yes I am in favour of a small town having a particular industry or a certain nature. Yes I am in favour of this. But what the Minister is doing is deflecting industrial growth, making it uneconomic and inessential.

In a moment I will try and show you what exactly you are going to have. You are going to have a great number of small industries in small towns which are uneconomic, and will require more taxpayers' money trying to shore up these uneconomic industries in those particular areas.

Mr. MacDonald: How much did the people of Orangeville have to put in to get Westinghouse there?

Mr. Pitman: In a problem of municipal finance, the municipality has to pick up the tab, it is the municipality that has to solve the problem.

If an industry goes into an area where it is uneconomic, where it is an ineffective urban goal, or an essential kind of industrial goal, it is the municipal taxpayer who picks up that tab, to say nothing of the educational problems and the recreational problems created as well.

In other words, the Minister is just simply wandering across this province throwing industry here, there and everywhere and let the chips fall where they may. The worst of all is he is making irreversible decisions.

We hope that this province at least after 1971, will have some kind of provincial plan, and we will know to some extent where we are going, that we are going to have satellite cities to draw off the growth of the metropolitan areas, if that is necessary, and that we will develop transportation complexity to make it possible for people to live outside the urban areas. But what the Minister is doing is cooking the books. He is making decisions which will be impossible to reverse and which will distort the kind of development which could take place.

Hon. Mr. Randall: Will you send me a list of those towns where it is uneconomical? Give me a list of them.

Mr. Pitman: Well I am sorry, I cannot give the Minister a list of the towns right off the top of my head.

Hon. Mr. Randall: Well, you dig them up.

Mr. Pitman: We will try and do that in the future. We will be glad to do that.

Hon. Mr. Randall: You have a cemetery obsession—

Mr. Pitman: All right, what I am suggesting Mr. Chairman, is this. That the Minister has designated all kinds of places without ever conceding it is necessary that in any kind of real development area you must have growth points.

Now the Minister says we know where the growth points are. We do not know what the growth points are under the government programme, Mr. Chairman. It has not been decided by the government where those growth points are going to be. You certainly can't have six or seven or eight growth points. You can not designate everything else but the growth points, and expect that some kind of regional development will take place in that particular region, and that is exactly what this Minister is doing.

Perhaps I might read one or two comments made by at least some experts in this field. In a 1968 document on the Lake Ontario region produced by the regional development branch of The Treasury Department, by its economic branch, the development of industry in one particular area was described. "The spread of industry along the lake is perhaps inviting undesirable repercussions." That is the point, it invites undesirable repercussions. "External economies of production that evolve by way of industrial concentration become less feasible and, therefore, costs rise."

Now that is a very obvious point. In the twentieth century, we must concentrate industry in growth points because this is the only way you can get the kind of supporting development in the modern complex technological age. You do not isolate little points of industry right across the province. You do not try to put it like a spread of peanut butter right across the province. As I say, it is ludicrous. I continue to quote from the document:

"The fact of dispersal in the region is supported by observations made by Keith A. J. Hay in his article 'The Location of Industry in Ontario.' This study indicated a post-war trend toward the dispersal of manufacturing industry from Ontario's highly industrialized counties to its rural counties."

But the point he makes is that where these industries have gone essentially is into low labour cost areas. They have gone into areas where the cost of labour allows that particular development to take place. You have a high capitalization, intense capitalization, but the success of that company and that firm is based on low labour cost.

This is the point that was made in a letter to the Minister by the United Workers and Unemployed Organization—in the city of Peterborough. They pointed out to him that industry was being encouraged to go into

areas where the rate of labour was very, very low.

Is this what the Minister wants to encourage? Is this what he wants to see? We had Senator Croll telling us a few weeks ago that most of the poverty-stricken people in this province are workers who are working for wages which are simply unacceptable, or should be unacceptable to anybody in this House. Yet it is this Minister's programme that is placing industry in those kinds of centres. We have seen them. Members of this caucus have visited them and looked at the kind of rates of labour that are being given to those people in those areas. It is disgraceful that a programme of the Ontario government should be handing out money, as I say, to large corporations, American corportions, to let them go in, to exploit our Ontario workers, because that is what they are doing. It is wrong. Then he goes on to point out:

> To elucidate on the programme, measures under the federal Department of Industry area development scheme involve a development grant, and accelerated capital cost allowances of up to 20 per cent a year. Such an approach is unsatisfactory—

and he included with this the EIO programme:

> —to the extent that it is inherently piecemeal. Attempts at encouraging industrial development (by the attraction of isolated industries) in areas which have no tradition of manufacturing nor possess an infrastructure sophisticated enough to support industry serve merely to perpetuate existing geographic imbalances.

Now if I wanted to take the time of the House I would read that again but I will not, but I hope the Minister is listening. This comes from his government, from The Treasury Department, from the finance and economic branch. It goes on:

> Admittedly, isolated industry and companies are able to alleviate unemployment in the short run—in the short run, Mr. Chairman, however, they do not provide the firmer long-term foundations of growth.

And surely that is what we want in this province, not short-term uneconomic development in isolated parts of this province. It is uneconomic, it is foolish, it is senseless, it is mindless. And that is what we are doing with the EIO programme as it stands right now.

May I read from another document that comes from this government? "The Mid-Western Ontario Development Area." What do they say?

> In an attempt to assist these and other smaller communities of Ontario in their efforts to obtain industry, the province in 1967 introduced its programme of Equalized Industrial Opportunity. It is designed to attract industries, with their employment opportunities and assessment, to municipalities that have not been successful in establishing an industrial economic base themselves. The programme has succeeded in some regions of the province in that it has located industries in certain municipalities. However, there appear to be some limitations, even serious dangers—

Serious dangers, Mr. Chairman, which this Minister has not even been able to understand so far, much less identify.

> —inherent in the approach used in this programme. No evident criteria have been established to indicate how a municipality qualifies for the provincial programme.

I think that has been solved slightly. We now have a few of what we might call "criteria indicators", if not any kind of secure concept of how the criteria are arrived at. But in fact, as the report states:

> No evident criteria have been established to indicate how a municipality qualifies for the provincial programme in terms of a realistic appraisal of the development potential of the municipality, i.e., location and site factors, transportation linkages, adequate water and sewage treatment services, and so on. Location grants are given directly to the industry. The municipality must assume full responsibility for providing adequate water and sewage service and frequently the serviced land as well.

The Minister might well recognize the fact that he has not in any way cut down on the amount of competition that goes on between municipalities, these municipalities are still driven to compete with each other in order to get these industries and in many cases giving away their own taxpayers money in order to further subsidize these very same firms.

> There is a very real possibility that these small communities in their understandable desire for industrial growth—

Understandable only because of the shortsightedness of the government in not recognizing the need for some kind of a foundation tax plan.

> —will find themselves immediately, or over a period of time, burdened with a very

substantial capital works debt created by the necessity for introducing for upgrading the basis service facilities required to attract and retain the industry. Although it it too soon to evaluate the performance and the effects of the provincial programme.

That is what we are doing tonight, Mr. Chairman.

It is possible to assess the federal assistance programme, that has been operative for a longer period of time using a similar approach. The federal programme has, in fact, led to serious financial problems for some Ontario communities that have participated in the programme for the reasons outlined above. The approach to this programme is being revised in the Maritimes and shifted from an attempt to attract industry to many communities of a region to an attempt—and may I underline—to an attempt to locate industry in a few selected larger urban centres based on the experience in Ontario with the federal programme, there appears to be good reason to expect that the provincial programme will result in similar financial problems for the smaller municipalities on the mid-western Ontario regions.

That's from the mid-western Ontario report; let us look at the Northeastern Ontario Development Council Report; what do they say about the EIO programme and the federal scheme?

While the remainder of the region, being part of northern Ontario, is designated under the equalization of industrial opportunity programme of the Ontario government, which gives northern Ontario municipalities a small advantage—

A small advantage indeed.

—over municipalities designated elsewhere in this province.

So small that they did not get very much of the money which went out into this programme.

"Neither," and this refers to the federal programme as well as the provincial programme:

Neither of these two programmes had any significant impact on industrial development in the north.

May I remind you, Mr. Chairman, that this is a report of the Northeastern Ontario Development Council, one that was subsidized by this government.

An hon. member: To the Treasurer of Ontario.

Mr. Pitman: To the Treasurer of Ontario.

Mr. Lewis: Does anyone support your programme?

Mr. Pitman: I will continue their comments:

Even though it can be argued that there are many areas in Canada already eligible for incentives under the federal programme, and many areas, including some in southern Ontario, are receiving grants under the provincial one, it seems clear that unless incentives offered amount to virtually the complete subsidization, and capitalization of a new industry as well as guaranteeing profits, it is likely that, without additional improvement in other factors of the regional economic life, incentive schemes will continue to have very little effect.

Let us look at the report of the Central Ontario Regional Development Council, another publication that this government has put forward. They suggest methods by which growth can be encouraged in this area.

This concept might be described as permitting the region to grow in an orderly and controlled fashion. But according to the structure of related communities and centres that have an established pattern of growth.

I must say that even the Premier of the province has made this point abundantly clear, if I might quote from the Premier (Mr. Robarts), who said in this House on November 28, 1968:

A substantial share of the potential share of all regions of the province will be provided by urban centres.

Does that mean the Premier of the province is against small towns? He does not want industries in small towns?

One of the challenges establishing our regional development plans will be to select those urban centres, both large and small, which will be appropriate growth points for the type of region in which this centre is located.

Does that place the Premier in the position of being against growth points, and ridiculing that concept?

Interjection by an hon. member.

Mr. Pitman: I certainly have not, I have said exactly what the Premier of this province said, and the member knows it. The member

is quite clear on that, abundantly clear on that.

This approach recognized the importance of a planning process, with defined plans and effective controls, and an implementation authority, but that each community would be permitted to grow at a rate commensurate with its natural role or standing in the structure of regional government.

In other words you cannot simply start spreading industry across the province, and then try to pick up the pieces of regional government afterwards, as the Minister suggests. It will not work, it will create problems which will never be able to be solved by regional government.

In fact, I have not been able to understand yet why the Minister of Municipal Affairs and the Provincial Treasurer have not done something about this Minister and his efforts under this programme. It passes belief that they would allow—

Mr. Winkler: Could I ask the hon. member a question? Are you then saying that you believe in a total plan of regional government first? Is that what you are saying?

Mr. Pitman: I am saying that there should be a provincial plan giving guidelines by which the development of this province can be forwarded.

Mr. Winkler: I asked you that question. Just say yes or no.

Mr. Pitman: I answered the question.

Mr. Stokes: Why do you not sit down and listen. You might learn something.

Mr. Winkler: Are you in favour of regional government first, before the programme was implemented?

Mr. Pitman: I am in favour of regional government being organized along with local people. Yes, I am in favour of a provincial plan—and some kind of planning on the part of this government.

Mr. Winkler: Well you are ahead of the Grits then, you are ahead of the Grits.

Mr. Pitman: What we are doing now, Mr. Chairman, is we are creating solutions before we have even designated what the problems are, before we even come to grips with the problems. You have utter chaos on the front benches of this government, you have got the Minister—

Mr. Singer: Particularly at the far end.

Mr. Pitman: I agree with my colleague from Downsview. You have the Minister of Municipal Affairs running around putting out fires—trying to develop regional government in Toronto, trying to develop regional government in parts of western Ontario—and you have the Minister of Trade and Development rushing around putting grants in all the other areas. Heaven only knows how the Minister of Municipal Affairs is going to straighten this mess out when he comes to deal with it. Heaven only knows how The Department of the Treasurer is going to straighten it out when he is forced to accept, as the Premier has, the nodal point concept, when he is forced to develop taxation procedures which recognize that concept, so the smaller towns do not have to go out and try to inveigle and bribe industry to come in, and offer industry the world in order to get it there, and then have to pick up all the attendant problems in terms of educational costs and municipal costs which that industry may well bring.

May I turn to another document which this government has so kindly placed in our hands—the five-year programme of St. Clair Regional Development Council. I wish the Provincial Treasurer was here tonight. He might be happy to see that someone is making use of all these publications, because certainly he is not. They have been sitting on his desk for the last year and a half. Some of the five-year provincial plans in the back of these reports start in 1969, and it is nearly 1970 now and the government has not even announced whether they are in favour of these plans or not.

Mr. Stokes: The last time we asked he did not have a chance to read them.

Mr. MacDonald: That is why they have postponed the Provincial Treasurer's estimates for about six months now.

Mr. Pitman: What does this council say? It says:

> It is quite clear that if too many focal points of manufacturing development are selected and promoted by the province, urban sprawls between cities might eliminate the opportunity to maintain green belts and agricultural and recreational lands in the St. Clair region.

One could take the Blueprint for Progress of the Lake Ontario Regional Development Council once again. These are all government documents. I assure you, Mr. Chairman, this also was one of the five-year plans.

> The provincial Equalization of Industrial Opportunity Programme (EIO) is encouraging industrial growth in some localities.

Possibly at the expense of other towns in the region, such as Peterborough, which are not designated for EIO aid.

> But its benefits are in any case confined to the larger communities which can supply industry with its minimum requirements. It is not on the whole helping townships, villages and small towns.

I would disagree with this; this is one of the problems.

> Of six loans made by the Ontario Development Corporation in the region since the beginning of 1968—

The report goes on to state where six loans have been placed in the Lake Ontario development area, and then makes this point, which I also want to make:

> It is neither realistic nor desirable for every small town and village to attract its "share" of industrial development—

Mr. N. Whitney (Prince Edward-Lennox): That is right. I would agree with that.

Mr. Pitman: If you agree with this, come right over here, because your Minister is certainly not taking that approach over there.

> Industrial development, which is no panacea for municipal problems and can create problems of its own. It would be sounder policy to encourage industrial growth in general in those parts of the region best suited to it, not to spread the benefits through a fair distribution of tax resources, and through improving transportation for facilitating commuting.

The present structure of municipal government and finances leads to two undesirable consequences affecting industrial development. This is the position I think this party has taken.

First, it leads to competition among municipalities for industrial assessment, which may be detrimental to sound regional industrial location policy and good local planning.

Second, large areas obtain no benefit from industrial taxes—and that, I can assure you, will be most of the 75 per cent of the land surface of Ontario designated by the Minister of Trade and Development at the present time.

These conditions would be partially rectified by regional government, as recommended by the Smith committee and the select committee, but much more effectively corrected by the collection and redistribution of taxes on the basis of economic regions or on a province-wide basis.

For many localities the problem of lack of employment opportunities would remain and might even be intensified by a still stronger trend towards industrial concentration. It is not suggested that it would be either feasible or desirable to attempt to reverse this trend and secure an even distribution of industrial growth throughout the region. But this Minister says we are going to spread growth right across the entire province, a veneer of industrial development, creating untold, unbelievable problems for everyone across the province. The report goes on to point out that this is simply uneconomic, it is irrational, and certainly unpalatable so far as this party is concerned.

I could read some other comments here from various other sources but I will not. I think the point has been made. I think it has been made by those who were hired by this government itself to try for some kind of order in the chaos that has been created on that side of the House.

I wanted to deal with one or two areas of what could be called statistics, which the Minister brought before the House yesterday afternoon. Unfortunately I was not in the House when he brought them forward; I was in a workmen's compensation board hearing and I was quite surprised to hear that Peterborough had been brought out in the opening statement of the Minister. I had not realized that the Minister had this city on his mind quite as much as he obviously does, but what he said boggles the imagination.

I would ask the Minister to get his notebook out, as he suggested members of this party do. I am quoting from the Minister's comments yesterday.

> **The population in Lindsay is 11,756 people as of today.**

I assume that is of 1969?

> **Peterborough is 54,782.**

I do not know where the Minister got that figure because the population of Peterborough in 1968 was 55,422, and one can only assume that he has gone back some years to get this kind of information. But listen to this:

> **In Peterborough the average rate of growth for the last five years was 17.6 per cent; for Lindsay it was 5.33 per cent.**

I was floored when I saw that statistic. The growth of Peterborough 17.6 per cent, almost 20 per cent growth in five years? I looked up the statistics and the growth of Peterborough over the last number of years has been 1.6 per cent per year. I could not possibly imagine how the Minister could possibly have his statistics that wrong. After all this Min-

ister, of all Ministers, should have correct statistics. But what has he done?

Hon. Mr. Randall: I thought you did not want the industries up there?

Interjections by hon. members.

Mr. Pitman: Mr. Chairman, if the Minister will just hold on to himself for a moment I will give him a chance to talk; I will yield the floor to him because I would like to get an explanation of this. If these are the statistics on which the Minister is deciding on designation, or non-designation of Peterborough, he has some serious problems on his hands; he has some serious questions to answer, so we will give him lots of time.

How could you get a 17.6 growth rate in five years on a yearly growth rate of 1.6? I began to work my way back and I realized that the only time that we were 54,782 was somewhere between 1965 and 1966, and then I worked back five years before that and it suddenly hit me. The Minister, in his enthusiasm in attempting definitely to inveigle me into the debate, went back to 1961, and between 1961 and 1962 there was an annexation in Peterborough. No people came in; they just redrew the lines and 5,000 people entered into the population figures of Peterborough. This is where the Minister got a 17 per cent growth rate.

How in heaven's name can this Minister be credible if that is the kind of statistic which he places before this House? He compares Lindsay's growth rate of 5.33 with Peterborough's 17.6 per cent, without ever mentioning that an annexation took place in which no people at all came into the work force, but simply—

Mr. MacDonald: With that record he should resign.

Mr. Pitman: Perhaps the Minister would like to rise and either resign, or point out to me why Peterborough has not been designated under this programme, if those are the kind of statistics he has been using in making his decisions.

Let us take a look at some of the other statistics he came across.

Hon. Mr. Randall: Do you mind if I enter here? The application form was sent to your industrial commissioner and this was the information he supplied after the annexation in 1963. This was the information he supplied. If you are going to fire anybody, I suggest you go back and fire him.

Mr. Pitman: Do you mean that the Minister does not check anything that comes into his office—

Hon. Mr. Randall: Are we going to call him a liar?

Mr. Pitman: I will certainly tell him that; that is the most disgraceful statement I have ever heard. The Minister should be completely ashamed of himself.

Hon. Mr. Randall: What are we going to do, call the man a liar when he fills out the form and signs it and sends it in? Am I to write back and say, "You don't know what you are talking about."? You go back and tell him he has made a mistake.

Mr. Pitman: The Minister is getting unusually excitable.

Hon. Mr. Randall: I am not excitable; the member is the one who is excited.

Mr. Pitman: I think the Minister should recognize one thing. Certainly the industrial commissioner has put down 17.6 per cent, but he was not comparing it with Lindsay. That is the dishonesty that you have done, Mr. Minister. You are comparing a town which has not had annexation with a town which has had annexation. Comparing those two figures is like comparing apples to oranges. You cannot do it, and the Minister knows that.

An hon. member: You had better get a new industrial commissioner.

Mr. Lewis: A 300 per cent error. How can we trust any other figures you might submit?

Interjections by hon. members.

Mr. Pitman: One would wonder why the Minister would not get his own figures from the assessment commissioner, why he would be dependent upon other people. Does he not have any staff in this organization?

Hon. Mr. Randall: You hired a guy and you are paying for it. You know what you are getting for your money up there.

Mr. Pitman: Oh, the Minister is so embarrassed now—

Hon. Mr. Randall: No, I am not embarrassed.

Mr. Pitman: He searches in every direction to find a scapegoat.

Hon. Mr. Randall: I am not embarrassed.

Interjections by hon. members.

Mr. MacDonald: The Minister is not embarrassed even when he should be.

Interjections by hon. members.

Mr. Pitman: The unemployment percentage in the area population of Lindsay was 9.6 per cent, almost ten per cent; in Peterborough it was 1.7 per cent—I could believe that one. I could not find any figures that were below 3.8 per cent. According to the Minister the unemployment figure last year for Lindsay was 1,003, and for Peterborough 1,975.

I went to the unemployment office today and got the latest statistics. I want to inform the Minister that as of today there were 2,534 male applications at the employment office, and there were 1,812 female, for a total of 4,346; and the Minister talks about 1,000—

Mr. MacDonald: There are those rose-coloured glasses again.

Hon. Mr. Randall: I might say we got the figures from the federal Manpower authority and I would assume they know what they are talking about.

Mr. Pitman: Well, I do not know how you can figure it out from the federal manpower authority because they do not break them down.

Hon. Mr. Randall: Why does the member not go and ask them? They gave us the figures.

Mr. Pitman: The Minister is surrounded by—

Interjections by hon. members.

Mr. Pitman: Does the Minister not realize where Lindsay is, in comparison to Oshawa and Toronto? As compared to where Peterborough is? Does he think those are comparable figures? One wonders, one is left staggered by the incompetence of allowing those kinds of figures to be presented in this House. And when I do yield the floor, the Minister, I hope, will explain, and perhaps he might even be magnanimous and designate Peterborough while he is on his feet tonight, because obviously the statistics he is working with and the view of the city that he has, are so far away from reality they are not even close to the truth.

Mr. Winkler: The member wants for Peterborough what he denies others.

Mr. Pitman: The hon. member is completely out of his mind as usual too, because Peterborough is a designated growth point. The other communities that I suggested—

Mr. Chairman: May I remind the member to speak through the chair.

Mr. Pitman: I can assure you, Mr. Chairman, the hon. member is beside himself over there; I am trying to sort it out for him. He does not recognize that a growth point is not just any old town in Ontario.

May I conclude, Mr. Chairman—

Mr. Winkler: I hope so.

Mr. Pitman: I am not at all sure that creating a growth point is within the competence of this Minister. I do not know why the government does not send him off on his trade missions. He is a good salesman, send him to Japan, to Europe, anywhere at all, but leave him out of the planning of the province of Ontario and stop him from distorting what everyone else is trying to do.

He is a great guy for his exhibitions, send him off to Japan, let him plan the whole thing. I hope the 1973 Expo is in India or perhaps Africa. We can send him there. But for heaven's sake keep him out of the problems which face the people of this province. He is utterly unable to understand what the problems are in terms of the planning of the future of this province.

Hon. Mr. Randall: I thank the hon. member.

Mr. Pitman: What the Minister is doing is creating a dispersed, weak, uneconomic industrial base. What he is doing is making an effort to subvert all the work that must be done. And what makes me particularly sorry is that in 1971 someone else is going to have to clean up the mess which this Minister has made.

Mr. Winkler: The member is jealous of Lindsay.

Mr. MacDonald: The member for Grey South is jealous of the member for Grey-Bruce (Mr. Sargent).

Interjections by hon. members.

Mr. Whitney: I did not interrupt you people when you were speaking, I listened quite quietly I think, so therefore I hope I have the same courtesy.

I would say this afternoon that the hon. member for Scarborough West made a very nice speech. I listened to it with a great deal of interest, but nevertheless I think in certain parts of those remarks he made there was a degree of misleading. For instance, when he referred to the profits of various concerns, he also referred to the accumulated surplus or earned surplus appearing at the end of the statement and I believe that he suggested that that earned surplus which appeared at the end of that year represented money that was available for investment.

And I would suggest that if he looks at the opposite side of the balance sheets he would have seen that that money had already been invested in plant and equipment. Or did he find evidence that there were bank deposits or investments of various kinds to offset that earned surplus that had been accumulated over the years?

I think it was an absolute misrepresentation to suggest that, because earned surplus was simply accumulated earnings over the years which the management of the company thought should be applied to acquire further assets to keep in competition with other people. The assets were tied up in investments and plant equipment and all the rest of it. To suggest that that was a fund of money available for investments and other things, I think, was entirely erroneous and misleading.

I listened again later on to the hon. member for Grey-Bruce, and I listened tonight to the hon. member for Peterborough. I would suggest this, that every little hamlet, every little town—

Mr. MacDonald: The government is in a bad way if this is the man that has to defend them.

Mr. Whitney: I am strictly on my own now, I would say to the hon. member for York South. I was not prompted by the government to speak, I am speaking on my own. But with what has taken place in recent years, here are the actual facts. The province of Ontario has assumed 100 per cent of the cost of the administration of justice. They have also instituted the county school board system, and the parts of the counties that I represent—for example the county of Prince Edward has gone a great way in regional government—and Lennox and Addington have done likewise.

So here is what it means. It does not matter whether industry locates in Picton or Bloomfield or Wellington, or where in Prince Edward county. The advantages are there for everyone in that region, and these efforts have come about through the efforts of the government of Ontario. I do not think it is fair that one municipality should be played against the other. I think that is absolutely playing politics, there is no question about it.

This thing is going on in Lennox and Addington and all over. A lot of this is coming about through the initiative of the government, without pressure, but it is also through the efforts of our own people. I would say that that is most important for us to consider, that our people are striving to help themselves. I do believe that perhaps Peterborough could be bigger; I do not know, and I do not know if the citizens of Peterborough would be any better off if the city were bigger. They might have traffic situations, and situations that might not be too helpful. Size is not the criterion; the real problem is caused by the living conditions of our people.

I would say this: You may say that industry is locating where there are low labour costs. I would say that by the same token in some places where there are low labour costs the people are living in a much better degree of harmony and pleasure and nice surroundings than they are, where the labour costs are the highest. I would say that in your area, where you have your transportation problems, where you have your lack of housing and where, sir, you have your lack of facilities, and where people have to go miles to get recreation, your labour costs do not compensate for the standard of living conditions we have in areas where the labour costs are much lower. I think that the hon. Minister in carrying out this programme is trying to give boosts to local places that are maybe semi-rural in nature. The H. D. Lee Company and Canron in Napanee, the Campbell Soup Company at Wellington; we welcome these industries. But I do not think we are going to be greedy. I think we just want enough industry to give us a boost, and we do not have to have the highest labour rates, because we already enjoy pretty nice living conditions down there—which is evidenced by the people from Toronto and elsewhere who are selecting our area in which to live.

Mr. H. Peacock (Windsor West): Mr. Chairman, I know the Minister has challenged us on a number of occasions—since this debate began on Friday morning—to say what communities we would not want one of his EIO-sponsored industries to locate in.

I wanted to follow along the remarks of the hon. member for Peterborough just to

give him some inkling of my suggestions for the region of the province I come from, southwestern Ontario.

In that region, the St. Clair Regional Development Council long follows other economic regions of the province that the member for Peterborough has just referred to. It completed its inventory and studies last fall, and presented them to the Ontario Treasurer.

Among those recommendations were suggestions for the kind of development that ought to occur in various communities. Before I get to some of those communities by name, I just want to ask the Minister whether he feels any kind of municipal planning is indispensible to the location of one his EIO-sponsored industries?

Should there at least be a zoning bylaw in effect in one of those small towns or villages that he wants to put a payroll down Main Street? Should there even be an official plan, something more than a zoning bylaw in one of those small communities, where he is directing EIO-sponsored industries to go to?

Let me give the Minister a run down on some of the communities in the St. Clair region—the kinds of communities, I think, he would be willing to sponsor an industry for, if he had the designated programme extended to them, and he does not, by any means.

There is Windsor. Windsor has an official plan. It did not ask for designation either. Sarnia has an official plan, Chatham has an official plan, St. Clair Beach has an official plan.

Well, the municipal planning boards in these communities obviously have some concern about where industry should be located in these communities, and where residential development should be located.

They also know whether or not they really want industry, and whether the plan countenances industrial development.

Let us look at some of the other communities—100, 200, 1,000 people in size—that the Minister would prompt to accept one of his industries.

There is Belle River, population 2,400—no official plan; Tecumseh, population 4,800—no official plan; LaSalle, with population 1,500—no official plan; Courtright, population 700—no official plan; Amherstburg—an official plan in development stage.

Amherstburg, by the way, is one of the areas designated in the St. Clair regional study for industrial development, but so far ignored by the Minister's EIO programme.

Sombre, population 800—no official plan; Blenheim, population 3,500—no official plan; Tilbury, population 3,400—no official plan; Ridgetown, population 2,750—no official plan; Thamesville, 1,000—no plan; Wheatley, 1,500—no plan. Combre, 600—no plan; Cotham, 600—no plan.

And so on through the Lambton, Kent and Essex counties of the St. Clair regions.

The same kind of communities, the same size, the same communities lacking service, the same communities lacking the tax base to support the industries that elsewhere in the province under the designated areas programme the Minister is forcing these industries to go. Or claims that he is directing or influencing them to go. Communities that just cannot sustain development, communities that have not even begun to comprehend the initial tasks of planning for the location of industry.

Let me turn to one particular example I have not mentioned so far: Kingsville. This is a community which the St. Clair regional inventory says stated a need for new manufacturing, more serviced residential lots, more outdoor recreation opportunities, and the reduction of pollution in Lake Erie.

Rural people in the vicinity were definitely against more serviced lots, and opposed to an increase in the dormitory function of Kingsville. Then the report goes on from the St. Clair Regional Development Council: "It is not recommended that Kingsville be tabbed as a focal point for new industry, although it has many of the amenities, including a golf course, that industrialists prefer."

I am sure that is one of the amenities the Minister would take into consideration if he were locating a plan in his own enterprise.

> It is probable that Kingsville will eventually acquire certain new manufacturing plants, although it has had difficulty doing so in the past. But rather than promote Kingsville as a special manufacturing focus, it seems preferable to encourage further manufacturing development in the Leamington area, and to encourage Kingsville to grow more as a dormitory and commercial centre for commuting workers, and as a recreational centre.

The report went on to point out some of the other attractions that Kingsville had as an area for development, along the lines recommended by the regional development council. But the Minister, on May 10, 1969, a few short months after this report was released to the public by the Treasurer, announced that

two United States suppliers of automotive parts would establish a manufacturing plant in Kingsville, as a result of a loan of $250,000 from the Ontario Development Corporation.

Mr. MacDonald: That is perverting the plan.

Mr. Peacock: Now, I think, Mr. Chairman, on Friday morning I indicated rather quietly and without too much vigour that the Minister probably had not looked too closely at some of these regional councils' recommendations. I used Kingsville as an instance only.

I am not in a position to discuss the merits of Kingsville's desire for more industry, or the appropriateness of the development proposed by the regional development council. But surely, Mr. Chairman, by this point, as we near the 12-month passage of time after the submission of these reports by the ten economic councils of the province to the Treasurer of Ontario, the left hand of this government, represented by perhaps the Treasurer of Ontario, and the right hand, represented by the Minister of Trade and Development, are going to get together to put an end to this haphazard development. It operates without regard to the voice of local persons getting together through such regional institutions as the development councils, and expressing their own views about the development potentialities of their region.

This government claims to listen with care to the desires of various regions of the province, to be concerned to give them a voice in economic and regional government development. But we have seen the indifference, we have seen the haste with which this Minister rushes in, as evidenced by the example I just referred to and with no regard whatever to the regional development council proposals. What weight are they ever going to have? What influence are they ever going to have on the Minister or his colleagues on the interdepartmental cabinet committee on development?

If we go on for so long without having any reference to what is contained in them, we will never see stage two, or stage three, of the design for development if the Minister is allowed to continue in this fashion.

Perhaps he has some reason for ignoring the recommendations. Perhaps the Provincial Treasurer does not really intend to push the "Design for Development". Perhaps the Minister can tell us why?

Hon. Mr. Randall: Mr. Chairman, apparently everybody has had their say. There may be somebody else coming back. Perhaps I can give them a little more information. I have a great many notes here which I will cover when I get through. But before I discuss the number of matters brought up this afternoon I have a report that I want to read into the record, and then I will table it. This is an independent report done by Stevenson and Kellogg Limited, for the Ontario Development Corporation; it is entitled "The Impact of the Equalization of Industrial Opportunity Programme." On almost everything I do in my department I get an independent report telling me what I am doing, where I am going and what the impact is. And I suggest perhaps, if you will listen to me, I can answer most of your questions.

Introduction and Summary — Background: In November 1967, the Ontario Development Corporation began the Equalization of Industrial Opportunity (EIO) programme. Under this programme the corporation grants forgivable loans providing capital to companies who are starting or expanding operations in designated areas of the province. In some cases you may grant term loans to companies who require additional financing.

The objectives in placing the forgivable loans are:

— To provide equalization of opportunity for all Ontario municipalities in order to attract new industry.

— To provide for an expansion of industry and employment particularly in areas of slow growth in Ontario.

— To provide opportunities for gainful employment for our young people in the smaller centres of population.

— To provide a wider base of industrial assessment for Ontario's smaller municipalities.

You planned to follow your programme as first set out for an 18-month period before revising it. This was Phase I. It ended on June 30 of this year. At that time you retained Stevenson & Kellogg Limited to provide you with an objective assessment of the impact you had achieved during Phase I.

Our terms of reference: We agreed to conduct a survey of the companies involved in your programmes. Our attention centred on three questions:

— What were the initial and subsequent direct economic effects of decisions by ODC clients to locate or expand in designated areas of Ontario?

— Are there secondary effects of these location decisions?

– What role did ODC play in the initial decision of the companies?

A summary of our findings: During Phase I the corporation authorized EIO forgivable loans worth $24.9 million to 151 companies.

We contacted these companies and discussed with them their present position and the position they project for their company in two years. Here is the impact that ODC has had on slow-growth areas where people and other resources have been underemployed:

Economic impact—The ODC projects can be measured in a number of ways. We have summarized a few as projected for two years hence when all projects authorized under Phase I will be complete:

– Investment—Capital investment in the ODC projects will total $111 million—4.5 times the total grants.

– Jobs—7,200 new jobs will be created. They will mean an annual payroll of $38.8 million.

– Sales—In two years the ODC projects will show annual sales worth $217 million—8.7 times the total grants.

– Ontario's industrial base—The projects expand Ontario's industrial base in two ways introducing processes new to Ontario and producing goods never before produced in Ontario. In two years new processes will result in sales totalling $84 million annually. At the same time, products never before produced in Ontario will sell for $110 million.

Of course there is some overlap between the two groups—new products using new processes. But the important facts are that the technological base has been expanded and with it the scope of Ontario manufacturing.

Canada's trade balance—Imports of capital equipment will total $22 million. However, in two years the projects will achieve an annual net improvement in Canada's trade balance of $82 million, 3.3 times the ODC grants.

The corporation's role—ODC has played an important role in decisions to proceed with projects. Because of your assistance;

– 46 per cent of the projects were made possible. They could not have proceeded without ODC's assistance.

– 28 per cent were able to increase the size of their project by adding the grant to their capital funds.

– 9 per cent were induced to locate in a designated area instead of elsewhere.

– 5 per cent located in a designated area and also increased the size of their investment.

The corporation participated in 88 per cent of the projects in one of these positive roles.

In the balance of 12 per cent of the projects, there was at least some doubt as to whether the forgivable loan was a determining factor in the company's decision to proceed [and we intend to find out what the 12 companies had a doubt about].

Secondary effects—It's still too early to assess all the secondary effects of the EIO programme, since not all the Phase I projects are yet completed. However, some of the effects revealed by the survey are:

– Developing skills among local people—Most of the new jobs created are semi-skilled. Virtually all local people hired are unskilled. The company trains them in the skills required for the job. The people at least become familiar with an industrial environment and at best they acquire highly marketable skills.

– The price of land—About one-third of the companies attribute the increase in the local price of land to their project or to the fact that ODC has designated that area as eligible for grants. [In other words, it was cow pasture yesterday; it is marketable land today.]

The financial impact—Tax revenues will pay back grants—The projects create tax revenues for the Ontario government. The revenues which are uniquely attributable to the ODC grants have a discounted present value about equal to the amount of the grants.

Our approach to the study—We decided to contact all of the 151 companies who had been granted EIO money during Phase I of the programme. Because we were interested in secondary effects in the community, we visited companies that are further along with their projects and interviewed senior executives. We sent questionnaires to the balance of the companies, asking them for basic information about their history and prospects.

The data collected covers 62 per cent of the economic activity. It includes most of the projects that are operational. From this base, we have made reasonable estimates of the EIO programme's impact.

Appendix A contains a copy of the questionnaire. Appendix B contains a copy of the questions we sent to companies we intended to interview.

What the projects have achieved—Construction pumps money into the area: A community begins to feel the effects of the grant long before the money is paid out. Construction creates jobs for local people. Materials are purchased from local suppliers. The economy of the area receives a real boost as soon as construction begins. But the grant is paid only when the project is complete and operating. The capital value of the EIO projects totals $111 million and $34 million will be paid to local companies.

We did not assess the number of employment opportunities created during construction. But we estimate that about $40 million will be paid in wages to construction workers. A large share of the $40 million will be paid to local people. The amount paid to local workers by companies from outside the area will increase the $34 million quoted above. Part of the wages paid to people from outside the area will be spent near the construction site.

Projects plan for a bright future: After we talked with a number of companies, we decided to use the companies' estimates for 1971 as a basis for assessing the ultimate impact of the projects.

Sales: In two years time, sales will be 8.7 times the grants made to the projects. The value of sales will be $217 million. As might be expected, the ODC project are not located in their main market areas:

Sales	% of Sales	Value millions
In the area	6.3%	$13.6
Balance of Ontario	37.0%	$80.2
Balance of Canada	30.3%	$65.8
Exports	26.4%	$57.4

We believe this pattern will change as the area around the project continues to grow, and also as companies establish complementary plants on the area.

Jobs: The projects will create many new employment opportunities for local people in the designated areas of the province. The result will be $38.8 million in annual payroll for the 7,200 new jobs.

Who will fill the jobs? The distribution will be:

	People from the area	People new to the area	Total
White collar	510	550	1,060
Blue collar	5,820	320	6,140
	6,330	870	7,200
% of total	87.9%	12.1%	

The 870 people who will move to the project sites will stimulate residential construction. Many of the executives we interviewed mentioned that housing is a current problem. In many areas, construction of new housing units is the only possible means of providing accommodation for the new people.

Much of the $38.8 million total earnings can be attributed to the ODC projects. Many jobs will be filled by people new to the labour force—housewives, young people who would have had no opportunity for employment but for the ODC project. Many people were previously earning very little—farm labourers, marginal farmers, domestic help and so on. Clearly, the total earnings of the people hired by the ODC projects was much less than the $38.8 million being paid them now. Also the welfare payments made to some of the people will stop—a significant improvement in the Ontario government's position.

Tax Revenues: Tax revenues to the Ontario government will at least pay back the grants in full.

- Increased industrial assessment in the areas will mean $3.7 million additional municipal property tax each year.
- Personal income taxes will amount to about $6 million a year. While all of this cannot be attributed to the projects, a large share can, as explained in the previous section.
- Corporate income tax will total $14.2 million in two years. It will increase as the projects sort out their "start-up" problems and as the local people become more accustomed to an industrial environment.

The long term implications of this tax revenue are very interesting:

Tax	Total tax millons	Ontario government share of the tax millions
Personal income tax	$ 6	$1.7
Corporate income tax	$14.2	$3.5
		$5.2

But the $5.2 million is an annual revenue resulting in part from the grant given by ODC. We have conservatively attributed 55 per cent of the tax revenue to the ODC grant and calculated its present value at 9 per cent interest over 20 years. The present value is $26.3 million. This means that the grants will be fully requited by discounted income tax revenues alone.

Canada's balance of trade: The trade balance will be significantly affected by ODC's projects. Imported capital equipment cost

$22.4 million—a "one-time" cost of equipping the projects.

In two years, the annual trade balance will be affected as follows:

Add:	export sales	$57.5 million
	import substitution	$38.5 million
Less:	imported supplies	$13.7 million
Leaves:	net trade balance [in Canada's favour]	$82.3 million

The $13.7 million imported supplies may well decrease in time. Canadian companies will respond to the increased home market for various supplies and materials.

Broader industrial base: The ODC projects have broadened the industrial base of Ontario and of Canada. By stimulating capital investment you encourage companies to manufacture products in Canada for the first time. You also encourage companies to exploit new processes that diversify industry in Ontario.

Among the projects, 54—or 36 per cent—produce items in Ontario that have never before been produced here. The grants involved are 37 per cent of the total. Sales from these projects total $110 million, or 51 per cent of the total. Many projects incorporate processes new to Ontario. Grants totalling $10.3 million (41 per cent) have been approved for 49 companies (32 per cent) exploiting new processes. They will show annual sales of $84 million.

ODC participation was vital—the corporation influences projects in a variety of ways:

1. Grants make projects possible: Ofter a company cannot find sufficient capital or has not sufficient confidence in its own prospects to proceed with a project. The grant, or the corporation's help in assessing the project, has been instrumental in the decision to proceed: 46 per cent of the companies consider that ODC's grant was the determining factor. The grants involved total 43 per cent of all grant money authorized up to June 30, 1969.

2. Companies locate in a designated area: ODC assistance in finding a suitable site has been cited by many companies. The financial incentive of a grant has convinced them: 12 per cent of the companies (who received 9 per cent of the money) report that the EIO loan influenced them to locate in a designated area. Few companies regret moving to designated areas. Some have had their problems but on balance they judge they "would do it again".

3. Projects are expanded: ODC assistance makes possible in one year what might otherwise have taken five years. A project is expanded or accelerated because the grant is added to the capital funds available from other sources. The result is a larger project than would otherwise have been possible at this time.

4. A few grants were of doubtful effect: In the balance of 12 per cent of the projects, there was at least some doubt as to whether the forgivable loan was a determining factor in the company's decision to proceed.

The largest group could not proceed without a grant: Here are the ways in which the ODC influenced its projects. In tabular form, the results are:

Influence	% of grant money	% of companies
1. Make possible	43%	46%
2. Increase size of project	25%	28%
3. Locate in a designated area	12%	9%
4. Increase size and locate in a designated area	9%	5%
5. Doubtful effect	11%	12%

The largest group—46 per cent of the projects receiving 43 per cent of the money—would not have proceeded without the ODC grant. The grant made the project possible.

Grants are going to the right companies: The corporation has in our opinion been effective in achieving desired results by granting money to projects. Our survey shows that 89 per cent of the grant money has furthered ODC's aims. This means that at least nine out of ten ODC dollars have achieved the desired results in the designated areas of the province—getting industries there, improving the taxation base of smaller communities and creating job opportunities for local people.

Projects have secondary effects in the community—When we interviewed officials of companies we asked about secondary effects of the project in the community.

Local people develop skills: Most of the people hired for the new jobs created by the projects are unskilled. Often they have never before worked for an industrial company. The company hiring them trains them in the basic skills required for the job—skills that often will be useful to another employer.

The price of land has tended to increase: Many people we interviewed noted an increase in the price of land; 36 per cent of them attributed a good part of the increase to their project or to the fact that the area had been designated for grants.

Local labour rates have tended to rise: Some 25 per cent of the companies believe they, or ODC, have caused an increase in local labour rates. Some expect to be paying "Toronto rates" in the near future.

Social effects are not yet evident: In general, no noticeable change in the quality of life in the smaller centres has resulted from the ODC projects. Only occasionally did someone mention things like a shopping centre, a new doctor, new blood in community, service groups and so on. Of course, these changes take time. They will not follow at once from approval of a project. But we believe over the longer term, such social effects may be among the most important results of the EIO programme.

Stimulus to growth: We did not find evidence of self-sustaining growth that had been sparked by the ODC programme. But many of the projects are just starting, so the issue is by no means closed. We were interested to find that 26 per cent of the people we interviewed felt that their area had a bright economic future. On the other hand, 61 per cent felt the area would require further assistance, such as EIO grants, to stimulate continued expansion. They believe that if the grants were withdrawn, growth would stop.

Now Mr. Chairman, I am going to table this report. The questionnaire is here. My friends can have a copy of it. I do not think I have enough for everybody but there are some copies to go over—

Mr. Lewis: On a point of order, just a question to the Minister. You cannot imagine how delighted we are that you have tabled that report because—

Mr. Chairman: It is no point of order, I must say to the hon. member—

Mr. Lewis: I am coming to the point of order, Mr. Chairman. I think—

Mr. Chairman: I think the hon. member should state his point of order and then proceed.

Mr. Lewis: I am. My prelude is that you cannot imagine how delighted we are because I think it is going to support the argument and therefore, I would appreciate it if, since the Minister has now handed it out to every member of the press gallery, he would be kind enough to hand it out to the Opposition.

Hon. Mr. Randall: Absolutely!

Mr. Peacock: Well I do not know why he does not put it on the ticker tape.

Mr. Pitman: Would the Minister indicate if Mr. Kellogg has made any kind of a survey to indicate how much more taxes would have been generated, how much more industry would have been developed, how many more new products would have been created, how much better, in a sense, the whole economy of this province would have been if that $22 million had been placed in growth points—in growth centres across the province?

What the Minister is saying is that if you put $22 million into the province, something happens. Sure, something happens. No one over here is denying that. What we are saying is that you are doing the wrong things—and what about the cost? Has Mr. Kellogg indicated what the costs of these activities are going to be in terms of pollution, in terms of education costs, municipal costs? It seems to me that it is a fine report in the sense that it gives exactness to the questions he asks, but this is not a very fair indication of what the value of this programme is in view of the fact that he has not answered any of the things which the member for Scarborough West and I have brought up. All it does is give the Minister a good ploy, but he has not answered any of the questions at all and I am sure he realizes that.

Hon. Mr. Randall: I am sorry to spoil the member for Scarborough West's story this afternoon, but he does not mind if I table the report and let the people judge for themselves whether the EIO programme is a good programme or not. Let me answer your question, this is the first independent report we have got on the EIO and perhaps we should have another one to see what other impacts can be made through EIO or through growth centres. But you are straight from the bottom of the barrel when you take that stand after hearing the report. Read the report and study it and then you come back and tell me—

Mr. Pitman: We do not need to know.

Hon. Mr. Randall: I know we caught you off base and you have been shooting your mouth off all afternoon. Look how mad they are, mad as mad hatters, look. They can hardly stand it. They are so mad. They are so upset. I am sorry we pulled the rug from under you. I am sorry.

Interjections by hon. members.

Hon. Mr. Randall: I am sorry. Too bad you are mad. It is too bad we pulled the rug from under you. You were caught with your

political pants down and you really got caught. You said the Minister sits here all afternoon smiling while I had something up my sleeve and that is it. And I have a few other things. I have a few other things.

I always know when I get the NDP on the run. They take hours, days, months to research my department and they come back and we have a day like we have had today, they lay an egg. We lay them right out in the aisle and look how upset they are. Well, I am sorry I spoiled your day. I am sorry I spoiled your day.

Hon. A. Grossman (Minister of Correctional Services): Why do you not all resign over there?

Hon. Mr. Randall: Yes, why do you not all resign? Why do you not go to Vancouver?

Mr. Peacock: May I ask the Minister a question?

Mr. MacDonald: We were all busy in Middlesex South, to good purpose.

Hon. Mr. Randall: I was going to answer some questions.

Mr. Peacock: I just wanted to get some comments on the report, now that he has read it and tabled it.

Hon. Mr. Randall: Sure, I will be glad to hear you when I get through the report. Do you mind if I make these comments?

I have just said to my friends, "I have gone through life recognizing that every knock is a boost." I do not get excited. I have sat here all afternoon and listened to you fellows tear me apart, you pat me on the back and then you drive in the harpoon. I feel as though I fell down an elevator shaft one minute and I am walking on cloud nine the next, but frankly, I do not get too excited about it because all I know is this: If this government did not have an incentive programme—and I listened to my friends this afternoon and I have heard them say very carefully—in fact they remind me of the guy who says, "I want to go to heaven but I do not want to die."

This is what you are saying. You want an incentive programme but you have not come up with one and you said this in Sudbury last week. You got up and you raised quite a fuss up there about industry and I think if you went up there today and said I have got another Allied Chemical for you I do not think you would throw it out, I think you would take the Allied Chemical Company into Sudbury any day of the week.

Mr. Peacock: Have you seen the pollution they spill into the Detroit River off Amherstburg?

Hon. Mr. Randall: I do not think you would turn these companies down. I do not think you would turn these companies down. Now let me just see if I can answer some of your questions this afternoon. I am kind of, maybe, confused, I do not know whether you buy the Waffle report yet or not. I think my friend from Scarborough West buys it, because he is dead set against foreign investment, there is no doubt about that.

Mr. Lewis: Now you are jesting.

Hon. Mr. Randall: I think I am right. I will be interested in November in Winnipeg to see whether you are still in the party or whether Mr. Watkins wins out and you are out of the party. Let me know, I may be able to find you a job. If I could talk as fast as you, I would get a job.

Mr. Lewis: Could I do a study for you?

Hon. Mr. Randall: I will be glad to have you do it. As I said, I was very glad, indeed, to hear my friend from Scarborough West this afternoon extol the virtues of all the speeches I have made. It is a good thing to know that these speeches are recognized. I think with an author, it is unfortunate that nobody recognizes his works and all the speeches that I have made I notice the hon. member had a copy of them all, he was quoting from them here and there—in fact maybe next year I can take him on these unlimited missions and I can sit back and enjoy the dinner while he does the work. I would be delighted.

Mr. Lewis: Yes I will, I would love to do that, I have newer joke books than you have.

Hon. Mr. Randall: So far, I have heard all about driving out foreign industry and, "We do not need it" and, "Get rid of it, it is taking over our economy" and, "We do not want it." I have listened to Mr. Kierans and I see what happened in Quebec after Mr. Kierans finally left the Liberal Party in Quebec in a hell of a mess and he went up to Ottawa, and so far, the Post Office is not doing so well. Then we had Mr. Gordon who brought in a couple of budgets and wrote a couple of books, and the people say today, "Who is Mr. Gordon?" And now, we have Watkins and he is a new guy that I call an academic weirdo, there are quite a few of these around today, academic weirdos.

They never run a business, they never met a payroll, they have never dealt with a union but they have got all the answers and the world is filled with those guys that have got all the answers.

Mr. Lewis: They never put a payroll down Main Street.

Hon. Mr. Randall: The experts that help you go wrong with confidence.

Mr. MacDonald: Those weirdos are the people who do the studies for Stevenson and Kellogg.

Hon. Mr. Randall: Do not ever believe it. Mr. Chairman, you notice that throughout these rambling and raging condemnations of the Americans, these experts still do not suggest how we are going to keep our people employed; how we are going to pay for all the social amenities we are getting if we drive out foreign industry and just depend on Canadian industry. They never come up with the answer. They come up with the criticism but they do not have any suggestion as to what you are going to replace it with and I think if you want to criticize it should be constructive criticism.

Mr. Lewis: We have made full suggestions.

Hon. Mr. Randall: No, you did not. Definitely not. Every state, every province, every country is trying out for foreign investment and every Premier in this country has made speeches in New York and elsewhere asking for foreign investment. Even Mr. Pearson suggested a few years ago—and my Liberal friends will agree with me on this—that we would have to settle for a 30 per cent lower standard of living if we did not have foreign investment.

Now it is evident that lacking a constructive, cohesive programme for economic expansion, that I am somewhat like the guy that says, "The Opposition have nothing and they want to share it with everybody." This is the conclusion I have to come to. I do not know what you have to suggest, you have not suggested anything that we can buy yet. You have criticized, but you have not had a concrete programme, you know that.

Interjection by hon. member.

Hon. Mr. Randall: Oh no he has not. Those fly specks on the map he made up in July, in fly time, and the points got in the wrong place. Next time do it in the winter time so the specks stay still.

Now we have heard the hon. members say they want an incentive programme and, so far, we do not have one from them, and surely, Mr. Chairman, these members are not suggesting for one moment that we can have any meaningful economic programme, and not include foreign investment. I notice that the hon. member for Scarborough West said today, after outlining the assets of these great corporations like Allied Chemical and Kraft Foods, he said, "Give them an interest free loan and they will buy it." They would laugh you right out of the country. What do they need an interest free loan for? The only reason they come in is to get the EIO loan over a period of six years. They are not interested in interest free loans.

Mr. Lewis: You are very persuasive.

Hon. Mr. Randall: You know, I have heard so much guff about the money in the balance sheets of these big companies. I just want to suggest, Mr. Chairman, that the EIO programme was not set up on the basis of a company's balance sheet. If it was we would have very little success in this country getting sufficient investment, companies large enough to employ our people as they do, and keep them gainfully employed.

When you set up an incentive programme, you cannot say it is for the Canadians and not the Americans. It is for the British, but we leave out the Japanese.

You have to take everybody, and you take the big and the small. As we pointed out here this afternoon, out of 186 companies we have taken the large and we have taken the small. And I say to you tonight that, if the American Bank Note Company came in here and said they would go into a designated area, they would earn a grant—because I know that the American Bank Note Company would be here 100 years from now. But I do not know about a guy making second hand bicycle wheels. So I just suggest to you, my hon. friend, that this is what would happen.

Now let me—

Mr. Lewis: What about the Franklin Mint?

Mr. Peacock: You do not talk about the Franklin Mint?

Hon. Mr. Randall: Let me give you a comment or two about the amount of loans.

Mr. Peacock: Did they get an EIO loan?

Hon. Mr. Randall: Yes, I asked my friends to give me a report on what happens when

we give a loan. Let me just read this to you:

> In the case of large corporations the EIO loan, in many cases, represents a small proportion of the total investment required.

Now here is where you can get your lead pencil out again:

> For example, where a company obtains a $500,000 EIO loan, this can at best represent about 26 per cent of their overall investment, since the total project is to cost about $1,917,000. Where the total cost of the project is $5 million, such as the Allied Company, if you want to refer to it, then the EIO represents only 10 per cent of the overall cost.
>
> It can thus be seen that in order to qualify for a large EIO loan the company must itself have to put up the major share of the cost. In many instances, subsidiaries of foreign countries are competing with one another for the parent company's investment dollars. The availability of an EIO loan has, in most cases, made the return on investment for the Canadian subsidiary more attractive than the comparable rate for other subsidiaries of the companies. This, in turn, has meant that the new plant has come to Ontario rather than to the States, Puerto Rico, or elsewhere.

Let me give you a case in point. Honeywell came to us and said: "Look, we are going to build a key tape machine, the first one ever built in the world. We can put it in the U.K., we can put it in the United States, we can put it in Canada. I have to go to Minneapolis tomorrow, and I have to sell my parent company on why it should come in here."

We explained the EIO loan to him, he went to Minneapolis, he got the permission to put that company here, and he put it in Bowmanville. And if you have been in Bowmanville they have had two additions to the plant since they built it. And they ship out of there something like $5 million in key tape machines annually around the world. That is the only place Honeywell makes key tape machines.

Now we can argue all we like about the companies that go anyway, and you do not have to worry about them—they are rich. I just suggest to you that these companies are rich because when they sit down with their parent companies, they have to justify any investment anywhere in the world, or they do not get permission to build. So do not write that off as of no importance, because, as I suggest to you, if we are talking about conglomerates—and I know you were talking about multi-national companies today and conglomerates—then you are going to see more of that. You are going to see that if this country—I talk about Canada in general—does not make these Canadian subsidiaries of foreign companies competitive, we will not get the investment here.

Now, if you do not want it, that is your business. As far as I know my government wants it, and we are going to work at it. I would just like to suggest, as I said earlier, show me one town that does not want industry in their town, and I will show you a pig that can fly, believe me.

My friend from Peterborough knows—he was down with the town fathers. The town fathers argued with me on numerous occasions, and they wanted industry, and they felt they were being discriminated against.

Now I will say to you that is the case in every town that does not have an industry—every industrial commissioner thinks he is being discriminated against. Sure, I do not blame him. If I had his job, maybe I would feel the same way. But this is not a programme that is going to last forever. It is going to be moved around, it has flexibility, and we are moving it around.

As I said, you were in Sudbury a few days ago, and I am sure if you were the government that went up there and said: "I am going to bring in another Allied Chemical," they would kiss you, they would love you for it, they would make you mayor of the town.

I suggest, Mr. Chairman, we were talking about the cost of jobs today—

Interjections by hon. members.

Hon. Mr. Randall: Well, just a minute now, do not get excited. You are going to be around all night are you not? You are not going anywhere? Do not run away, just relax. I listened to you very patiently all day today. I have been sitting here since three o'clock, and you have been pounding my ear and I have been listening very carefully.

Mr. MacDonald: You have not heard the questions.

Hon. Mr. Randall: Oh, sure I have heard the questions. And I have answered them. But you are not going to take the answer I give you. You do not want my answers.

Let me suggest one thing to you. You talk about the cost of jobs, and, in the federal

designated area programme, they are going to pay, as far as I know, anywhere from $5,000 to $75,000 to create and man jobs.

This is part of the incentive programme.

In this province here we have spent $30.3 million to date; an initial employment of 7,071 people, which we are sure of; and the cost per job averages $4,285. And when the 1,490 people are fully employed, the cost per job will amount to $2,024.

Now I know in industry you cannot hire a guy to push a broom for much less than $10,000, because you have to have somewhere for the guy to push the broom. So it is obvious that somebody has to put up the plant, buy the equipment, and put the broom in his hand to give him a job. I just suggest to you that the EIO programme is doing the kind of thing that we want it to do.

Let me just read off, if I might for a second or two, companies that are creating new technology in Canada. Here are some of the things that are being produced for the first time:

Nylon film called Capran—used in the packaging of foods—never produced in Canada before and will increase exports by $2,500,000.

Another one is the world's first commercial scale producer of industrial chemical sulphur out of iron ore—and that will export $4 million a year.

Another is the Big O Drain Tile Company in Hensall—this method of extruding corrugated plastic drain pipe has never been done before.

Caravelle Carpets have established a facility for the protection of needle felt carpets—a relatively new type of design for indoor and outdoor use of which there is only one other Canadian manufacturer—in the province of Quebec. Anticipated reduction in imports is $1.1 million.

Chromaloy Canada Limited, Bellevue, uses a unique new development in the printing and dyeing of carpets. No other Canadian facility has it at present. Reduction in imports is not known, but will tend to arrest Canadian business drifting to the U.S. at present.

Digital Equipment of Canada Limited at Carleton Place—now here is a good one, you should get this one—is engaged in the production of semi-automatic equipment for the wire tapping, and the manufacture of computer-logic frames. Anticipated exports $4 million a year.

Dryden Paper Company Limited, Dryden—

Mr. Lewis: Wire what?

Hon. Mr. Randall: Wire logic frames. Dryden—establishment of new facilities for flash drying pulp. The only other plant in Canada to develop a pilot unit; results in an improved product, and an export value of approximately $3 million per year. That is up in Dryden.

Forged Steel Valve Corporation Limited, Cornwall: A method of producing hollow forgings for valve components, rather than solid forgings requiring extensive machining. Existing Canadian valve manufacturers use cast steel or solid forgings rather than the hollow forgings. Reduction in imports of approximately $2 million per year, with ultimate development of substantial exports.

Now here is another good one—you will love this one—Holland-Suco Color of Canada Limited, Port Hope: Production of certain pigments for use in paint, ink and plastic operations of a type not now produced in Canada. Anticipated reduction in imports $500,000 and increase in exports $1 million.

I have already talked about Honeywell Controls—about $5 million a year.

And here is Cornwall, Howard and Sons (Canada) Limited: Production of fumaric acid used by pulp and paper processors, plastic manufacturers and food processors, not now manufactured in Canada. Reduction in imports $225,000 a year.

Mastico Industries Limited in Tillsonburg: technology of manufacturing sound deadening board from asphalt, ground limestone and kraft paper. This product is used in the automotive industry and it is stated that there is no other manufacturer of this type of material in Canada. Anticipated reduction in imports is $1 million a year. And then there is the Powell Agri-Systems Limited in Otterville: This company produces a tobacco curing kiln which cures the tobacco in bulk, at a substantial labour saving. Establishment of this plant in Ontario will substantially reduce potential imports of approximately $1.5 million a year.

Before I finish I would just like to read a comment on the Watkins report because I think you should be interested. You are going to have a rough time in your caucus—

Mr. Lewis: The original report or the recent manifesto?

Hon. Mr. Randall: This is the recent manifesto, yes, that is right. Oh no, this is the first report, it is not as bad. There would be a much worse reply if it was his latest report.

In this one Watkins argues that Canada should make a choice between continentalism and economic independence. He feels that the present lack of policy is leading us inevitably towards full economic integration with the United States. I think my friend shared that view. He argues that Canada should adopt a policy designed to direct Canadian funds into Canadian growth industries, demand full disclosure of multi-national operations in Canada and force these multi-national operations to operate in conformity to Canadian law and national policy without regard to U.S. policy.

The alternate policy of integration is rejected by Watkins as not acceptable because it would lead to the diminution of Canadian political independence.

In its simplest terms, here is the answer of Mr. Watkins. The Watkins proposition states that political independence must be a first priority, and we cannot have political independence if we do not have economic independence.

An hon. member: Right, I agree with that.

Hon. Mr. Randall: You agree with that. Every effort should be made to achieve the greatest degree of economic independence, having regard to our continuing need for foreign capital if we are to maintain or improve our standard of living.

Mr. M. Makarchuk (Brantford): That is wrong.

Hon. Mr. Randall: Of course, Watkins skirts the whole problem of whether political independence and national sovereignty have any real meaning at all in an economically interdependent world. The option should really be put to the question, what price are we as Canadians prepared to pay for the maintenance of our political independence and our national sovereignty? And it comes down in the final analysis—

Interjections by hon. members.

Hon. Mr. Randall: Listen, because you are going to need this in Winnipeg.

Interjections by hon. members.

Hon. Mr. Randall: It comes down in the final analysis to a choice of goals. Now, listen very carefully, I listened to you this afternoon, just sit down and relax, do not get your blood pressure up, I do not want anybody to drop dead. Keep this in mind. Does Canada offer political independence and if so, at what economic price? Does Canada offer maximum development and, if so, at what political price? These are the questions. Obviously, the answer does not lie at either extreme, the challenge to the political process in our democratic system is to find an acceptable middle ground. This will not satsify the zealots on either side, but this is what democratic government is all about.

In the long run the success or failure of the Canadian nation will not depend on the relative degree of U.S. ownership and control of industry operating in Canada. It will depend on our own ability to create a uniquely Canadian response to the challenge of developing the half continent we call Canada. Nothing can be gained by complaining about the inroads of U.S. or other foreign capital. We need assistance to develop our economy, we need foreign capital, our job is to use that capital wisely to build our economy and provide the jobs for our people.

Mr. MacDonald: What is the Minister reading from?

Hon. Mr. Randall: That is my report. This is what I think.

Interjections by hon. members.

Hon. Mr. Randall: That is what I am saying.

Interjections by hon. members.

Hon. Mr. Randall: Well, I have a few jokes for you.

Now Mr. Chairman, I know my friends get a little hot under the collar if you talk about socialism but perhaps I can give them a word of advice because they have a terrible problem in their own caucus, you know, it is a regular snake pit, they know they are having lots of trouble. They recognize their own caucus is like a snake pit, they are having lots of trouble.

Mr. Lewis: There are many descriptions of our caucus, but snake pit is not one of them.

Hon. Mr. Randall: You know, I want to give you a little advice before you go to Winnipeg and I do this out of the generosity of my heart. Really, I am not mad at you being a socialist, I have visited the socialist countries and I have met a lot of good friends over there and I think we can do business one of these days.

Interjections by hon. members.

Hon. C. S. MacNaughton (Treasurer): How are you going to jump when you have no place to stand? How are you going to do that?

Interjections by hon. members.

Hon. Mr. Randall: I have a final word of advice for my friends over there. I hope you will listen to me. I have read Karl Marx, I have read his books, and I know some of my friends over there have read Karl Marx, in fact they try to practise a lot of his economic policies until they get power and then all of a sudden, like Mr. Schreyer, they have to say: "Oh, don't be afraid of me, I am not going to confiscate your business, don't be afraid of me". And he is down here on bended knees saying "Investments are safe in my country, come on out to Manitoba". So you should never get yourself in the place where you have to go on bended knees and defend your economic faith.

Now the problem with Karl Marx and the problem with a lot of people in your party today—not all your people but some of them, and you can tell this to our friend Watkins, because I think he has gone haywire—the trouble with Karl Marx—

Interjections by hon. members.

Hon. Mr. Randall: Karl Marx believed—let me tell you what I think he believed—

Interjections by hon. members.

Hon. Mr. Randall: He believed that like socialism, capitalism could not change, could never change. With the changing times that fallacy or socialistic stupidity has enslaved people in every socialist country in the world to what is now recognized as an economy that is at least 30 years behind the times.

Mr. Singer: Do his remarks not have to have some remote connection with the estimates?

Hon. Mr. Randall: One like Sweden, which is the highest-cost economy anywhere in the world.

Now I would suggest to my friends when you go to Winnipeg, think very seriously about these things, because I think one of these days you are going to move and sit over here, because we will be with you; I think you are going to move over here, you are going to see the light and when Watkins gets through with you, you are going to say: "I would sooner be a Conservative than be what he is." It is going to happen, I can see it coming.

Interjections by hon. members.

Mr. Lewis: What are you going to do with Mel Watkins?

Hon. Mr. Randall: I will tell you what I would do with him, I would give him a one-way ticket to China because he is not doing your party any good.

Mr. Lewis: But what would he do to China?

Hon. Mr. Randall: That is Mao's trouble, not mine.

Mr. Chairman, I am sure we covered some of the comments my friends were asking about, but let me come back to the hon. member for Peterborough—

Mr. Singer: Surely the Minister's funny hour should come to an end.

Hon. Mr. Randall: Well, you are not going anywhere; you are sitting reading the newspaper. Sit back and relax.

Mr. Singer: I am giving the Minister all the attention he deserves.

Hon. Mr. Randall: Eat your peanuts and leave us alone.

Interjections by hon. members.

Hon. Mr. Randall: Do not get mad. Mr. Chairman, the hon. member for Peterborough was talking about the difference between Lindsay and Peterborough—

Mr. Pitman: I was not talking about that; the Minister was.

Hon. Mr. Randall: Well, wait a minute now. It was brought up in the discussions yesterday, either by your party or the hon. member for Perth (Mr. Edighoffer).

Interjections by hon. members.

Hon. Mr. Randall: The good-looking fellow in the back row.

Mr. Lewis: Well, they are all liars over there.

Hon. Mr. Randall: All right. And I brought in the facts as we got them from your industrial commissioner, from which whether Peterborough was a designated area or not was judged. Now if you have an industrial commissioner who has not supplied the right information, you can stand up and berate my people all you like; all I say to you is they will have to judge their own situation in Peterborough.

If they have made a mistake, I suggest to you to have them in my office Monday morning with a new application, and if you think

your figures are right, you bring them in and we would be delighted to look at them.

Now, there was so much conversation going on I was not sure whether I got the figures right. We say here that the average unemployment for the year ended June 1969 in Lindsay was 1,134 people; in Peterborough it was 1,957—and in Peterborough that was a percentage of the area population, not of the labour force. Lindsay was 9.6 and Peterborough was 1.7.

Mr. Pitman: I say that is crazy.

Hon. Mr. Randall: All right, if you say it is wrong, you bring in the corrected figures. I will be glad to meet with you and your mayor and your controllers, and we will find out if you need a new industrial commissioner.

Mr. Pitman: Okay.

Hon. Mr. Randall: Now you covered the industrial growth points and why we should have them and said we were not working with the regional development people. You read a number of reports there; I do not know where you got them all from.

Mr. Pitman: I got them from the Treasurer's department.

Hon. Mr. MacNaughton: What do you mean?

Interjections by hon. members.

Mr. Chairman: Order! Could the hon. Minister proceed?

Hon. Mr. Randall: Mr. Chairman, I would just like to make one comment about the report of the regional development council, and here are some of the comments we have received from it. The Lake Ontario Regional Development Council states in its brief, point two of the general summary, and I quote:

> The Lake Ontario Regional Development Council cannot accept the responsibility for identifying centres which should be designated as growth points, on the basis of the information now available to it.
>
> The Mid-Western Regional Development Council brief described the type of centre it would like, but we could find no evidence of it being specific and naming growth points. This council suggested that much further investigation would be required.
>
> The Lake Erie Regional Development Council in its submission answers the five specific questions and, at point four, says:
>
> "The entire region was a growth area in the industrial and service community scale".

In other words, they want the entire region to be a growth centre.

> Eastern Ontario towns which the regional development council would like to see designated have virtually all been designated under the EIO programme.

Now, Mr. Chairman, I suggested to my hon. friend yesterday—and I say again; we said it last year—I am not ready to recommend that this government move to growth centres. Maybe sometime in some parts of northern Ontario, in scattered communities, yes.

Mr. Pitman: The Prime Minister says this.

Hon. Mr. Randall: No, he did not say anything of the kind. The Prime Minister has suggested we are moving on design for development, and one of these days when we are prepared to move and we have sufficient industry in these areas, we can better move to growth centres. Now, you can say all you like about having growth centres before you have industry, but I would just suggest to you that if you were government today and you made the decision to wipe out all the small towns, these small towns would not get the industry. I suggest to you they would tar and feather you. These small towns want to expand, they want industry, and we are going to give them a chance to get industry. We are not going to move to those centres until we have worked out our EIO programme. When we have done the job we want to do with it, then we will talk about moving to growth centres.

Growth centres, I believe, will come before regional government in the areas we are talking about. Sure, I do not call Niagara Falls a growth centre; I do not call Kitchener-Waterloo a growth centre. They get industry despite anything the government can do. But the areas the member and I are talking about are areas such as his own down there in Peterborough, Lindsay and Marmora and all those towns. I am not going to tell those towns they are not going to get industry; if they want to make an application for industry, we are going to try and help them get it.

Now, if I have not answered all the questions, Mr. Chairman, I would be glad to get back up and answer any I have missed.

Mr. Lewis: Mr. Chairman, I would like to try to respond briefly to the Minister. I must say that, ironically, the Minister has caught

me in the House this evening with the only portable Karl Marx quote I have ever had on hand. It was rather nice that the Minister should have mentioned him—

Mr. Singer: He speaks kindly of the member for Scarborough West too.

Mr. Lewis: As a matter of fact, it is curious the member for Downsview should say that because of course this is the Karl Marx quote from his study of the Eighth Brumaire. I guess that was the Napoleonic chapter when he commented in the last paragraph about Robert Macaulay and Stanley Randall. His concluding sentence read—and this is a direct quote from the Eighth Brumaire—"History repeats itself: the first time tragedy, the second time farce."

Now curiously enough, Mr. Chairman, it is —I will take the Treasurer aside and privately discuss it after hours.

Interjection by an hon. member.

Mr. Lewis: All right, we have a fairly amiable friendship—good. I want to thank the Minister for tabling the project report by Stevenson and Kellogg Limited, management consultants. They are not—Stevenson and Kellogg Limited—a wholly owned American subsidiary, are they?

Hon. Mr. Randall: I do not think so.

Mr. Lewis: Are you sure?

Hon. Mr. Randall: No, they are not.

Mr. Lewis: You might check around your department. It would be interesting to know. I would be curious.

Hon. Mr. MacNaughton: I am not sure they are totally Canadian.

Mr. Lewis: You are not sure they are totally Canadian. You think they are North American?

Hon. Mr. MacNaughton: Yes.

Mr. Lewis: North American. I see. They sort of have a nice integrated American-Canadian flavour as management consultants.

Hon. Mr. Grossman: Chauvinism of the worst sort!

Mr. Lewis: Oh, no. Well I am chauvinistic, yes; I have moments of chauvinism. In the face of this berserk continentalism, one has to have a little chauvinism in this Legislature.

Hon. Mr. MacNaughton: I am surprised at the member for Peterborough.

Mr. Lewis: Well, the member for Peterborough can look after himself.

Mr. Pitman: The member for Peterborough—

Hon. Mr. MacNaughton: That is why I am saying it.

Mr. Lewis: However, Mr. Chairman, in the context of this debate, I put it to you: I accept what the Provincial Treasurer says, but in view of the fact that one of the touchstones of this debate was the control of the Canadian economy by American corporations it would be interesting, almost ironic, were the very independent report, which was commissioned to have been done by an integrated North American firm, not to impugn the integrity of the report.

Hon. Mr. Randall: You are not sure it is an American firm and I am not sure it—

Mr. Lewis: The Treasurer said North America.

Hon. Mr. Randall: I do not think they are an American firm but I will check for you tomorrow.

Mr. Lewis: That is okay, as I say it is just a paradoxical note, Mr. Chairman, one would have assumed and I do not know whether this is so and I have no knowledge of Stevenson and Kellog although I must say, judging from the questionnaire in this report, theirs is not a breathtaking analysis. It is a pretty superficial analysis.

Hon. Mr. Randall: I knew you would not like it before we started.

Mr. Lewis: But leaving that aside, one would have thought that if one were making an analysis, of an independent kind, of government programmes under EIO with all the issues involved, surely there is a management consultant firm in the province of Ontario which is totally Canadian.

Hon. Mr. Randall: Is this one not Canadian?

Mr. Lewis: I do not know. The Treasurer tells me it is North American. I do not know whether it is or not. However, that is an aside and we will be interested to know when the questions are asked, what the answer is.

Hon. Mr. Randall: Personally, I am not too interested.

Mr. Lewis: I am sure you are not. I am sure you are not.

Hon. Mr. MacNaughton: You have not scored at that one.

Mr. Lewis: But these questions interest us with our modest sense of economic nationalism.

Hon. Mr. Randall: You mean your parochialism.

Mr. Lewis: The second thing that should be pointed out and viewed as of primary significance—is that the report supports the basic contention we have been making throughout the day—supports it in a way which is so irrefutable; I use that word for the last time—that I am astonished that the Minister tabled it, but I accept his effort to support our own modest involvement.

Hon. Mr. Randall: I wanted to help you because you are really in trouble.

Mr. Lewis: I know that and I was pleased that you came to our rescue. The Minister made much of pointing out that when you bring industry into a province certain irresistible things happen. He pointed out that when you bring industry in, you create jobs; there is capital formation; there are sales; there is greater employment later on and taxes are raised. He utttered some of the most transcendentally obvious truths that this Legislature has heard in a long time.

He did not say that there were more jobs created this way than there would have been had they located elsewhere. He did not say that they would have located here anyway. He simply said that all these things follow when you establish an industry. He did not need to commission a firm of management consultants to demonstrate that. But rather more important, Mr. Chairman, rather more important, are the figures which the Minister revealed to the House in his document and I would like to put our interpretation on the figures rather than his interpretation, because I think both of them are acceptable, and ours more likely valid.

Hon. Mr. Randall: Go ahead, be my guest.

Mr. Lewis: Right!

It is said in the text on page 11 that 46 per cent of the projects were made possible by the EIO loan involving 43 per cent of the money. What we on this side of the House would like to advance, Mr. Chairman, is that the 54 per cent of the projects which did not need the EIO loan and the 57 per cent of the money which they represented, are the American owned companies located in Ontario.

Inevitably, under this kind of scheme, it will be the smaller companies, the Canadian companies, where the smaller loans were extended which are largely reliant upon the additional sums. But the vast corporations are not dependent upon those sums at all and your own report bears it out. Your own report bears it out. I would like to see the confidential memoranda which would show whether or not that was the case. I am advancing it as a postulate and I am suspecting very strongly that that is the way it would work out, that it would be the vast multi-national corporations which would be exempted.

Of course, there is another way of interpreting this which amounts to a particular abuse of the taxpayers' money. If only 43 per cent of the money and 46 per cent of the projects were made possible by the EIO mechanism then what right had you to spend the extra $15 million of taxpayers' money? What right?

Hon. Mr. MacNaughton: To get them to go where they would not have gone otherwise.

Mr. Lewis: Why did you spend $15 million of Charlie MacNaughton's money which you could have had and kept, and bailed this poor quivering fellow out of trouble on the many occasions when he was languishing in the snake pit of the Cabinet benches—to coin a phrase.

Interjection by an hon. member.

Mr. Lewis: Well I do not see 88 per cent. All I see is that some of the money would be used.

Interjection by an hon. member.

Mr. Lewis: As a matter of fact I studied it very carefully. This kind of report can be studied by an adolescent in ten minutes. I have had 15 or 20 minutes and what I have seen in fairly cogent review, right here in front of me, is that only 46 per cent of the companies representing 43 per cent of the money had their projects made possible by the loan.

Other parts of the report relate to: "increases in the size of the project"; "locates them in a designated area"; "increased size and located in a designated area"; "had a doubtful effect, 11 per cent." That is over $3 million. What right have you to toss out

over $3 million of the taxpayers' money on an ascertained doubtful effect? How do you play with $3 million in so cavalier a fashion?

Hon. Mr. Randall: Why do you not turn to page 10?

Mr. Lewis: I am on page 11; I am ahead of you, but I will turn back to page 10. It says, No. 1: "Grants Made Projects Possible," and it says in its own stirring literary form:

> Often the company cannot find sufficient capital or has not sufficient confidence in its own prospects to proceed with the project. The grant or the corporation's help in assessing the project has been instrumental in the decision to proceed. Forty-six per cent of the companies considered that ODC grant was the determining factor. The grants involved a total of 43 per cent of all grant money authorized after June 30, 1969.

You are telling me that over $15 million was not required to determine that decision. You are telling me on the basis of your own report that you have squandered more than half the money on a government hand out when it was not required.

Hon. Mr. MacNaughton: What do you mean?

Mr. MacDonald: That is what it says.

Mr. Lewis: That is exactly what the report says. As a matter of fact, my respect for Stevenson and Kellogg is growing by the minute. They are a discerning analytic firm. Perhaps they are multi-national; but they are discerning. I think this is rather important.

The other point we are making, Mr. Chairman, and I do not want it to be lost, is that that 46 per cent of the companies and 43 per cent of the money, represents the smaller Canadian companies. A review of the confidential returns, I suggest, would demonstrate that it was the vast American corporations that did not require the money at all.

Hon. Mr. MacNaughton: The great intellectual from Peterborough, but the impractical man.

Mr. Lewis: Now I think that that is a legitimate—is the Treasurer going to have apoplexy? He is in a terrible state.

Hon. Mr. MacNaughton: No, he is not going to have apoplexy.

Mr. Lewis: All right, I was concerned for a moment, I was concerned. After that night in Strathroy I did not know whether you would ever be the same; 3,000 people at a corn roast—that is a lot for one Treasurer to absorb.

Mr. MacDonald: Double barbecued beef, at a dollar a throw.

Hon. Mr. MacNaughton: Come off it—

Mr. Lewis: No, no, no, we were worried. Mr. Chairman, I brought my llama 500 miles to take the Treasurer home from that meeting. I was pretty concerned about him, but I see he has made a recovery.

Hon. Mr. MacNaughton: Mr. Chairman, I really appreciate the hon. member's concern for me tonight, I really do. This is the phonyist piece of nonsense I ever heard. Try your philosophy out where this has benefited community after community after community—dozens of them—where it has changed the imbalance of assessment to a relationship that is compatible; where it has provided employment. I say these people do not care about the nationality of a buck, any more than C. D. Howe did. I tell you that.

Mr. Chairman, I say to the hon. member that this is a lot of phony wish-wash. These people are concerned about jobs for their people. They are concerned about balancing their local economies. They are concerned about this—and I do not think they care. These people that have come into Canada, and Ontario and those places, are good corporate citizens. There is nothing wrong with them, we welcome them, I welcome them, the Minister welcomes them.

Interjections by hon. members.

Hon. Mr. MacNaughton: You people try this line out in the areas that have benefited. The thing the hon. member forgets is this: that without the application, with this philosophy—

Mr. Lewis: Mr. Chairman—

Hon. Mr. MacNaughton: Just a minute. I am on my feet, Mr. Chairman.

Mr. Lewis: On a point of order, Mr. Chairman.

Hon. Mr. MacNaughton: I am on my feet, Mr. Chairman.

Some hon. members: Point of order!

Mr. Stokes: So what if you are on your feet. Sit down!

Hon. Mr. MacNaughton: The thing that the hon. member forgets is, that left to their own devices, they would have gone to central communities, like Metropolitan Toronto. With respect to Metro members, they would have gone to large urban communities where this is not needed. They are spread across this province where they are needed—in the slow growth areas. And they are developing. It has provided employment for people who cannot live off the farms any longer.

Mr. Pitman. Do you think you are going to put industry right across this province?

Hon. Mr. MacNaughton: You try that philosophy in these areas and you will find out.

Mr. Chairman: A point of order.

Mr. Lewis: That is ridiculous.

Hon. Mr. MacNaughton: You try that philosophy—all philosophy and no practical application at all.

Interjections by hon. members.

Mr. J. Renwick (Riverdale): You are protecting Lanark tonight.

Hon. Mr. MacNaughton: Sure, I am protecting Lanark. Why not?

Mr. J. Renwick: The Treasurer is protecting the bastion of the Conservative Party.

Hon. Mr. MacNaughton: Why not? It is not all confined to the east.

Mr. J. Renwick: It certainly is.

Hon. Mr. MacNaughton: No it is not.

Mr. Chairman: There is a point of order here.

Mr. Lewis: If I can pull my tattered being together after that onslaught, that demolition, I will get back to reality.

Hon. Mr. MacNaughton: It was not an onslaught. It was fact.

Mr. Lewis: Well, it depends on whether it is fact. I have an observation which I want to make in a moment about all of that—

Hon. Mr. MacNaughton: Go and find out for yourself.

Mr. Lewis: —but I will not pursue it at the moment. I think it is fair to say, Mr. Chairman, perhaps more moderately, so that it commends itself to the Treasurer, that it is not the planting of industry to which we object, it is the—

Hon. Mr. MacNaughton: Oh, now comes—

Mr. Pitman: You were not here all night. If you had been here you would know something.

Mr. Lewis: What I am trying to do for the Treasurer is to fill him in on some of the time he was not able to be here, I am sure for good reason.

Hon. Mr. MacNaughton: Oh, I am with you all the time in spirit.

Mr. Lewis: If that is a threat I am not sure I like it. My life is haunted enough as it is.

Mr. MacDonald: I do not know whether the hon. member for Grey South (Mr. Winkler) or the Provincial Treasurer bring this House into greater shambles.

Hon. Mr. MacNaughton: Shambles?

Mr. MacDonald: Right.

Mr. J. B. Trotter (Parkdale): I think the Provincial Treasurer.

Mr. MacDonald: As a matter of fact I agree with the hon. member for Parkdale, the Provincial Treasurer does a better job.

Mr. Chairman: There is a point of order here.

Mr. Lewis: No, there is not, the point of order has ended. That was a point of order over there.

Hon. Mr. MacNaughton: On a point of order, Mr. Chairman, I simply do not think that I am going to sit or stand here any longer and hear these simplifications, these plausibilities—

Mr. MacDonald: Why do you not leave?

Hon. Mr. MacNaughton: —over this floor with the distorting of fact, sir. That is my point of order, and I do not think I am going to tolerate it any longer.

Mr. Lewis: Well, that is fine. Please feel free to leave!

Our entire party agrees to your departure if you wish it.

Mr. Chairman, the position has been made relatively clear although some of our antagonists are impenetrable. I will come back

to the very simplistic, and indeed it is, because I do not think it requires any embellishment. An obvious reality emerges from this report. First, that more than half the money was not required for the decision to proceed, which means you have wantonly expended over $15 million of the taxpayers' money on a grant basis.

Number two, that those corporations which did not require the grants are almost certain to be the vast American corporations—simply underpinning the argument that we made today. While it is useful to have capital to provide jobs in the province of Ontario, it is not necessary to underwrite our own annihilation as a sovereign state. That is the simple position we were putting to you.

There is a third point, Mr. Chairman, to be made out of this report. Whereas it is true that taxes would write off the grant eventually, I would like to point out to you that there are two ways of doing that, sir. It can be viewed that if we receive $5.2 million of additional taxes per year, out of the first $24 million invested by EIO it will take roughly five years to recoup our investment. Are my mathematics okay?

It can also be viewed that we have lost $25 million of additional revenue we would have had, because it was unnecessary to use this enticement for the companies involved.

Or indeed, if you accept the fact that 46 per cent of them needed it, we have lost at least $12.5 million over that period of time, in tax revenue, because it has to be applied to the grant rather than to additional revenue which would have been ours.

Page 11 says furthermore: "Social effects are not yet evident. In general, no noticeable change in the quality of life, in the smaller centres, has resulted from the ODC projects." No discernible change in the quality of life! Only occasionally did someone mention things like a shopping centre, a new doctor, new blood in the community, service groups, and so on.

That is what industrial development is all about—to effect a change in the life style which people lead. That is what a socio-economic infusion of this kind is all about.

Mr. Etchen hurries to point out, loyal and faithful as he is, that there is another line, an apologia, which on this occasion the management-consultant firm sees necessary to throw in, peculiarly enough.

Not the most scientific of observations. They say: "Of course, these changes take time." As if these changes are irreversible, or that they are predictable. They are not predictable at all, under the circumstances.

Stimulus to growth is section (e). It says: "We did not find evidence of self-sustaining growth that had been sparked by the ODC programme."

What is the point of the programme if there is no self-sustaining growth? But many of the projects are just starting so the issue is by no means closed." You will notice it is closed on all the other categorical assertions of the report—like what percentage and how much money influenced which decision? Do you know the question that went out to adduce all that information? "How important was the ODC assistance to your project?" Some telling, incisive question, is it not?

Hon. Mr. Randall: You can never sell me your programme. I would never buy it.

Mr. Lewis: I am not asking you to buy the programme. I am just asking you to look at this fraudulent report.

Hon. Mr. Randall: You talk too fast, and you talk out of both sides of your mouth at the same time.

Mr. Lewis: I am just asking you to look at this report. "How important is the ODC assistance to your project?"

Hon. Mr. Randall: We will let the people judge it. It is a nail in the coffin of socialism, it has nailed you right to the ground. No wonder you are upset.

Mr. Lewis: This would make Gallup chortle, this kind of questionnaire on the basis of which you adduce purportedly scientific information which you assert in peremptory ways. But mark you, when the information is not quite as congenial as you would wish it, then the qualifying genuflecting phrases intercede: "But many of the projects are just starting so the issue is by no means closed." I must say the management-consultant firm has a variety of views—at one point categorical at another point rather equivocal.

Hon. Mr. MacNaughton: What is it like to be always on the wrong side, to be always negative?

Mr. Lewis: We were interested to find that 26 per cent of the people they interviewed felt that their area had a bright economic future. On the other hand 61 per cent felt the area would require further assistance such as EIO grants to stimulate continued expansion. Nowhere in the report,

nowhere in this document is there a suggestion as to how much more money will be required over the five years to obtain the ends which the report purports to indicate.

You know, Mr. Chairman, on the gut issues —i.e. who required the extra money to effect the decision; why was over $15 million expended when it was not indispensable to that decision; why was 11 per cent of the money expended at all when it is all in an area of question; why have there not been any discernible social effects in the communities involved; more than a year for some loans; why are people still so depressed about the economic possibilities for their area? Could it be that populations in the hinterland understand growth centres rather better than the Minister understands them? Could it be the people dispersed throughout this province are not prepared to buy the economic recklessness of much of your programme? It seems to me, Mr. Chairman, that the underpinning of this report is strained indeed.

Interjections by hon. members.

Mr. Lewis: Mr. Chairman, you cannot have a Minister of the Crown—

Interjections by hon. members.

Mr. Lewis: Mr. Chairman, with great respect, sir, you cannot have, as the Chairman well knows—coming from Galt and Preston, the home of once-proud Canadian firms, which have now been expropriated by large American corporations – the Chairman well knows that you cannot have one member of the Cabinet hell bent for economic destruction—because that is what is happening to many of the areas of the province—while all the other members of the Cabinet, the Prime Minister, the Provincial Treasurer, the Minister of Municipal Affairs, pretend to blueprints and patterns for development and regional government, and regional economic development, all of which runs directly counter to and is violated by your programme. You simply cannot have that kind of conflict without at some point coming to the crunch, and that is precisely what is going to happen.

Hon. Mr. MacNaughton: You keep saying that, that is good.

Mr. Lewis: I am putting aside this document of international repute—

Hon. Mr. Randall: May I make just one comment before you do? You were talking about the amount of money we spent to bring in industry, and that the companies did not need this money. You remind me of the story of the fellow overseas, who was a soldier, who wrote back to his wife extolling the virtues of a very lovely girl and his wife wrote back and said, "What has she got that I have not got?" and he said, "Nothing, but she has got it here". And the reason we are getting industry here is that we have the EIO programme.

Mr. Lewis: Okay. Again I am devastated and I would like to move on to my next point. You remind me of a story but I cannot tell it in this Legislature.

Hon. Mr. Randall: Go ahead, you are among friends.

Mr. Lewis: There will come a time when I will venture it.

Hon. Mr. Randall: Do not be bashful.

Mr. Lewis: Mr. Chairman, I have a final observation which I would like to share with the Minister as a colleague with a different social philosophy. Although I accept the analysis of Mel Watkins, I do not accept the solutions. That is the simple division, if you are reading that kind of text into the record.

The point that I want to make, Mr. Chairman, is a pretty simple one. You, Mr. Minister, and all your Cabinet colleagues are suffering a crisis of faith. You have no faith in the capacity of this nation to develop its own economy with its own money. That is the problem. And that is where you and those of us in the New Democratic Party part company. You have this almost mystical, almost primæval conviction that the only way in which you will develop the Canadian economy, or Ontario's economy, is with the extensive dominating use of American capital. That is your total conviction. And there is no need to groan because every single part of your programme gives truth to that. I can quote from speech after speech—

Interjections by hon. members.

Mr. Lewis: Could I have order, Mr. Chairman? All right, we are there, we are there. That is exactly what I mean, the Provincial Treasurer says you will dry up without it. Right! We in this party would like it on the table that this is the issue.

What we are saying, Mr. Chairman—and we are not romantic chauvinists, we are very hard-headed pragmatists about this point, because social democrats for a very long time

in all kinds of societies, including sophisticated western European societies, have wrestled with this precise problem, and have emerged with certain formulae—is that the answer lies in developing Ontario; if you will, developing Ontario with the assets, the profits, with the retained earnings of companies that are presently located in this province and doing it through an Ontario Development Corporation or a Canadian Development Corporation, or the instrument of government monetary policy, or all kinds of budgetary devices and direction of investment devices which are avaliable to governments all over the world.

We recognize, Mr. Chairman, that it is not necessary to succumb to the emasculation of your economy by foreign capital, that it is possible to channel that foreign capital into your own direct investment, controlled by yourself. That is where we part company. It is a very important kind of distinction because we have a belief, and as I say there is nothing romantic about it, there is nothing utopian about it, that we are capable of generating our own capital. When the Minister runs around to New York, to Chicago, to Philadelphia, to Los Angeles and he says, "We would have a lower standard of living without your capital, we would have fewer jobs without your capital, we would not have as buoyant an economy without your capital—

Interjections by hon. members.

Mr. Lewis: Enough, enough!

Hon. Mr. MacNaughton: Absolute absurd nonsense.

Mr. Lewis: You are right, there is probably a—

An hon. member: He read it this afternoon, you were not here.

Interjections by hon. members.

Mr. Chairman: Order.

Mr. Lewis: Does the Minister concede that is what he said or do I have to read it? Does the Provincial Treasurer see the concession which I have wrung from the Minister?

Hon. Mr. MacNaughton: I see the absurdity of what you just said—irresponsible and absurd.

Mr. Pitman: It is the Minister who is absurd, obviously.

Mr. Lewis: Quoting from his speech in Philadelphia—

Mr. Chairman: Order.

Mr. Lewis: —on Wednesday, February 26, 1969. May I quote this paragraph? Will the Treasurer listen to this paragraph from the Minister of Trade and Development?

> The Ontario government is solidly convinced that foreign capital is making a valuable contribution to our country, because our rate of economic growth and technological advances would have been much slower without access to the money and know-how of many parent companies in the United States, we would have fewer jobs and much lower living standards.

That is what he says as he runs around the United States, in "Ontario Opportunity Week," one place after another.

Now you see that is the policy of defeat. It is a policy of cynicism and a policy of despair.

You can have the same living standards and the same number of jobs and the same technological know-how if you, as a government, begin to take some of that capital and invest it either as a government or in equity ventures with private companies or at least, in channelling profits into certain socially desirable areas. There are all kinds of things which you, as a government, can do to fill the so-called vacuum.

Mr. Chairman, as I say, it comes back to this basic lack of conviction on the part of the Tory Party that they cannot go it alone. They will always be dependent lackeys. They can be nothing else. Their whole mental disposition, their whole attitude of mind betrays a sense of dependence. And it is irresistible. It may be ridiculous but I am going to say it as long as I can get away with it in this Legislature.

Mr. Winkler: May I rise on a point of order, Mr. Chairman? I wonder if the hon. member is aware of the record of the CCF government in Saskatchewan?

Mr. Lewis: On a point of order.

Mr. Winkler: It may not be germane—

Interjection by an hon. member.

Mr. Winkler: I will have my word in court.

Mr. Chairman: There is no point of order—

Mr. Winkler: But it will be when I am finished.

Mr. MacDonald: Do you know what the record was?

Mr. Winkler: Yes, I certainly do. Eighty-five companies went broke—

Mr. Chairman: Order.

Mr. Winkler: You will swallow that one down.

Mr. Chairman: Order!

Mr. Lewis: Mr. Chairman, I think I have more or less concluded. I welcome the Ab Campion exposé of Saskatchewan whenever it comes. We have heard it many times. I like Ab, he writes well, a little florid, but well, and a little loose with facts perhaps, but all right. I do not mind having Ab step on the legislative floor. But I suggest to you, Mr. Chairman, that it may not be germane. Germanic in some of its propositions but not germane.

If I may finish. We have had a long debate. My colleagues have put the proposition that the programme is also economically disadvantageous and unreasonable as well as drawing attention to the other aspects. I do not think you have even begun to answer the basic questions which we raised. I think the report managed happily to fortify it. But as I say, when all is said and done, it comes down to that elemental crisis of faith. We have it you see. We believe that we can generate our own independent economy. And you do not. And that is fine—so long as we understand that to be the issue.

Mr. Winkler: Mr. Chairman, if I may, I would simply like to say that the people of the province of Ontario should know the record of the government that was followed by my hon. friend in the province of Saskatchewan.

There, where there was a regressive situation as far as population was concerned, as far as the economic development of that province was concerned, I think it is worthy to note that the government of that day, under the leadership of the man who now sits as their natural leader, did in fact try to develop 85 companies. I stand to be corrected but I believe that figure is correct. They went broke: 85 companies.

Mr. J. Renwick: You are wrong.

Mr. Winkler: No, I will stand by that and you prove me wrong—85 companies that went broke.

Now if their theory is correct and what the hon. member has just been saying is correct, then I think there is something wrong with his mind. When we are called, by other provinces of this country, the fat sow of Canada I think he had better examine what his position is. I think the people of Ontario are extremely well off under the Conservative government—have been and always will be. They will only suffer that degree of regressiveness if they ever have the good fortune to come to power and heaven forbid.

Mr. MacDonald: Mr. Chairman, just one moment, if I may, on a point of order. I am not going to argue this case that is put forth but there are two rather fatuous proposals involved in it on which I would like to comment briefly. When the CCF government took over in Saskatchewan they had a province which started as a one-industry province. It was diversified in so many ways under CCF-NDP directions that agriculture was less than 50 per cent of the economy. That is the success of their economic planning. Second, Mr. Chairman, this simplistic argument about population decline in Saskatchewan which happens to be an agricultural province. May I remind you that a few years ago people on that side of the House used to repeat that argument *ad nauseam*. I looked in the statistics and do you know, I came up with a rather interesting bit of information—that the only two counties, at that point, some ten years ago, that had less population in the province of Ontario than in the year 1900, were the counties of Victoria, represented by Leslie Frost, and Grey represented by Farquhar Oliver.

So, I asked the question, was their representation the reason for it?

Mr. Lewis: Yes, there was a direct correlation.

Mr. MacDonald: Now the obvious answer is they were basically agriculture and agricultural population is going down and that is the answer to the Saskatchewan situation. So if you want to be intellectually honest, face the fact. But, of course, you do not want to be intellectually honest.

Mr. Chairman: The hon. member for Thunder Bay.

Mr. Stokes: Mr. Chairman—

An hon. member: You are on the defensive and that is out of character.

Mr. MacDonald: That is not defensive, just correcting the facts.

Mr. Stokes: Mr. Chairman, I am not going to try and talk out of one side of my mouth or the other. I would simply like to make a case for the people of northern Ontario and how they have been neglected under the EIO programme that we have been talking about for the last six hours.

Now the Prime Minister himself, some six months ago, said that while this programme was designed to help areas such as northern Ontario it had not worked that way and that they were in the process of coming up with a new formula that would assist areas of slow growth.

Now the latest figures, as late as October 3, showed that there had been 28 loans—forgivable loans handed out to northern Ontario with the value of $5,660,000 for all of northern Ontario. For all of eastern Ontario there were 68 loans valued at $12,930,000. In southwestern Ontario there were 92 loans valued at $11,407,000. The total province-wide was 188 loans worth $29,999,000.

This is supposed to represent an increase in jobs in northern Ontario of 833 and I can tell the Minister that in the city of Port Arthur, within the last week, one industry closed down the marine division of its operation and over 400 people were out of work as a result of that one move by one company. Yet you lay claim, in the last two years as a result of the EIO programme, in all of northern Ontario, wh ch includes northeastern Ontario, to 833 jobs.

I can take you to two of the companies that you lay claim to creating jobs in which there are less jobs now, as a result of the rebuilding.

One was because of an antiquated and outdated plant—they rebuilt and are employing fewer people now than they were under the old operation. Another was a plant closed as a result of a fire in Port Arthur and actually they are employing fewer people now than they were under the old operation.

So that, when you say that this is help'ng create jobs in northern Ontario, I think that your figures are open to question, because your own economic council says that 8,000 people a year are leaving northern Ontario because of the lack of job opportunity.

If the Minister can demonstrate to me that this programme has had any significant effect on the economy of northwestern Ontario in particular—and I think it is valid to make the same observation for northeastern Ontario—I would like him to stand in his place and say so.

As a result of these 28 loans that have been extended to business firms in all of northern Ontario, I think there are something like four that have actually been classified as new industries. We have had rebuilding as a result of obsolete equipment, we have had extensions to existing industries. I think there have been only three or four in northwestern Ontario that you can truthfully say were new industries, and actually created new job opportunities.

There has been considerable dialogue in northwestern Ontario as a result of the failure of this EIO programme, and Mr. Alexander Phillips, of the Northwestern Ontario Development Council has been quite critical of this particular programme. It has been found lacking in jobs and the kind of industrial expansion that is necessary, based on the resources in the area. One observation by the Northwestern Ontario Development Council was this: For some years the people of many areas of the province of Ontario have claimed that the government has either failed to act to solve their problems or that, when it has, it has gone about it in the wrong way.

If such is the case, it may be that the problem solvers of the province have never really sat down in a careful way and tried to determine what the people really thought what their problems were.

Now in the process of preparing long term development plans for the entire province, government researchers are realizing that the plans and programmes cannot be successful unless they are understood, and agreed to, by the people of the ten economic regions.

Further, they realize that unless their programmes deal with the problems that the Ontario citizenry hold are problems, their plans will be, for the most part, irrelevant.

Now, this is an observation of an executive from the Lakehead. He says:

> Northwestern Ontario will be remarkably little changed from today, just as today it is little different from ten years ago. The population of the district will be only slightly larger in 1978 than in 1968, with perhaps one or two new resource communities and the decline, but not extinction, of several existing centres. The Lakehead could grow to 115,000 population as a result of its status as an educational and government centre for the district; but physically, it will offer the same atmosphere of restricted imagination that exists in the year 1968.

Hon. Mr. Randall: What date is that report?

Mr. Stokes: This report was September 19, 1968. It was prepared for the Quetico Conference, and the seminar and the dialogue that was engaged in the fall of 1968. Now, when you get people in the business community saying those things, I think it is time that this Minister and this department come up with a realistic solution to the problem of regional disparities in all of northern Ontario. During the dialogue that I spoke of earlier—and the reference that was made to the lack of industrial opportunities, and the regional disparities that do exist in northwestern Ontario—they come up with many, many solutions. One of them was this: the establishment of a northwestern Ontario development board to act as a pooling agency for capital and skills; to take an active role in developing new opportunities of all sizes, to act in concert with existing lending institutions, banks, the Ontario Development Corporation; and the Industrial Development Bank; to participate in financing new and developing agencies, on both an equity and a debenture basis.

This is not New Democratic Party philosophy. This is a dialogue that was engaged in by seventy industrialists and concerned people in all of northwestern Ontario.

The board also was to provide financial advice to individuals and business, a clearing house for financial advice to the community; to bring together people with complementary skills and interests; to act as a development catalyst for the area; to seek out and encourage business to locate in northwestern Ontario and within the limitations imposed by our agreed-upon goals to encourage other lending agencies to participate in northwestern Ontario growth through guaranteed loans and through information and opportunity.

Can the Minister stand in his place and say, with any degree of honesty and with any degree of sincerity, that the EIO programme in northwestern Ontario has had any significant effect in the past 20 months on the economy of that region? I think the facts bear us out.

You lay claim on your ODC-EIO loan contracts as of September 24, 1969, I see where you extended a loan of $103,333 to Ogilvie Flour Mills Ltd., in Fort William. It created four new jobs. They are pretty expensive jobs. That works out to about $26,000 a job—$103,000 for four jobs. If the Minister can bring any additional information forward to demonstrate to me, and the people I represent, that the EIO programme in northwestern Ontario has had any significant effect on the economy of that area, I would like to hear it right now.

Hon. Mr. Randall: Mr. Chairman, I am delighted to answer the hon. member. First of all you used the name of Mr. Phillips. Let me suggest I have a letter from Mr. Phillips dated May 27, 1969. I will just read one paragraph. He is talking about the EIO programme, and he says:

> The programme to date has reached a substantial total, and I am sure directors will be gratified with the official figures and the widespread application of ODC grants throughout the region.

That is from Mr. Phillips, on the aid to northern Ontario.

Let us deal with northern Ontario in its entirety. Twenty-four Equalization of Industrial Opportunity loans have already been approved for northern Ontario amounting to $4,692,000. Eight conventional repayable loans have also been made in the amount of $901,000. Under the guaranteed loan programme, five loans amounting to $550,000 have been made, including two to Keewatin, and the total direct financial assistance from EIO loans, repayable loans and guarantees, now amounts to $6,148,000.

In addition, because of ODC's investment, a further $19.7 million has been invested in northern Ontario, making an overall investment through ODC efforts of $25.8 million.

I do not think that you can stand in your place and suggest that the EIO programme has not helped northern Ontario. If you just want to look at the dollars that we spend, when we spend our dollars we accelerate the spending of investment dollars.

So northern Ontario today, through EIO and through ODC, has almost $26 million working in there right now that would not have been there if it had not been for the ODC or the EIO.

You mention Ogilvie Flour—there is a new technology there. Sure it started out, apparently, for starch production, out of waste. It started with four jobs but we hope it will go to 40 jobs. Now what do we do? If they are only going to employ four people, we say: We are not going to give you a grant. These are things we have to decide with EIO.

There are many decisions we have to make —and one is perhaps the employment, right off the bat, is not going to be five thousand

people. But I would think in relation to labour force, when you start in some areas with four people and you can see it may go to 20 or 25 or 30 people later on, at least it is a start.

If we had not gone for the loan we would have had the same problems we had here today. We said: "Well, we do not give loans to small companies."

I do not know if it answers your question or not, but I simply suggest to you that anybody from northern Ontario that will come to us for assistance in the way of the guaranteed loan, we will help them. We have had more Ministers, I believe, working up in northern Ontario in the last three years than any other part of Ontario.

The Minister of Mines (Mr. A. F. Lawrence) has had these conventions up there. When I was in Timmins, and I think the hon. member for Timmins was there at the time, the people said: "We should turn our eyes inward, and see what we can do for ourselves. It is all very well to keep talking to the people down south and say, 'Come on up and do something for us.' What are we going to contribute? What are we going to do?"

The same thing took place up in Sudbury this week. But I might say from the tone of the meeting in Sudbury, all they suggested was they wanted secondary industry, and they wanted it badly.

Now as far as ODC is concerned, if we can get industry to go to northern Ontario—and we have some that we are processing right now—I am quite sure, if we keep up with our programme, that we can get another 24 industries.

We are not going to get industries up there overnight. You know what the distribution problems are. You know what the lack of markets are for manufacturers, and I told our friend for Sudbury East, I guess it is, here a few days ago that I felt that some of the federal government incentives would do a far better job and help northern Ontario if they put them into equalization of freight rates, and I think you recognize that.

So I do not know what more we can do for northern Ontario than we are doing. When people come to us to get located we do not tell them where to go. We give them locations and they choose where to go. And if they get into financial difficulties because they have gone there, they have gone in after studying all the facts. They cannot come back and say the Ontario government insisted I go into Timmins or Fort William or somewhere else and I went bankrupt, and if you do not want me to go out of business you had better keep sending up the money to keep me in business.

Now these are the things that we have to recognize and I think that the hon. member would be fair enough to know that as these industries come to us we put all Ontario in front of them and they make the choice. If it is a viable entity in northern Ontario, this is where we try to get them to go.

Mr. Stokes: The point I am trying to make is that out of 188 loans, northwestern Ontario has got 28 of them; out of $30 million that you have handed out, northwestern Ontario has gotten $5.5 million.

Now this programme was announced just prior to the 1967 fall election, for the express purpose of helping those areas that had regional disparities and were considered to be slow-growth areas.

I am just asking the Minister if he thinks that it has served a useful purpose in comparison with the benefits that have accrued to the rest of the province as a result of your EIO programme? Twenty-eight out of 188 loans have gone to all of northwestern Ontario—all of northern Ontario.

Hon. Mr. Randall: Pardon me, I had some figures here and I think—yes, I have them here. I believe the figures show that with 90 per cent of the population they get 12 per cent of the loans.

Mr. Stokes: And four-fifths of the land mass.

Hon. Mr. Randall: That is all right. I cannot help that. Like the man who sells television sets in Timmins said: "I have got the largest broadcasting area in the world, but it is 600 miles of trees."

Mr. Stokes: But that is where the resources are.

Hon. Mr. Randall: I just suggest to you that when we discussed this federal incentive grant with Mr. Marchand, we suggested to him that the federal money—if it is going to help anywhere—must go in the resources in northern Ontario, and he gave me an argument on it. I said most of the pulp mills and paper mills are going down in southern Georgia, so this is what northern Ontario and northern Quebec are competing against. He did not buy it. Whether he will in the future or not, I do not know. But it takes a great deal of money, as you know, to put

a paper mill of $60 or $70 million in northern Ontario.

I would suggest that if we can get secondary industry in there, certainly we are going to try and get secondary industry in. We are working at it, but we are not in a position where we can say to a man when he comes to us, "You must go to northern Ontario." It is just that simple.

Mr. Chairman, perhaps I could wind up a comment on what the hon. member for Scarborough West was saying and I think his leader was saying—and I do not intend to start another controversy. I just want to add what I think is a contribution to the debate today.

I pointed out earlier today that the new Prime Minister of Manitoba is already down here and in the United States selling Manitoba to the Americans, and that is a good place to invest their money. I think the hon. member recognizes that it is necessary for all of us to do that until such times as things are changed at the federal level and they decide what the guidelines are going to be for foreign investment in this country.

Mr. Lewis: He does not provide them free grants as you do.

Hon. Mr. Randall: I point out one thing to my hon. friend from Scarborough West: The GIC company in Quebec was set up a few years ago, as you well know—it is like a Canada development fund, only it is a Quebec development fund at $10 a head—

Interjection by an hon. member.

Hon. Mr. Randall Ten dollars per bond or certificate or whatever they sold; that certificate is down to five dollars today. They want to raise more money. They started out by buying Quebec industry that was gong to sell out to foreigners. It has been a very successful operation. They are trying, and certainly they are going to try harder. I would just suggest—

Mr. Lewis: Tell us about SOQUEM.

Hon. Mr. Randall: Well, I do not think it is any—

Mr. Lewis: It is doing very nicely.

Hon. Mr. Randall: It is not doing as well as they intended it to do.

Mr. Lewis: Oh yes, it is.

Hon. Mr. Randall: Oh, no. I would suggest that you take a look at the one that was going to buy into secondary industries—what we are concerned with, what we have been discussing here today. I hope GIC will get out of its problems, and I think it will. But I just suggest to you that government development funds used to purchase businesses—as they say, family businesses that may be sold to foreigners—is not always as easy to take over and operate as would appear on paper. There are a lot of problems to worry about when one takes over a family business. You have got to have management to go with it, and apparently this is where GIC—and I know some of the people in there—have had their major problems; it is finding management people.

Now I just say this—not to provoke my friends again—but I simply say I am sympathetic to a lot of things that have been discussed here today. I would like to find a solution where we would not need foreign capital. I do not have it yet; I think about it day and night, but I have not got the answer. When I look at my federal friends and I see the Prime Minister say that at the moment we welcome foreign capital and Mr. Sharp say we welcome foreign capital, I say to myself that when these people can decide what the guidelines should be for Canada with regard to foreign capital then I, as a provincial Minister in charge of providing jobs and bringing investment to this province, will buy the guidelines. But at the moment nobody is laying down any guidelines. Nobody has any definite guidelines for us to follow, and until that happens I think that you would recognize that we would be committing economic suicide in this province by disturbing investment of foreign capital, whether it is from the United States, Great Britain or anywhere else.

Mr. Lewis: I do not think so.

Hon. Mr. Randall: I know, but I just suggest that you think about it carefully. I am prepared to buy some of the recommendations you make. I would hope that one of these days, perhaps before I get out of this job, that some of those things will come true. But I just suggest to you that some of the best brains in this country have looked at the invasion of foreign capital. They are all out encouraging it, and when they get it, they then damn it. Now I think that the Americans must be very confused; they do not know whether they are welcome or whether they are not welcome. I have to say

to you, as far as I am concerned, at the moment I do not care where the money comes from as long as it is used properly in the province of Ontario—and we think we are using the money properly in the province of Ontario.

Mr. J. Renwick: Mr. Chairman, I would like to follow along—

Mr. Chairman: The hon. member for Quinte was on his feet earlier.

Mr. R. T. Potter (Quinte): Mr. Chairman, in the short time that I have been here I must admit that the Minister and members of his department and I have not seen eye to eye in the way the department has been operated. In fact, during the past year, we have had many an argument about one particular firm in my area that I thought was entitled to some assistance, but they could not see their way clear to give assistance, even though the federal government was prepared to lend something in the neighbourhood of $2.5 million. In spite of that, I must point out that when I was elected I went to the unemployment insurance office and they pointed out to me that in my riding we had ten per cent unemployment, that is ten per cent of the work force.

I had no difficulty in convincing the Minister and his department that we should be included under the EIO programme. As a result of this, we have seen a minimum of five or six new industries come into our area; we have seen several of our existing industries expand. Last week the Minister was down with me when the city of Belleville had a Belleville Week in support of this programme, and on Saturday night they had a dinner at which the Minister was honoured. It was well attended, and the people were very proud and very thankful for the support they received from this government in sending the industries into the area. In fact, their theme for this week was, "For Belleville, tomorrow is here," and all I can say is that without the support of the EIO programe for Belleville, tomorrow would not be here.

Mr. Chairman: On vote 2207; the hon. member for Riverdale.

Mr. J. Renwick: Mr. Chairman, I would like to pick up on the remarks that the Minister made a few moments ago about the fact that he is satisfied as long as the Premier of Manitoba and the Canadian government and others are interested only in attracting capital, that he is prepared to go along with it; that there is not any real need for any initiative on his part, or any initiative on the part of the government of Ontario in developing, not the question of the need of capital, but the terms and conditions under which the capital enters the country and is used within the country.

I do not happen to be one of the persons who thinks that at this particular point we are able to buy back a substantial amount of the industry, but I think that it is possible in the future to establish the terms under which it can be done.

Much earlier this evening I recall the Minter saying: "Well I really do not know of any other way to do it." There are other ways do do it. The essential danger that the Minister runs into is the two-step operation of which the automotive agreement is the forerunner. That is, that once you get a major industry in North America, owned in the United States, with subsidiary operations in Canada, then you are easily subjected to the pressure of a total integration of that market under the guise of rationalizing the market.

The automotive pact is a very good example of that pressure, because the rationalization of the automotive market would only have taken place because the major automobile manufacturers had wholly owned subsidiary companies in Canada. In most instances, even the minority interest was bought out at the very time in Canada when the greatest pressure was on for some minority ownership to be retained, and we all recall, of course, the attempt by Ford and others to buy back the minority interests of those companies in Canada.

I do not intend to discuss all the ramifications of the automotive agreement but I make the point that if we persist in this country in the first step of the two-step operation—and that is to allow American capital, or other foreign capital, to come into this country without any terms and conditions and establish wholly owned subsidiary companies, then we are very close to the next stage where the pressure will come on to develop an integrated North American market. The only protection that the Canadian people will have then is the protection which we were forced into on the automotive agreement. Because we had no other protection, the government of Canada had to negotiate with the United States government to impose two conditions. One is that if that integration were going to take place, we had to make certain that there was a certain degree of Canadian content

within the automobiles which were manufactured in Canada and the other condition was that our share, the Canadian share, of production must bear some graduated relationship to Canadian sales.

The reason why the Canadian government had to do that was that over the years they did not enforce a requirement that the automotive industry, if it was to be developed in Canada, would be developed on something such as a 50-50 basis, so far as the ownership of those companies were concerned, or, indeed, if necessary, to preclude foreign ownership during the initial stage of development of such a company. And we are going to get that constant pressure in other areas. It has come already. You begin to hear leading business men claiming now that we must now use the automotive pact agreement as an example of what can be done in other areas to integrate the North American continent.

I am not going to repeat what my colleague, the member for Scarborough West, has said about the basic threat which that poses to Canadian independence. I am not speaking in any chauvinistic sense, I am speaking of Canadian independence in the sense of maintaining a sense of distance, a sense of a political destiny somewhat different from the political destiny of the United States, and all the consequences which go with it.

Perhaps we can come back to that in a minute or two. The Minister's philosophy is perfectly clear, he has enunciated it tonight, and of course he has enunciated it on many other occasions and I just happen to have one of his addresses which he gave in New York City on May 22, 1968, but there are many others. I am not quarrelling with the Minister about whether his philosophy is right or wrong. I want to put the contrary philosophy so that we can debate about it, and I only want to quote what to my mind epitomizes the Minister's attitude—I think it epitomizes the attitude basically of the government on this problem, but I also think it symbolizes a very real hang-up which the Tory Party, which the Liberal Party has, and which I do not claim for one single moment that we are free of. Because we are going into a convention in Winnipeg at the end of the month where this problem will also be one which is of great concern to this political party. So it is a matter of concern to all people in the political world and I do not think any of us can claim to know either all the answers or the way it can be done, but we can at least recognize the problem and the validity of the possibilities of some other choices. The Minister said in New York—I just pick up at one place:

> In fact there is a good chance that Canada, paced by Ontario will achieve one of the world's highest economic growth rates during the next three years. This was predicted recently by the Chase Manhattan Bank of New York. Canada's rapidly increasing labour force will stimulate production as well as encourage spending for housing and other durables. Its expected rising export growth and rising business investments will strengthen overall economic activity. All this from the Chase Manhattan Bank of New York and I am not one to doubt them, but if Ontario is to realize our growth potential more capital is needed, capital beyond the capacity of only seven million Ontarians or 20 million Canadians. That is part of the mythology that I would like to discuss.
>
> We welcome your investment in Ontario. The provincial government is solidly convinced that foreign capital is making a valuable contribution to our country. For one thing, without foreign investment, we would certainly have much lower living standards. Then, again, our rates of economic growth and technological advance would have been a lot slower without access to the capital and technology of many parent companies in the United States.
>
> What we want are more jobs and higher incomes and living standards for both of us. We hold that those projects that help the Ontario and New York economies achieve their maximum potentials will make us both stronger and freer.
>
> Of course, the main reasons for you to consider Ontario as a place in which to locate or expand your manufacturing facilities are profit and expansion.

And the Minister goes on to state what anticipated return they might expect if they did invest in Canada.

> Further to this, many of the specific manufacturing areas where you can make the most profit—and where we need the most capital investment to reach our growth potential—are areas in which New York manufacturers are already involved.

And in another place in the course of his remarks, the Minister says:

> Ontario's growth of real output averages some 5.7 per cent each year. The U.S. contributes 41.3 per cent to total capital investment in Ontario.

I simply quote that part as reflecting the philosophy which the Minister has repeated tonight and which I believe is the basic economic philosophy about this question of capital importation into Canada. That is, that if we do not welcome foreign capital into Canada we will jeopardize our standard of living basically and our potential for economic growth.

Now let me make this one comment: I think so far as other provinces in Canada are concerned, we must recognize that a province such as Manitoba cannot possibly alter those terms and conditions. You cannot compare the province of Manitoba with something less than five per cent of the population of Canada, with the major heartland of the industrial and manufacturing development of the country, namely, the province of Ontario, which accounts even in population—

Hon. Mr. Grossman: You used to be apologizing for Saskatchewan and now you are apologizing for Manitoba.

Mr. J. Renwick: —even if you view the province of Ontario as having somewhere in the neighbourhood of 35 to 40 per cent of the population and whatever the other very high percentages are of the manufacturing output and the wealth of country as a whole.

Now you also referred, of course, to the federal government. The federal government's problem is the same kind of hangup but it has another obligation—it has a vast country where it is very difficult to implement national policies and where the regional disparities are very great.

What we have learned in many fields over the past years is that in the province of Ontario it is possible to take initiatives, thoughtful initiatives, intelligent initiatives in many areas which ultimately become reflected in federal government policy regardless of the party that happens to be in power. And I think that is the kind of situation which this Minister and this government is faced with. There is no constitutional hangup for this government to determine the terms and conditions on which capital will be invested in the productive facilities and resources of the province of Ontario. And so that can be done.

I simply point out to you that there are perhaps other alternatives. There is an alternative which is not exclusive because there probably are other versions of it as well and I do not intend to go into it, even if I were competent to do so, in any great depth. But there is an alternative to this kind of approach to the problem.

I refer to the approach to this kind of problem set out in the very full and complete *Ontario Industrial Review* for the province for 1968. Where it deals with this question it refers to this particular industrial development branch of the Minister's department. It goes on to say:

> Studies carried out in 1968 by the plant location section on behalf of foreign and domestic companies, including analysing and evaluating market potential, labour availability, transportation costs, services, and so on. Information was provided on provincial and municipal industrial legislation concerning air and water pollution, controls, zoning regulations and tax structures. Vast and accurate information is available to industry on a confidential basis without obligation.

And then we have this paragraph:

> To bring together foreign and domestic companies seeking joint venture manufacturing partnerships, the branch maintains a confidential bulletin service to advise interested Ontario companies of new opportunities. In new joint venture companies the Ontario partner usually provides the plant, organization and sales facilities and the foreign company contributes product know-how, special machinery and a share of capital requirements.

But there is little if any information of a statistical nature of the number of such joint ventures and there is certainly nothing that this government has done by way of policy enunciation to determine the terms and conditions on which those partnerships take place.

You do find, however, that in the country where the Minister goes and where our attention will be focused for some considerable time, Japan has in fact developed an alternative system. You do not find very many clear references to it because even when the Bank of Nova Scotia publishes the monthly bulletin on Canada's trade across the Pacific, it has only one small paragraph to this effect, "In the past, overseas investment by Japanese firms has been fairly restricted," and so on and so forth, referring to the investment abroad of Japanese companies, and on the reverse side of the coin it has only this to say:

> At the same time restrictions governing the entry of foreign capital into Japan are being gradually eased, possibly opening the

way for some technologically advanced company to gain a foothold in that market.

And that is a very carefully guarded single sentence in the bulletin devoted to that whole topic. Well, all of us receive from time to time these bulletins which are published by the Canada-Japan joint council and the one that I have here is "Investing in Japan" which was published in 1968, I believe, and a supplement to "New Investment Opportunities in Japan" published as a further development of it.

Now, in the first one of these, there is just one paragraph and then I would like to go on to the second bulletin:

> Prior to July 1967, all applications for validation of a joint venture under the Foreign Investment Law were reviewed on a case-by-case basis by the relevant agencies of the Japanese government. The liberalization step, effective July 1, 1967, allows for automatic approval of joint ventures in some industries. Table 3 shows the outcome of the new policy on foreign direct investment in Japan.
>
> Altogether the new policy affects 50 industries. Thirty-three industries are now opened for automatic approval of 50-50 basis joint ventures. The details of these 33 industries are given in Table 4.
>
> Wholly-owned, 100 per cent, foreign subsidiaries proposed for 17 industries will also receive automatic approval. In both classes, automatic approval requires that the proposed venture does not have an exceptionally detrimental effect on Japanese interests, that property investment by Japanese shareholders should be real estate other than factories, shops and warehouses, and that the enterprise neither receive the transfer or lease of properties from an existing company, nor amalgamate with an existing company.
>
> A glance at the tables will show the reader that all 50 industries, opened up for foreign investments, are industries in which Japan is strongly competitive in either or both domestic and international markets. The strength of the existing Japanese producers in these industries may deter foreign investors from seeking to compete with them on Japanese soil.

So on a plan basis, after having provided a highly protective environment for their industry, at the point at which it was felt that those industries themselves had achieved a strong and viable competitive position, the Japanese government allowed in certain of them 50-50 joint venture arrangements and in a very few 100 per cent subsidiary company operations.

In the latest relaxation in Japan, you have again the same pattern being followed. In this case when those industries—the 50 to which I have referred—were opened up, there was no rush to get into them because they were well-established industries with a strong competitive position.

Then it goes on to say, that with the exception of a few industries, controls on foreign capital entering Japan should be dispensed with by March, 1972. It is likely that this will be achieved in a programme of four steps. And they enunciate what the four steps will be and say that by 1972 it is likely that there will be a liberalization of foreign participation in all Japanese industry, save those specifically singled out in a negative list.

Among industries likely to figure in this listing are automobile manufacturers, petrochemicals, nuclear engineering and electronic computer production.

The Japanese government has approved the openings to foreign capital of a further 155 production processes and industrial phases. These opportunities will be available to overseas investors who wish to set up subsidiaries in Japan commencing March 1, 1969. Of the 155 manufacturing and service areas to be added to the 1967 list of 50, 135 will be open for joint ventures on 50-50 share ownership ratio between overseas and Japanese partners. Only an additional 20 industries are cleared for the entry of wholly owned foreign subsidiaries.

All I am saying to the Minister, Mr. Chairman, is that there is an alternative way, that it is essential that this government begin to solve the basis and fundamental conundrum of the Canadian situation. The ambivalence of our position is one which your government, this party and the Liberal Party, are somehow going to have to sort out in the course of debate. And I am suggesting to the Minister that you cannot wait in this field for any of the other provinces or for the federal government.

I think that this province is strong enough. It is the heartland of the country so far as this Minister is concerned, and it is quite certain that whatever reasonable guidelines were imposed at the present time about the import of capital, and the terms and conditions under which it is imported, the purposes for which it is used, and the method

by which its activity in this country is controlled, are matters which in fact this government and this province can embark upon without any fear of overseas or foreign retaliation. That is one alternative. That is one way in which one overcomes the kind of problem we have been talking about.

I think it is just not adequate any longer to have in the province of Ontario an open door to foreign capital—an open door about the terms and conditions under which a foreign enterprise can enter Canada, can enter, in substance, the province of Ontario, whether to establish a subsidiary company; whether it will be 50 per cent owned abroad and 50 per cent owned in Canada; whether it be a branch operation; whether it be an industry for the exploitation of our natural resources with which this government many years ago dealt in terms of the pulp and paper industry, and on which the Minister of Mines moved so recently about the processing in Canada of mineral resources. There are all sorts of ways in which this government can effectively initiate a policy, a firm policy, an acceptable policy, one which will still attract capital, one which will have clear-cut grounds and lines under which that capital is imported, and which will provide for the growing strength of the Ontario, and therefore, as the Minister is so prone to say, the Canadian economy.

If we do it, it will not be very long, in my judgment, before the federal government will have to take that kind of attitude as well, just as in the field of securities legislation, this province had to lead the way. Just as in many other fields, because of its wealth, because it is such a substantial part of the country, in terms of population and all the other indexes which can be used. All these things are within our power to do. All of them can be done reasonably and well. None of them will frighten capital away. All of them will be attractive to capital, and I do not think we can engage in the game of what some other provinces may do under quite different circumstances, nor do I suggest that what Japan did is totally applicable to Canada.

But what Japan has done and what certain other countries have done, do provide the kind of framework within which we can give consideration to this particular problem. Because if we do not solve this problem, I do not think it is too much to say that there will not long be a Canada, because it will force the continuing rise, and it is still rising, of French Canadian nationalism to protect themselves, because they will have no confidence in us but that we are on this particular slippery two-step road of allowing the total domination from abroad by means of the techniques of the corporate ownership of subsidiary companies which will ultimately lead to the integration of our markets.

Not only in the field of natural resources, not only in the field of basic utilities, such as electric power, transmissions, gas and oil pipeline transmission, all of that infrastructuring by which we are already inextricably bound up with the North American continent, but also in the field of manufacturing, the field of export trade, the field of all of the specialized, sophisticated technology of our times. It is possible for us to build a strong and effective economy in the province of Ontario and in Canada. But this government has that obligation, and I do not think it is sufficient for the government to persist in the particular political philosophy about this profound economic problem along the lines of the Minister's philosophy and the philosophy of the government and with which I commenced my remarks.

I simply want to say to the Minister, and to the government, that yes, it is possible, and nobody need be frightened about it. We can maintain a growing economy, a rising standard of living, an expanding economy, an economy which can meet our social needs, an economy which will be able to devote a substantial and growing part of our wealth in this province to the improvement of the conditions under which people live. We will attract further capital and we will be able to do the kind of things which the planning, the initial planning, in its initial stages, permits us to perceive as a possible result of the intelligent use of government in this particular field.

If we persist on the lines in which we are now going, not only your party, but the Liberal Party and this party will suffer the consequences in the eyes of the people of Canada that we do not know what the fundamental issue before the country is, let alone whether or not we know how to deal with it.

I say that the party that finds the solution to that, and on the quest of that solution the national convention of our party will be held at the end of October. But the quest for that solution will determine in fact the political fortunes of each of the three parties; and I suggest to the Minister that you will have our co-operation in any way possible if a study can be made to establish the terms

and conditions on which foreign capital will come into this country.

And then you have the whole range of problems which my colleague, the member for Peterborough, has spoken about; my colleague, the member for Windsor West, has spoken about; and my colleague, the member for Scarborough West, has spoken about; namely, of choice of places where the foreign capital can be used with the greatest leverage to produce the greatest results, and the greatest impact in the province, and the whole question of growth points. But let us get on with the fundamental problem. I urge the government to institute a study to come up with—whether you call them guidelines or the laws of good corporate citizenship, or whether you call them government policy—the specific terms and conditions under which capital comes into this country. Until that is done, this government in this area is in default, and I think it is high time that this Minister and this government assumed that responsibility.

Vote 2207 agreed to.

Hon. Mr. Welch moves that the committee of supply rise and report certain resolutions and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report that it has come to a certain resolution and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, tomorrow we will carry on with these estimates following which we will introduce the estimate of The Department of the Attorney General.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 11.35 o'clock, p.m.

No. 176

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Wednesday, October 8, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Wednesday, October 8, 1969

Reduction of OHSIP premiums, question to Mr. A. B. R. Lawrence and Mr. Wells, Mr. Nixon 6818

Tax grants to university towns, question to Mr. MacNaughton, Mr. Pitman 6820

Introduction and implementation of radical tax reforms, question to Mr. MacNaughton, Mr. Ben 6820

Tests of lakes and rivers in Sudbury area, question to Mr. Brunelle, Mr. Martel 6821

Report, committee on the working farm, questions to Mr. McKeough, Mr. Good 6821

Advisory committee for Algonquin Park, questions to Mr. Brunelle, Mr. Makarchuk 6821

Proposals on urban renewal and home rehabilitation, questions to Mr. McKeough, Mr. Peacock 6822

Highway to service Owen Sound and Bruce peninsula, questions to Mr. Gomme, Mr. Sargent 6823

Possible increase in Metro police resignations, questions to Mr. Wishart, Mr. Trotter 6823

Fire protection in Prince Edward county, question to Mr. Wishart, Mr. Trotter 6824

Highway 401 construction at Oakville, questions to Mr. Gomme, Mr. Deans 6825

Rights of Indians to hunt and fish without licences, questions to Mr. Brunelle, Mr. T. P. Reid 6825

250 Ontario civil service employees and OHSIP, questions to Mr. Welch, Mr. Ben 6826

LCBO outlet at Moosonee, questions to Mr. Welch, Mr. Breithaupt 6826

Purchase of wine by restaurants, questions to Mr. Welch, Mr. MacDonald 6827

Mafia penetration into the securities market, questions to Mr. Wishart, Mr. Trotter 6827

Cost of OHSIP advertising, questions to Mr. Wells, Mr. Nixon, Mr. Bullbrook, Mr. Deans 6828

Estimates, Department of Trade and Development, Mr. Randall, continued 6828

Motion to adjourn, Mr. Welch, agreed to 6857

LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, OCTOBER 8, 1969

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: The visitors to the House today are students from Earl Beatty public school in Toronto, who are in the east gallery.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

Before the orders of the day, there is a matter that I would like either to have cleared up or obtain some advice from the member concerned.

On Friday morning last the committee reported to the House certain events which had taken place the evening before and asked that Mr. Speaker take some action.

Mr. Speaker took it under advisement and stated that until the member for Ontario (Mr. Dymond), who was concerned, had had the opportunity of explaining in the House, nothing could be done.

Yesterday the member for Ontario was present and made a statement in the House, and after that statement the member for High Park (Mr. Shulman), who is the member involved, apologized and withdrew the statement. Then later in the same session while the House was still in the question period, the member for High Park withdrew his apology.

I am now not sure just how the matter stands. If the House would allow me, I would like to read certain excerpts from the printed *Hansard* and from the tape recording which has not yet been printed. Then perhaps I might ask the member for High Park to elucidate the matter, and then Mr. Speaker perhaps will know upon what he is to make a decision and rule in accordance with the direction of the House on receipt of the committee's report of Friday morning last.

I read from *Hansard* of Thurday, October 2, at page 6585, and it is the member for High Park speaking. He is engaged in the estimates of the Minister of The Department of Financial and Commercial Affairs (Mr. Rowntree), and he was discussing certain eyeglasses, you may all remember. He said, and I quote:

> I am very disturbed to inform the Minister that I brought in a similar bill here which received first reading, and the reason it got no further is even more upsetting. The president of the company that imports those frames into Canada wrote a letter to the ex-Minister of Health, a copy of which I have in my possession—it is upstairs, I will send up for it—in which he says, "For goodness sakes, do not ban these eye glasses until I have had a chance to sell them because I have got 60,000 of them in stock." And the Minister wrote him back, reassuring him, which is even worse, and they have not been banned and they are still on sale here in this province.

And then later, when there was some question at page 6587, the member for High Park is further recorded as saying:

> I wish the member would let me finish please, I do not interrupt him. What I said was, that I have the original letter—a photostat of the original letter—which was sent to the hon. Minister of Health and that he had replied stating that there was nothing to worry about. I did not say I had his reply. Now let us get that quite straight.

That is the recorded transcript of the proceedings so far as that matter is concerned on the Thursday night.

On Monday afternoon the hon. member for Ontario, the former Minister of Health, made his statement. I will quote as it will appear in *Hansard*, I presume. This is the original first transcript from the tape and I have listened to the tapes:

> I have read his words in *Hansard*—

he is referring to the member for High Park,

> —and I must admit I am quite unable to determine what he meant since on the one hand he says: "The president of the company that imports those frames into Canada wrote a letter to the ex-Minister of Health in which he says, "For goodness sakes, do not ban these glasses until I have had a chance to sell them because I have got 60,000 of them in stock." And the Minister wrote him back, reassuring him, which is even worse, and they have not been banned and they are still on sale in this province.

The member for Ontario goes on in his own words:

> I have searched the files in this matter and say to you no company president wrote to me in the words used by the member. Further, I did not write to any company president or to any other, reassuring him or undertaking any protection. Indeed, sir, the

lawyer for one such group threatened legal action against the department and myself for the hard and uncompromising attitude that I have taken against this product.

Then later yesterday, the member for High Park again—I may say that I have checked this personally with the member for High Park privately—the member for High Park is then quoted as saying later in that debate:

I checked with the member of the firm who told me there had been a reply made. I certainly do not question the hon. member's reply. If he said there was no reply made, that he personally did not receive the original letter, I extend to him my apology. There was certainly no personal affront intended.

At that particular point I thought that the matter had been dealt with and that there was no action required of either the House or Mr. Speaker. But later that same afternoon in the question period, when the Minister of Health (Mr. Wells) was answering a question from the member for High Park, and there was some debate with various members engaged, the member for High Park then rose, and I quote again. He said:

Mr. Speaker, on a point of order in reference to a statement made by the member for Ontario, am I correct in that he said there was no letter? Well, sir, in that case I wish to withdraw the apology which I gave to him, sir.

The Minister of Health then replied:

Mr. Speaker, there is absolutely, as far as I can find, no letter from the Argus Optical Company.

Then there was some further debate, with other members of the House engaged in it, and later on the member for High Park rose again and I quote:

Mr. Speaker, on a point of order, surely the material thing is whether a reply was given? Whether it is verbal or written is not the point. He has got up here and misled the House.

And Mr. Speaker is reported as saying:

Order. That is not the accusation made by the hon. member for High Park on Thursday evening.

The member for High Park then said:

It certainly was, it certainly was.

Mr. Speaker then said:

I will be glad to refresh my mind and have the hon. member for High Park come and hear the tape with me. In the meantime the hon. member for High Park still has the floor. He has another question.

I have asked the member for High Park if he cared to listen to the tape and we both agreed that the transcript as I have read it is probably as correct as anyone could get from the tape. Therefore I wish to know whether the member for High Park has withdrawn his apology to the member for Ontario, or whether the original matter which was brought before the House and Mr. Speaker on Friday morning from the committee still remains with Mr. Speaker.

I do not propose to deal with it today, but until I know what I am supposed to deal with, it is very difficult for me to do anything. Perhaps the House would allow the member for High Park to explain and put Mr. Speaker on the right trail.

Mr. M. Shulman (High Park): I would love to. Mr. Speaker, first of all, just to set this back in its proper perspective, this matter was brought to you through a motion from the member for Wentworth (Mr. Deans), who was objecting to comments made about members of this party by the member for Humber (Mr. Ben). How I got into the dock as a result of this is a little bit of a mystery. However, just to get back to basics. Somehow there was a little legerdemain there resulting in changing of the accused.

Yesterday, sir, the member for Ontario rose in this House and made certain comments which led me to believe that he had not received the letter which had been sent to him from the Argus Optical Company.

The words he used were: "I have received no letter in the words used by the member." I realize now what he meant, but it certainly sounded to me, and I think to everyone else in the House, that he had received no such letter.

Of course, when I was remarking about the letter here the other night, I did not have the letter in front of me. I said I had it upstairs and would send for it, and so of course, I did not quote exactly. I quoted the sense of the letter and I subsequently filed the letter with the chairman of the committee, a copy of which I have here.

So I suggest to you, sir, if anyone should be in the dock, it should be the member for Ontario who had deliberately yesterday, by use of semantics, misled this House. But what I find more disturbing, sir, is that this is becoming a joke outside. It is casting disrepute on everybody in this House, the carrying on of this ridiculous dialogue, and casting disrepute not only on the members of the House but on you and your high office.

The problem was pure and simple when it began. The member for Humber slandered certain members of this party. He withdrew it and that is where it should have ended.

Mr. Speaker: Well, I regret that the hon. member has not helped me any because he has not advised me of whether he has withdrawn his apology to the ex-Minister—

Mr. Shulman: Certainly not.

Mr. E. W. Martel (Sudbury East): Mr. Speaker, on a point of order. A point of personal privilege, Mr. Speaker.

On Wednesday last I presented a question to be put to the Minister of Social and Family Services (Mr. Yaremko). At that time he was not in the House and subsequently he went to Vancouver and I went to the conference in Sudbury. As a result, the question was held over until Monday of this week. And the question I put to the Minister was the following:

Why were instructions given to the various welfare bodies such as the District of Sudbury welfare, the Sudbury welfare and the provincial branch in Sudbury of The Department of Social and Family Services, not to provide assistance for those people who were out of work as a result of strikes in the Sudbury area, but who are not on strike themselves and who did not get unemployment insurance or strike benefits.

To which, the Minister replied:

Mr. Speaker, I have made enquiries and cannot find that any such instructions were given. The regional office of this department in Sudbury city, and district welfare offices understand that persons who are unemployed and not on strike qualify for general welfare assistance when in need. If an employee in a non-striking group is laid off and loses his job as a result of the strike he will receive municipal aid providing that he is seeking employment and willing to accept suitable employment that is available, which is the general rule.

And I raised the supplementary question:

Then why was it so difficult—in fact, impossible—unless we came to Toronto this past summer to obtain assistance for people in the circumstances I indicated? For example, why is it necessary for one man to go to jail so that his family will receive welfare, or for a newly born baby to be on water for two days?

The Minister replied further.

Last night, Mr. Speaker, I was informed that there was a great furore in the Sudbury area as a result of a statement issued by the member for Nickel Belt (Mr. Demers) who accused me of attacking the district welfare administrator, namely, one Mr. Schaak, and I have just a part of the quote: "Demers said Martel was taking pot shots at Mr. Schaak indirectly, who is the welfare director."

I want to know, Mr. Speaker, how the member for Nickel Belt—who was not in attendance all day Monday—could make this allegation? Whether or not he is a mind reader, how could he take from that statement I have just read to you that I was attacking the administrator of district welfare in Sudbury? I ask what action the Speaker will take to ensure that this allegation is withdrawn.

The press release seems to be this man's favourite gimmick and he has issued—

Mr. Speaker: Order. The hon. member has now made a statement on a point of privilege. It would seem to me that there is no point of privilege involved because it is not calling into account any of the privileges of the members of this House as such. These statements were not made in the House. They were made by the member elsewhere and they do not reflect, in any way, upon the privileges of the hon. member for Sudbury East in my opinion.

Therefore I would rule that it is not a point of privilege to be dealt with in this House as such. It may be another matter that the hon. member may wish to deal with in his personal capacity, but it would be my opinion that this would not be a matter of privilege.

Mr. Martel: Mr. Speaker, on a point of order, then. This statement was made outside the House by a member who was not even in attendance and it is a false statement in that no—

Mr. Speaker: I have ruled that there is no point of privilege and I cannot see any point of order. If the hon. member would state his point of order then I would consider that.

Mr. J. Renwick (Riverdale): Mr. Speaker, I ask your indulgence to try to draw the parallel of what has happened with a question of privilege so that you would consider it in its proper perspective.

The member for Sudbury East made a statement in this House. Another member, in his personal capacity outside the House, commented upon that statement. I can see no difference between the comment made by the member for Nickel Belt outside the House and a comment made by a member of the press, or one of the media, about what was stated in this House.

It is therefore my submission, Mr. Speaker, that the parallel is precise and accurate, and that therefore it is essentially a question of privilege. I would suggest that without forcing the issue that perhaps, Mr. Speaker, you would at least consider the case which I have just made to indicate that it is a parellel one and perhaps take it under consideration and deal with it when you are dealing with the other questions of privilege now before you.

Mr. Speaker: I would be glad to do that because the hon. member for Riverdale has put a case which I think is entitled to be considered, and with the consent of the member for Sudbury East I would be glad to do so. I will consult with the Clerk and the

authorities, and I will bring in a considered decision.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, if you are going to take that under advisement I hope you are aware that you are considering your authority to control what a member says outside this House. In my view this would be a tremendous extension of the authority you now hold.

Mr. Speaker: I would assure the hon. leader of the Opposition that what I said was that I would consider the proposition in the light of precedents and the authority of the House. I certainly have not indicated that I have changed my original opinion, nor have I indicated that I will not change my original opinion.

Mr. S. Lewis (Scarborough West): Mr. Speaker, I would like to rise on a point of personal privilege, of lesser weight. It was brought to my attention, sir, that during the congenial exchange between the Minister of Trade and Development (Mr. Randall) and the member for Riverdale (Mr. J. Renwick), some two or three days ago, about the circumstances of the Ontario Tenants' Association march on Queen's Park last Saturday morning, that I interjected during the course of that debate the word, "Uriah."

I used that particular epithet towards the Minister of Trade and Development with the folklore hero, Uriah Heep, in mind. But a number of close friends of the Minister of Trade and Development have brought to my attention the following: that is to say there is another Uriah who appears in the second book of Samuel.

This Uriah was the husband of Bathsheba and an officer in David's army. His death was purposely brought about by an understanding between Joab and David, in order that David's guilt in the case of Bathsheba might be concealed and that he might obtain her for his wife. I want the Minister of Trade and Development to know that I wish none of those implications upon him.

Hon. S. J. Randall (Minister of Trade and Development): I presume this man the member is talking about is dead. He should have told me, I did not even know he was sick.

Mr. Speaker: The member for High Park.

Mr. Shulman: Mr. Speaker, on a point of order, it has been pointed out to me by my colleague that your last question of me was, "Had I not withdrawn my apology?" and I replied, "Certainly not". I did not realize you had made a double negative there, and of course I am sure this is not what you meant to ask me nor what I meant to reply.

Mr. Speaker: Perhaps we might just settle this then, and get on with our questions. The member for High Park has not withdrawn his apology?

Mr. Shulman: Certainly not.

Mr. Lewis: You see, the nuances of language in this House, Mr. Speaker are refined indeed.

Mr. Speaker: The hon. leader of the Opposition has a question.

Mr. Nixon: Mr. Speaker, you mentioned during the question period the day before yesterday, that it was not within our power to ask questions dealing with policy on the government side, and I hope you will agree with me that the question that I now direct to the Minister without Portfolio deals with a statement that he, as a Minister of the government made, that should, in fact, be a policy matter and it is directed with that understanding.

Will the Minister expand on his comments made in Kingston about the reduction of the OHSIP premiums?

Hon. A. B. R. Lawrence (Minister without Portfolio): Mr. Speaker, as the saying goes, "I am glad you asked". First of all, I have not had an opportunity of speaking to the Treasurer (Mr. MacNaughton)—my remarks, of course, were not the bringing down of a private budget or in any way impinging upon the sacrosanct field of financial policy; that is his responsibility. I have also been asked whether I had a text for the remarks I made. I did not, nor did I have notes, it was one of those popular new four-hour forums in which one sits in a position of repartee with an audience, in this case at Queen's University from 4.30 to 6.30, covering a number of topics.

I would in parenthesis also point out to the leader of the Opposition that this makes for a certain degree of frankness on the part of the person questioned and a certain degree of difficulty on the part of the press who wish to interpret.

The conversation moved—and a very interesting one it was—to the field of taxation and to the field of OHSIP, and OHSIP premiums and hospital premiums.

Mr. Nixon: I thought the Minister's frank response was an excellent one.

Hon. A. B. R. Lawrence: Inasmuch as the hon. member asked me to expand, I am trying to give him the context. I was discussing the Smith committee report. In particular, I was discussing the select committee's report on taxation and I concluded by discussing the Budget address and Budget papers that the Treasurer had brought forward last winter or spring. When I saw the interpretation that had been put to my remarks, I immediately looked the next morning at Budget paper B and I wonder if it might help the leader of the Opposition if I took a few brief quotes from what to me has always been, at least currently, one of the most significant and perhaps least noted statements of government policy in quite a period of time.

> The government of Ontario is convinced that fundamental fiscal and structural reforms are necessary and urgent in this province. The government of Ontario is planning a major redesign and reform of the provincial tax system. It will aim for greater simplicity and—

The important words—

> —greater progressivity than the present system. It will be structured to produce significantly increased revenues and thereby improve the growth potential and the progressivity of the Ontario overall tax mix.

Mr. Nixon: The Minister is buttressing our own tax system here in the province.

Hon. A. B. R. Lawrence: Still quoting:

> It will be designed as an integrated personal income tax, tax credit system and finally, eventually this form of integration could be extended to incorporate tax credits against payments of retail sales tax and of particular significance, health insurance premiums, which are regressive in impact.

So, in the context, I think the reporter did quite well in reporting what I said, but really I would suggest to the leader of the Opposition that I did not say anything new, that I was elucidating to the very bright young people, the extremely, in my opinion, progressive tax policy statements that the Treasurer has already made.

Mr. Nixon: Perhaps, Mr. Speaker, it might be useful if you would permit a supplementary question, to pin down just what the hon. Minister either did say or did intend to say, because the report is as follows—this is not a direct quote but simply as it reads from the October 7 issue of the Toronto *Daily Star*:

> The government would lower them—

referring to OHSIP premiums

> —when it introduces a package of radical tax reforms.

Surely there is no doubt that anyone reading that, if they are to assume that it is a careful recounting of what the Minister said, would think that on a matter of high policy that is concerning the people of the province and the members of the House right now, he is saying that OHSIP premiums will be reduced in the next Budget.

Rather than referring to what the Treasurer has already said I would ask him specifically if he is talking government policy when he says that the tax reforms associated with the next Budget will in fact reduce OHSIP premiums.

Hon. A. B. R. Lawrence: Mr. Speaker, the report itself is not accurate. As I recall the particular point, I was suggesting, having outlined the Budget paper, that an increase—I remember going through the categories of choice—an increase in the OHSIP and hospital premiums would seem to me to be inconsistent with the expressed policy of government and that their maintenance at the present level might well be questionable in a restructuring on a progressive tax base of the province's total tax structure. I read no further into it than that.

Mr. Nixon: I am glad to hear the Minister's views on this because essentially they are the views expressed on this side as well. I am sure that everyone agrees that—

Mr. Speaker: The hon. leader has the opportunity of asking questions not of making statements.

Mr. Nixon: Right. Well, perhaps if we can pursue this one step further with a question to the hon. Minister of Health. Does the Minister agree with the Minister without Portfolio, in his Kingston speech, that OHSIP premiums are unacceptably high? These are the words that are used in direct quotes.

Second, will the Minister substantiate the statement made by his colleague that radical tax reforms will result in lower premiums?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, in answer to this question, I have been unable to ascertain that the member referred to, the Minister without Portfolio, ever did use the words "unacceptably

high". I think that this may have been attributed to him in a press story which I also read, but I have not been able to find this statement. All I can say to the hon. leader of the Opposition is that, I would just remind him that there are about 1.5 million people in this province who were enrolled in PSI before October 1, many of whom were paying $19.50 for a family contract and are now paying $14.75.

Mr. Nixon: Well, I would point out to the hon. Minister that many citizens feel this $14.95 rate is unacceptably high, and it is stated by reliable press reports that his colleague agrees.

An hon. member: Where should the tax rate go up then?

Hon. Mr. Wells: I think we have already reduced it for you because it is not $14.95, it is only $14.75.

In answer to the second part of the question, Mr. Speaker, I think that this should properly be directed towards my colleague, the Provincial Treasurer.

Mr. Nixon: The Minister is prepared to give him some advice along those lines, I trust.

I have a further question of the Minister of Health, on a somewhat different subject, Mr. Speaker.

Why has the department overridden the decision of the Hastings County Health Unit and permitted the installation of a septic tank system for the Holiday Inn-Gulf Oil development at the intersection of—oh, I am sorry, I did not know that had been answered.

Hon. Mr. Wells: I answered that yesterday.

Mr. Nixon: Right!

Mr. Speaker: The hon. member for York South is placing a question for the member for Peterborough (Mr. Pitman).

Mr. D. C. MacDonald (York South): Yes, this question to the Provincial Treasurer on behalf of my colleague, who is busy elsewhere on public business.

Could the Provincial Treasurer indicate when he will be initiating a policy of giving tax grants to university towns, as suggested in his recent remarks to the city of Toronto officials?

Hon. C. S. MacNaughton (Provincial Treasurer): Well, Mr. Speaker, I hope that some interim measure can be undertaken during the coming fiscal year, although final determination cannot be made until our budgetary decisions are completed for 1970-1971. The hon. member will be aware that the province, in its white paper on tax reform—and I would point out to you, Mr. Speaker, it is amazing the number of people in this House who apparently have not read the white paper on tax reform—

Mr. MacDonald: I commented on it in my own Budget speech.

Mr. Nixon: The member proposes a provincial income tax; we have read it.

Hon. Mr. MacNaughton: The hon. member will be aware that the province, in its white paper on tax reform, made the commitment to remove present exemptions from property taxes for such institutions as universities. I would say, Mr. Speaker, through you to the hon. member, full implementation of this programme cannot be undertaken until the assessment of these properties is completed. However, we feel this need not preclude some interim formula being devised.

Mr. Speaker: The hon. member for Humber.

Mr. G. Ben (Humber): Mr. Speaker, I have a question of the Treasurer of Ontario and the Minister of Economics. Part of it may have been answered by another Minister in this House. At any rate, the question is this: Is the Minister prepared to outline the timetable for the introduction and implementation of the radical tax reforms, particularly with reference to the Medicare tax promised by the Minister without Portfolio in a speech to a student audience at Queen's University? It says here "yesterday"; that would have been the day before.

Hon. Mr. MacNaughton: Well, Mr. Speaker, my answer to the question was prepared before the hon. Minister without Portfolio spoke. However, I am going to read it in detail and if I might preface my remarks, Mr. Speaker, I too will say I am glad these questions came up today because they will bring to the attention of the people of this province the long-term tax reform policy of the government.

Mr. Ben: Long-term is right.

Mr. J. B. Trotter (Parkdale): How long is long?

Hon. Mr. MacNaughton: All right. But the Minister without Portfolio (Mr. A. B. R. Lawrence) obviously—and so stated—was referring to the government's white paper on tax reform presented to this House with the 1969-1970 Budget. The details are outlined—and I commend them to the hon. members' attention—on pages 54 to 57 of the Budget. They relate, as the hon. member has already stated, to the government's proposal to develop a tax credit system in the personal income tax field that will provide relief for modest-income families against levies that are regressive in impact. The outline specifically mentions health insurance premiums, as well as property and retail sales taxes. The timetable for implementation of this proposal is associated with the on-going development of the comprehensive reform programme and will be announced in this House at the appropriate time.

Mr. Speaker: The member for Sudbury East.

Mr. Martel: A question of the Minister of Lands and Forests.

1. Has The Department of Lands and Forests completed tests of the waters of the lakes and rivers in the Sudbury area to determine the pH of the water?

2. If so, what conclusions have been reached?

3. Were the tests undertaken because it was feared that the sulphur dioxide entering the water courses from the stacks of the plants in the Sudbury area had reached such proportions as to threaten the ability of the fish to reproduce?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in reply to the hon. member for Sudbury East:

1. The department's lake survey programme has indicated low pH values of lakes in the Sudbury area. Further tests indicate seasonal lows in pH in the spring.

2. No conclusions have been reached.

3. Additional samplings were undertaken and a study of Lang Lake was initiated because of the apparent lack of reproduction of pike and pickerel. These are on-going investigations.

Mr. Speaker: The hon. member for Waterloo North.

Mr. E. R. Good (Waterloo North): A question of the Minister of Municipal Affairs:

Has the report of the committee on the working farm due October 1, as per the Minister's statement of June 5, been received by the government?

When will the Minister define a working farm?

When will the resulting amendments to The Assessment Act be introduced?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, I am informed by the chairman of the committee which was set up on farm assessment and taxation that the committee is in the process of drafting its report. I would hope to have the report in the next two or three weeks.

The submission has been somewhat delayed from the original date of October 1, because they took the opportunity with my full concurrence, to talk to municipal representatives and farmers in three parts of the province—I think in London, in Pickering, and in Belleville—in order to discuss the whole problem of farm assessment and to test the reaction to various policy alternatives that the committee put to them.

I am told that the committee will include in its report the definition of a working farm and, in reply to the last part of the question, I would just say that when the report is received I will be in a better position to determine with my colleagues what will happen to it.

Mr. Good: May I ask a supplementary question? Will that report be tabled in the Legislature when it is received?

Hon. Mr. McKeough: We will see.

Mr. Speaker: The hon. member for Brantford.

Mr. M. Makarchuk (Brantford): I have a question of the Minister of Lands and Forests.

1. Who are the members of the advisory committee for Algonquin Park?

2. Did the Minister consider a possible conflict of interest between committee members and their interests in lumbering?

Hon. Mr. Brunelle: Mr. Speaker, in reply to the hon. member, the following are the names of the committee:

Chairman, Hon. Leslie M. Frost, former premier of the province; Richard Smith, MPP for Nipissing; Don Jackson, MPP for Timiskaming; Gordon Carton, MPP for Armourdale; Morris Hamilton, member for Renfrew North; Paul Yakabuski, member for Renfrew South; Martin Edwards, president, Federation of Ontario Naturalists; John Latimer, president,

Ontario Camping Association; W. K. Kutschke, mayor of Pembroke; M. A. Tibbett, mayor of Huntsville; Murray Seeley, president, Ontario Forest Industries Association; Dr. A. E. Berry, president, Conservation Council of Ontario; A. T. Frame, president of the National and Provincial Park Association; Abbott Conway, president of Algonquin Wildlands League; Professor George Gowland, past president, Smoke Lake Leaseholders; and Frank Weir, chairman, zone two, Ontario Federation of Anglers and Hunters.

The members were chosen as representatives of the Legislature, and also the municipal councils in the area, and also to represent points of view held by segments of the public who have indicated an interest in Algonquin Park. It was considered that all members have a common interest, namely Algonquin Park.

It is realized that various members are interested in particular phases of the use of the park and the choice of such members was based thereon.

Mr. Speaker: The hon. member has a question of the Minister of Justice.

Mr. Makarchuk: A question of the Minister of Justice:

When will the Minister answer my question 2034 filed September 30?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I cannot give the hon. member a date, I can only say very soon, I trust. I think I can say that with confidence. The hon member asked the question on the first day of the session, but the question was in seven parts and many of the portions called for personal interviews. For instance—"Were the chief and the deputy chief of the Brantford police forces department aware", called for interviews with persons, the police commission, matters of policy, and it is a matter of getting all the answers together. I am not trying to delay the hon. member with the reply, we are doing our best to get that answer together, and I think I will have it very soon.

Mr. Speaker: The hon. member for Windsor West.

Mr. H. Peacock (Windsor West): Mr. Speaker, I have a question for the Minister of Municipal Affairs:

1. When will the Minister be ready to present to Ottawa the Ontario government's proposals on urban renewal and home rehabilitation which he recently discussed with mayors of major communities?

2. Does the Minister intend to propose: (a) long-term low-interest loans and outright grants to home owners for rehabilitation? (b) direct provincial aid to municipalities for vigorous enforcement of minimum residential health and safety standards?

Hon. Mr. McKeough: Mr. Speaker, in regard to the first part of the question, I would just say that this is under discussion and will be presented to Ottawa in due course. I suppose the background would be of some interest. Nothing has happened in terms of urban renewal policy, so far as the federal government is concerned, for I suppose nearly a year since they stopped what was in the works. There have been some releases since that time. I think they are examining—without going into the details—some of the philosophy behind urban renewal.

I met with Mr. Andras three weeks ago and I suggested that I would put in front of him a position paper of what Ontario thought should happen. Before we developed this paper fully, I felt that it was desirable to consult with some 20 or 30 of the municipalities through their mayors and, or planning directors, or whoever they designated, who had been active, such as Windsor, in the urban renewal field—those who had had considerable experience.

We presented to them a preliminary position paper. We are in the course of revising that paper now, and I would hope that it will be presented in due course to the federal authorities.

With regard to direct provincial aid to municipalities for the enforcement of maintenance and occupancy standards, a study of section 30a of The Planning Act, which permits the adoption of by-laws establishing such standards, is presently under way by Mr. Matthew Lawson, the former commissioner of planning for the city of Toronto. Any decision as to what we might do in this particular area of endeavour will have to wait for the completion of his report, which I do not think is that far away—perhaps two or three months—and then subsequent government action.

No, perhaps I did not answer the (a) part of the question. I am not in any position to indicate what government policy is at this time.

Mr. Peacock: Might I ask the Minister by way of a supplementary if Mr. Lawson's terms of reference include consideration of direct provincial aid to go hand in hand with

any new standards that municipalities will be asked to enforce?

Hon. Mr. McKeough: I would think they would be broad enough, yes, to include that.

Mr. Peacock: Does the Minister expect him to report on that too?

Hon. Mr. McKeough: Well, I do not think we asked him specifically. But I am sure that if he felt that this was something he should report on, or suggest, I am sure his terms of reference are broad enough to do so.

Mr. Peacock: The Minister should have directed him to.

Mr. Speaker: The hon. member for Grey-Bruce.

Mr. E. Sargent (Grey-Bruce): A question, Mr. Speaker, to the Minister of Highways:

In view of the fact that Highway 10 to Owen Sound is in a very poor condition, and the fact that plane services are being cut back, and this area is the 51st poorest in the economy of Ontario, would the Minister advise when a new highway will be built to service Owen Sound and the Bruce area?

Hon. G. E. Gomme (Minister of Highways): Mr. Speaker, in answer to the member's question, all sections of Highway 10, which presently indicate need of improvement, have been programmed for construction, and an entirely new road to Owen Sound is not contemplated at this moment. But we will constantly review the traffic volumes, and I am sure when it becomes necessary it will be done.

Mr. Speaker: The hon. member for Parkdale.

Mr. Trotter: Mr. Speaker, I have a question of the Attorney General. What plans does the Attorney General have for the revamping of police recruitment guidelines due to the increase in police resignations predicted by Metro Toronto Police Association president, Sid Brown, as reported in today's Toronto *Telegram*?

Hon. Mr. Wishart: Mr. Speaker, I noted the comments attributed to Mr. Sid Brown in the newspapers. I would point out that it is a prediction, not an actual situation on which he comments. He suggests there will be difficulty in recruitment.

Mr. Trotter: But, they have been having trouble.

Hon. Mr. Wishart: Well, he mentioned the number of resignations—which are not as high as they have been. He predicts they may go higher; he predicts there may be some difficulty; but I would point out that the Metropolitan Toronto Police Force is the highest paid police force in Canada, due to recent adjustments in the salaries.

I am aware that we have some responsibility in the regulations and in the legislation which we pass, to govern our police forces. I think that in that area we are doing a good deal to encourage recruitment, to encourage people to come forward and serve on our police forces. We are doing much in the way of upgrading our training at police college. As to the actual immediate responsibility for recruitment, I think I would have to say this, that we get the advice of the members of the board of police commissions, and I have very close contact with the Ontario Police Association; they advise us as to what the government should do in the way of improvement of regulation and legislation. All these things we are doing but the immediate recruitment problem, of course, will rest with the municipality, its board of police commissioners and perhaps the consideration of that budget by the council. I think perhaps there may be some concern in this area but we are doing all the things that I mentioned, to assist and improve the police image.

I think I would like to say at this point that perhaps some of the criticism which we get of police administration and police forces—when some single policeman, perhaps, is rightly subject to criticism, we get such a spate of criticism that I think it makes a person who would join the police force a bit reluctant to come forward. That is something that I cannot directly influence. We are doing the things I mentioned and I think we will be successful in assisting the police force in recruitment programmes.

Mr. Trotter: By way of a supplementary question, surely the Attorney General is aware that the Metropolitan Toronto Police Force has been short-handed. The police association and the chief of police will tell you that they do not have nearly the men they need.

Hon. Mr. Wishart: Yes, we think that perhaps is so, but I think if one examined that situation you will find that the reason they are short-handed is because the number of personnel they can take on is limited by the budget which is set by the police commission and reviewed by the Metro council. If they

have the money I do not think there is much difficulty in recruiting men.

Mr. Trotter: I was wondering, Mr. Speaker, if the Attorney General would consider some type of programme on the work that the police do in an attempt to improve their image, because there is no question that it is difficult to be a police officer; it is within your control to have a general recruitment programme trying to attract young men and young women to various forces in Ontario.

Hon. Mr. Wishart: Mr. Speaker, that is a reasonable question and deserves an answer, and I would say this. We have just been spending the last two or three months working with the Ontario Police Association, the Ontario Provincial Police Association, the governing authorities of police forces, the Ontario Police Commission, and the Metropolitan Toronto Board of Police Commissioners, to frame regulations. These have to do with duties, disciplines, conditions of work and so on. And I think these regulations are just about ready to be presented to my colleagues for approval. I think they will go a long way to touching some of the things the hon. member enquires about. As I say, we have close and frequent contacts with all those organizations who advise us on police matters and I am quite aware of the needs and the desires of the policemen themselves. We are doing much to improve police status, police image and in that way encourage recruitment.

Mr. Trotter: I was wondering, Mr. Speaker, if the Attorney General has an answer to my question in regard to fire protection in the county of Prince Edward. I asked it yesterday.

Hon. Mr. Wishart: Mr. Speaker, I took notice of this question 2181 yesterday, and I am now ready to reply.

My officials inform me that the Canadian Forces fire marshal advises them that at the time the Canadian Forces Base, located in Hallowell township, was operational, fire fighting services were available on request to areas immediately adjacent to the base through an informal arrangement between the base commander and the local municipal authorities. In accordance with the arrangements to close out the base, fire fighting services have been reduced considerably since September 1, 1969.

At the present time there is still a small number of Department of National Defence fire fighters, with two pieces of fire fighting apparatus, providing fire fighting services for the limited base occupancy during the time the facilities are being disposed of by the Department of National Defence. The decision as to whether these limited fire fighting services would be available in adjacent municipalities would be at the discretion of the military detachment commander. Negotiations between The Department of National Defence and the township of Hallowell are under way for certain services, including fire fighting to be undertaken by the township.

The present fire fighting services in the county of Prince Edward consist of three of the ten municipalities operating their own fire departments. Those are the townships of Ameliasburgh, Hallowell and Hillier. They provide fire fighting services from other municipalities, and the balance of four municipalities, the townships of Athol, population 1,073, Marysburgh North, population 1,016, Marysburgh South, population 801, and Sophiasburgh, population 1,628, have no fire fighting services at all.

At the request of the Ameliasburgh council a municipal fire protection survey was conducted in May of this year, and recommendations were made to establish a municipal fire department for that township. I have been advised that, as a result of the recommendations, a fire station is under construction and a further station is under consideration; three pieces of fire fighting apparatus have been ordered, one has been received and is in service; fire fighters have been enrolled and are presently undergoing training, and a communications system is being established.

A further fire protection survey was conducted in Picton in August of this year. Recommendations were made to improve the existing fire prevention and fire protection facilities for that municipality. My officials have contacted the clerk of the township of Sophiasburgh and offered to conduct a fire protection survey of that municipality and he advised that he would bring the matter to the attention of the township council.

I think the answer perhaps would indicate, if I may comment upon it, that we have been very active in assisting, advising and encouraging development of fire protection services and considerable work has been done in that direction.

Mr. Trotter: By way of a supplementary question, Mr. Speaker, I do not think it is really good enough, in view of the fact that in this past week a $30,000 farmhouse burned down ten miles north of Picton because there was no fire protection. Surely your surveys and research are not going to do very much.

What protection does a person, let us say, in that area ten miles north of Picton, have today? It would appear from reports that they have no protection.

Hon. Mr. Wishart: Fire fighting protection is a matter for municipal establishments. The province of Ontario does not supply fire fighting service to the areas of this province. We encourage the municipality and assist to the fullest extent that our legislation permits. We do not provide fire service protection to farmers of the province. I do not think the hon. member suggests we could do that.

Mr. Trotter: But surely, your fire marshal could take some overt action to see to it that an area gets protection. This is an unnatural state of affairs and this has been going on for months evidently and they have known about—

Mr. Speaker: Order!

The hon. member can ask a question.

Mr. Trotter: It might be, but it is ridiculous to leave an—

Mr. Speaker: Order. The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Speaker, a question of the Minister of Highways.

Would the Minister advise the House as to the projected completion date for the section of the Queen Elizabeth Highway which is being reconstructed at Oakville?

What is the total budget for the project and is the Minister satisfied that the safety precautions taken in the early part of the construction were adequate?

Hon. Mr. Gomme: Mr. Speaker, in reply to question number one. All work on this project, with the exception of the top course of asphalt, is expected to be completed by November 30, 1969, and the expected completion date for the contract in its entirety is June 1, 1970. On the first part of question two, the current approval on the contract for the tender, materials, engineering and sundries is $2,941,345.26. On the second part, the answer is yes.

Mr. Deans: I wonder if I might enquire of the Minister whether he has given consideration on projects such as this to making better use of the service roads, rather than winding the single lane and double lanes through the construction area by way of small signs and little posts and sand bags?

Hon. Mr. Gomme: Mr. Speaker, where it is possible we certainly would do that, but on this particular contract, the construction work on the median was completed first and then there was a six-foot stretch of asphalt laid. This allows two lanes of traffic to continue through the construction area and we believe this is the best way to handle a situation like this.

Mr. Deans: Is the Minister aware that during that early portion when the median was being reconstructed, much of the original highway was torn up and there were great gaping potholes left which created a lot of problems for motorists trying to navigate through that portion, particularly me?

Mr. Speaker: The hon. member for Rainy River.

Mr. T. P. Reid (Rainy River): Mr. Speaker, I have a question for the Minister of Lands and Forests.

Will the Minister clarify unequivocally the government's policy concerning the rights of Indians to hunt and fish in the province without licences?

Hon. Mr. Brunelle: Mr. Speaker, in reply to the hon. member for Rainy River, the policy concerning the requirement of Indians to purchase hunting and fishing licences is that hunting licences are not required where they are inconsistent with the treaty. However, with respect to angling licences under the Williams Treaty which was signed in 1923, the Indians surrendered all their hunting and fishing rights in southern Ontario and for this reason we expect Indians in southern Ontario to obtain angling licences. In northern Ontario we do not ask those Indians who live off the land in the traditional manner to acquire such licences.

Mr. T. P. Reid: By way of supplementary, I would like to ask the Minister if he is going to contact the various Indian bands or various Indian organizations and make them aware of this, because there is a great deal of confusion in their minds as to whether they need or do not need licences. Is the Minister aware that there seems to be some confusion within his own department and that various letters have gone out already with contradictory advice to the Indian people?

Hon. Mr. Brunelle: I would say, Mr. Speaker, that our people in the department have had very good relations with the Indian

people. If the member is aware of any instances where we have been unduly restrictive I would be pleased if he would bring them to my attention.

Mr. T. P. Reid: It is not that, sir, it is a matter that there is confusion within the Indians' minds as to whether or not they have to have these licences. One part of the department says yes, the other says no.

Hon. Mr. Brunelle: I would say this, Mr. Speaker, each treaty right has to be looked at individiually and legally. It could well be that those Indians who are living off the reserves may or should be buying licences, but as I said, with respect to hunting we have never asked those Indians who are living off the land, so to speak, to buy hunting licences. From my own experience in my own riding, for instance at Moosonee, the Indians would go on their own and buy a licence when they were working, because to them it is a status symbol. However, when they were unemployed, they would not buy a licence and we would respect the fact that they would be living off the land, and we are treating angling licences in the same manner.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, on September 30 the hon. member for Humber asked a question of the Minister of Health, being question 2052 which was worded as follows, and I now quote from the question:

When will the 250 civil servants be transferred from the Minister's department due to the introduction of Medicare and what will the saving be to the department?

The hon. Minister of Health gave an answer to this question which is recorded on page 6427 of *Hansard.*

The hon. member then asked a supplementary question, asking the Minister to table the results of this review of 18 months duration and the conclusions that he has reached. On October 1, the hon. Minister of Health advised the Legislature that he was referring this particular question to me. I now want to give the hon. member for Humber the additional information which he requested by way of supplementary question.

The employees concerned in this particular case were found to be classified above their level as a result of an examination of their duties. Under these circumstances, the regulation under The Public Service Act required that they be red-circled and placed in their proper classification. The regulations, Mr. Speaker, provide in these circumstances that there will be no reduction in the employee's salary, and in the normal course of events the situation is rectified permanently by general increases in the salary range for the proper classification, or through promotion of the employee concerned.

I am told, Mr. Speaker, that with the expansion presently taking place in OHSIP, a considerable number of these employees have received promotions, thereby eliminating red-circling for these employees. It might also be mentioned in passing that the examination of classifications in OHSIP also resulted in the upgrading of a significant number of employees who were indeed found to be underclassified.

To sum up, with respect to this question 2052, no civil servants have been transferred due to the introduction of Medicare.

Mr. Ben: Mr. Speaker, may I ask a supplementary question arising out of that?

Would the hon. Minister please tell us how many, in this particular category and arising out of this situation, were red-circled, and how many, to counterbalance it, were blue-circled, that is, raised in their categories? Of the ones red-circled, how many have since had the circle erased or uncircled, and how many of the ones that were raised in their category, which I refer to as blue-circled, assume the function that had been carried on by somebody who had been red-circled? That is an easy one to answer.

Hon. Mr. Welch: Mr. Speaker, I will have to complete the circle on another occasion. I will take that as notice.

Mr. Speaker, in reply to the question of the hon. member for Kitchener (Mr. Breithaupt), he is not in his seat, may I have permission to give the answer now?

Mr. Nixon: Was it a question? Was the Provincial Secretary here?

Hon. Mr. Welch: Yes, I was here. It is question 2135, and the answer is as follows:

1. The present anticipated cost after adjustments, extras and credits is $188,976. This figure includes housing accommodation for the manager.

2. The manager will be selected from a list of present employees who apply for transfer and promotion to this position. An additional employee may be hired from local applicants if business warrants it.

3. The estimated population to be served by this store, 5,177 is broken down as follows: Indian, 4,437, non-Indian 740.

And finally, Mr. Speaker, may I give an answer to question 2160, which was asked by the hon. member for York South:

Ontario restaurants purchase wine in containers that are available to the general public. I am advised by the officials of the Liquor Control Board of Ontario that bulk purchases in casks have been made in the past but that the licensees found this to be impractical. The purchasing in large containers presents additional problems, particularly the vulnerability to spoilage by exposure or penetration of air to the wine, and the difficulties of proper storage once the container has been opened.

The board lists bottled wines in standard sizes only, although requests have been made by the Canadian Wine Institute to give consideration to the listing of Canadian wines in half-gallon and gallon sizes. Due to storage problems and the large number of listings of various wines, the liquor control board has not been able to give favourable consideration to this request up to the present time.

As far as pricing is concerned in our restaurants in Ontario, their pricing policies could of course be adjusted if they wish to sell at lower prices to the consuming public.

Mr. MacDonald: Mr. Speaker, I am not in a position to indicate how widespread is the view expressed in a letter that was published at the bottom of Ron Haggart's column of October 4 from George G. Boukydic of Diana Sweets Limited. He puts the case—I knew the Minister was intensely interested in promoting the sales of Canadian wines. I thought perhaps if Mr. Boukydis was correct that he would immediately enlist the Minister as an ally.

Hon. Mr. Welch: Well, I can only underline, Mr. Speaker, that, although this may be the view of one of our licensees, it is apparently not the view of the majority of them, who would find some difficulty with respect to storage, if they were in fact to buy in these larger containers.

Mr. MacDonald: I shall send a copy of the Minister's reply to Mr. Boukydis, and he can take the battle up with the Minister directly.

Hon. Mr. Welch: I can assure the hon. member many of my constituents would be very happy to see that particular item.

Hon. Mr. Wishart: Mr. Speaker, yesterday I took as notice question 2166 asked by the hon. member for Parkdale. I am now prepared to provide the answer. The question was:

> Can the Minister indicate to what extent the Mafia have penetrated the securities market in Ontario, in view of the Ontario police commission's most recent report which states—"Suffice it to say that in the field of the movement of stolen property, including stolen securities, as well as fraudulent transactions with such property and securities, there has been considerable activity in Ontario. The investment of illegally obtained money in legal ventures is of increasing concern."

That is the end of the quote from the police commission report.

> What measures is the Attorney General taking to avoid a repetition of the Montreal situation where it is reported that the Mafia have approximately $50 million per year in stolen and phoney securities?

My answer, Mr. Speaker, is that the hon. member has referred to the Mafia—and I think their references are more accurately directed to crime generally, and to those who organize the crime in that sense.

Mr. Trotter: Well, they are the big ones.

Hon. Mr. Wishart: We are informed as to the organized criminal activity in the area of securities and bonds, such activity, according to our advisors, is that it is limited to the sale and other disposition of stolen securities and bonds—not particularly to the theft or the acquiring of them here.

A knowledge of this type of operation came to the attention of the criminal intelligence services of Ontario, and the appropriate law enforcement agencies were brought together. Arrangements were made to provide for full and complete exchange of all necessary information and to provide for the co-ordination of the investigation and prosecution, both here and in the United States. This procedure has proved to be very successful.

I understand from my advisors, Mr. Speaker, that the figure $50 million to which the hon. member has referred was quoted somewhere as being the approximate amount of stolen American securities, not the amount of securities disposed of in Canada. I have some information as to the makeup of the criminal intelligence services branch—but that is my answer to the question.

Mr. Trotter: Excuse me, is the Attorney General saying that the $50 million figure

used is just what happened in the United States?

Hon. Mr. Wishart: The context in which I understand that figure was quoted would indicate that amount of securities had been acquired by theft in the United States. But the article did not go on to say that amount of securities had been or was being disposed of in Canada, or had been stolen in Canada.

Mr. Trotter: It certainly inferred as being disposed of, not only in Canada, but through Montreal.

Hon. Mr. Wishart: Well, I do not have the article; but those who examined the question and gave me the answer tell me that is the way the figure was used. It referred to securities stolen apparently in the United States, not stolen here, and not disposed of here either.

Mr. Trotter: Fifty million dollars is peanuts in the United States.

Hon. Mr. Wishart: Yes.

Hon. Mr. Wells: Mr. Speaker, I have three questions outstanding, all on the same matters —Numbers 2047, 2023 and 2016. Perhaps I could answer those.

One is from the hon. leader of the Opposition, one is from the hon. member for Sarnia (Mr. Bullbrook), and the other is from the hon. member for Wentworth.

I will answer 2047: "Will the Minister indicate the cost of OHSIP advertising to date?"

The answer, Mr. Speaker—newspaper, radio and television, $568,180; and brochures, and so on, $81,223.

"How much does the Minister expect to spend on OHSIP advertising during the next six months?"

There will be an amount of about $25,000 for overruns of various pamphlets and publications. Apart from that, no other plans are formalized at this time.

Mr. Nixon: If I might ask the Minister further to his answer:

Since he referred to the cost of printing the brochures, would the printing of the applications be in that cost factor as well?

Hon. Mr. Wells: Yes, as far as I can see from the information here, Mr. Speaker, I think the cost of printing would be in there.

Mr. Nixon: The fact they were in such short supply has already been explained. A good many people used them or drew them out of the banks where they were located without really having to make use of them. But was this an error in judgment on the part of those people who were making the orders? Or why were they in such short supply during the last few days before the October 1 deadline?

Hon. Mr. Wells: Well, I think the answer, Mr. Speaker, is that if you sat down and mathematically calculated how many you might need, you would not really need that many applications—and yet many more were printed. But it is apparent that many more people took them than we thought would. Many people took them with the booklets so they would have one in case they needed it. This being the case we had to reorder them.

Mr. J. E. Bullbrook (Sarnia): By way of a supplementary, if I might. I was unable to get those figures down, could the Minister give me the total amount expended and contemplated to be expended?

Hon. Mr. Wells: The total amount, Mr. Speaker, is $649,403 I think, in round figures; and then there is another $25,000 for the overrun which is yet to be expended.

Mr. Bullbrook: Approximately $675,000.

Mr. Speaker: Orders of the day.

Clerk of the House: The 26th order, the House in committee of supply; Mr. A. E. Reuter in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

(continued)

Hon. R. S. Welch (Provincial Secretary): Mr. Chairman, we are to carry on with the estimates of The Department of Trade and Development—but before doing so, and with your indulgence, and with the indulgence of the members of the committee, I would like to acknowledge, in the Speaker's gallery, the presence of some members of the cabinet of the Sir Winston Churchill Secondary School Student Parliament of St. Catharines. I am sure we are very pleased to have them with us to view the proceedings of the committee this afternoon.

On vote 2208.

Mr. Chairman: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I would like to make a few remarks in regard to the housing problem that we have in the province of Ontario. Indeed, if I was going to title my remarks I would call them —"The challenge of the urban frontier".

In this country we are essentially frontier people. This is our background, this is how we have settled the challenge of the frontier. So often the city has become the settled portion of our country, but because of the extensive changes, sociological, economical and otherwise, today the great challenge to our society is how we are going to treat our urbanized country.

It has often been said that we are going to have a third of our population of all of Canada in cities by 1980, namely Montreal, Toronto and Vancouver. It has been said, too, that by the year 2000 they are going to have to build more houses than since we became a country in 1867.

The challenges of the urban frontier are more than just housing and I will just touch on those. But our main problem on this vote, Mr. Chairman, is the problem of getting homes, of getting decent living space for the citizens of this province.

In spite of all the slogans that we have such as Home Ownership Made Easy, I feel that we live in a day and age where home ownership is made difficult, not only because of the times in which we live, but because of the inadequate policies of government, not only in Ontario but in other jurisdictions. It is not only difficult for many people, but for an increasing number of people, it is virtually impossible.

I just use a few statistics in the Toronto area to give an illustration of the problem we have. I do not intend to dwell extensively on facts and figures but mainly to point out the severity of the problem and to try to keep in mind at all times that these statistics are people. I think we in government tend to forget that the person on the waiting list, or the application on the waiting list, not only represents a person, but also represent families, usually families in dire straits.

Recently there was a housing need report made for the Metropolitan Toronto Planning Area issued by the Patterson Planning & Research Company. That report told us that as of 1966 there was a shortfall of housing units of 60,000. That is back in 1966, and they said 42 per cent of that 60,000 housing units should be public housing. In other words we were that far behind in 1966. They point out in the well prepared report that if we look at the normal population growth of Metropolitan Toronto in a ten-year period from 1971 to 1981, we are going to need 362,000 housing units in the Metropolitan Toronto area.

Well according to what predictions can be made, Mr. Chairman, 164,000 of those units can be found by families or individuals who are able to carry on on their own, that government does not need to help them; that is as long as the prices do not get out of range completely.

That figure could be too conservative if the value of the dollar continues to decline and the value of real estate continues to go up, but for the moment they predict in that ten-year period 164,000 units are going to be found by people that can look after themselves. There are going to be approximately 99,000 units where the people seeking those 99,000 are going to need some kind of government help. There is going to be another approximate 99,000 who are going to require public housing in the Metropolitan Toronto area.

Now our present policies simply do not begin to meet the need that is obvious. We are facing a housing crisis and government is certainly not measuring up to what is required now and what is even going to be more required in the years that lie ahead. The Ontario Housing Corporation itself had a survey printed in June of this year and they themselves pointed out that they had a waiting list at that time of 15,874 applicants. I think as of July 31 of this year it is 15,243 applications on file and approximately 5,000 applications for senior citizens' housing.

Now I know the Minister in his opening remarks made reference to the fact that they sent out registered letters to the people that were on the waiting list to find out if they were still interested and more than 3,000 came back. Now I hope that the Minister will not assume that in the 3,000 or so applications that seem to be lost track of, those people are not interested in them, because one thing that the Patterson Report points out is that the need for housing in the Toronto area is going to be really greater than the surface demand would appear.

The Minister, in all fairness, pointed out that when people were offered public housing it was found that they lived in the east end of Metro and perhaps the housing was offered in the west end. I have seen cases like this happen, where people simply did not have

an automobile to go to work and to cross Metro each day.

I myself have had applications where the people have had no permanent place to go. In one instance I know of a woman with five children. Because the children were noisy, they were asked to move from place to place, and eventually I could not even locate where she had moved to. These are people who because they have no real roots are forced to move from place to place, especially because of high rents, and are literally lost in a large city.

There are people in the low income groups who will rent an apartment and maybe make the first payment but after that they fall behind and they are evicted and are on the move.

Now I know myself, Mr. Chairman, that if you phone up the Ontario Housing Corporation today and try to get accommodation at a moderate rent for a family with five or six children it is virtually impossible unless you are prepared to wait. And I often feel sorry for the civil servants who have to handle these calls, because it is not their fault that the space is not available. It is the fault of government that we have not provided the necessary housing space.

The fact remains, Mr. Chairman, that we have a tremendous waiting list in Metropolitan Toronto and particularly where large families are concerned.

Whenever you attack the basic problem of housing I think we should remember two things in how we should handle the situation.

I think housing should be regarded as a basic human right, and it is not only a question of where we live rather than how we live. The point is the quality of our living. How is the dignity of the individual affected? In the course of my remarks I would like to dwell on that matter, because the way people have to scrounge around for housing, the treatment that many of the tenants receive in our housing units—not only in Ontario Housing apartments, but where it is completely free enterprise—leaves a great deal to desired.

Because this great problem of housing, of where we live and how we live is becoming a problem of urgent national priority, and it is even of greater priority in the city of Toronto simply because of the tremendous urbanization that has taken place.

Of course, one of our basic problems, and probably the basic problem, is cost. Land in the last few years, particularly since the Second World War, has gone up 240 per cent in an area like Metropolitan Toronto. In some cases it is higher. We might point out that construction costs have gone up probably between 40 and 60 per cent, depending on what area you might be trying to appraise the increase in costs.

Now, there is no one answer to these problems, and the way the government administration is planned today this department, under this particular vote, will not find the complete answer. But what we have said before, and others have said before is that this government should create a department of urban and rural development. We simply need, today, a housing guide. You cannot begin to approach any of the problems on housing unless you first approach the situation of local taxation.

Municipal taxation is one of the major problems in housing today as well as in many other problems. We in Metropolitan Toronto look up at the township of Vaughan and see the great empty space there and think—this is an obvious place to build houses, particularly single-family dwellings. And yet, the members of the council of the township of Vaughan—and I do not blame the councillors up there—do not want a house built there unless it has a market value of $40,000, because this is their breakeven point by the time they pay for education and for the sewers that must go in. So you cannot expect a community such as the township of Vaughan to suddenly take on this tremendous responsibility.

I say to the Minister, through you, Mr. Chairman, that unless he gets together with his other colleagues in the Treasury Board, they are simply not going to solve the housing problem until the major problem is met as to the cost of education—which we have said the province should take over 80 per cent of—until we look into the problems of rapid transit, which the hon. member for York North has dealt with so extensively—and I do not intend to go into that in detail—or for that matter the cost of sewers. These are obviously today the responsibility of the province, and when we realize that the local homeowner, or the would-be homeowner in the township of Vaughan, has got around his neck the albatross of legislation that was basically the same as was passed under Baldwin in 1849, it shows we are still living in the horse and buggy era.

Again, we in the Toronto area—and it is a similar problem in any expansion area—have the problems of outgrowing our boundaries. We want to build houses. We have, in the township of Pickering, 80,000 acres to

be built upon, but the Ontario Municipal Board will allow only 100 residential permits a year—one hundred residential permits a year in the township of Pickering—despite the fact that there are 80,000 acres on which to build. It is the same problem again. They are in financial difficulty because of the cost of education, because of the cost of the sewers, because of the cost of transit. Again it is mainly the cost of education.

Unless the Minister seeks new ways to find land that is available—and it is not far away—he is not going to put up the houses that are needed.

Again, I just touch on the red tape that this province has placed in the way of subdividers—or the free enterprise system, if you want to put it that way—which literally strangles developers with the long delays. Again, this adds to housing costs; this adds to the number of people that must seek subsidized housing and, in the end, Ontario Housing Corporation must—in one manner or another—find housing.

We have talked about the National Building Code. Certainly the province wanted to implement the National Building Code; they could implement it on a province-wide basis. I know members of the government party have spoken on this matter and yet nothing has been done. This has hamstrung the free enterprise element in the housing industry.

One matter that I have advocated for many years—and I was hoping the Minister was going to do something about it—is the use of second mortgages. I believe there was a fund set aside—a $50 million fund—and that the government was finally going to get into the second mortgage field. Now I feel that this is probably going by the way because of the change in the money market.

These are a few of the things that are going to have to be developed, and they are going to have to be developed with an overall government policy. And when you have a major crisis, such as the crisis that you have facing the housing situation in this province and in this country today, we are going to have to have far more direct action.

The hon. Minister has often been complimented on his drive and his energy when it comes to establishing trade affairs or advertising the province of Ontario. I am glad he is given credit for his ability as a salesman. But when it comes to housing, this should not be in his department, because this matter of flamboyant headlines—or housing by headlines, as we call it—simply will not do. We have had such situations on so many occasions with his Minister; we just had it the other day about the 60,000 people who are going to be on Centre Island in the harbour, and still there has been no discussion with metro or with the city of Toronto.

Hon. S. J. Randall (Minister of Trade and Development): How do you know there has not been any discussion?

Mr. Trotter: Because we were informed, as of yesterday, that they could not get an appointment with the Minister.

Hon. Mr. Randall: Oh no, no!

Mr. Trotter: This is the information we have. Essentially what you were telling us about settling people along Toronto lakefront, as far as there being any practicability to it in the foreseeable future, or any proper plans having been made, is just hogwash.

Hon. Mr. Randall: You said the same thing about Ontario Place.

Mr. Trotter: Well, I have asked you time and time again if it is part of an overall plan.

Hon. Mr. Randall: Sure it is.

Mr. Trotter: And you say, yes. But when we hear your answers and try to check with what Metropolitan Toronto is doing or what the city of Toronto is trying to do, they seem to konw nothing of what you are trying to do. Literally, the province of Ontario, maybe in your mind, is just taking over the Toronto waterfront. And certainly I feel that the answers you have given to us in regard to the Toronto waterfront—or more particularly, housing on the Toronto waterfront—are just unacceptable.

Hon. Mr. Randall: Well, I hope you live long enough.

Mr. Trotter: I am afraid you would have to live an extremely long time before this Minister can substantiate anything that he has promised in regard to housing on the Toronto waterfront.

Believe me, Mr. Chairman, the Toronto waterfront should be developed because it is probably the most valuable piece of real estate in all of Canada and it is unfortunate that the facilities that could be made available down there have not been made available.

But let us remember that if we are going to encourage community planning and get people involved, it is extremely important

that a group of people such as the Metropolitan Toronto council and the Toronto city council have an important part to play. But the Minister's announcements of the other day were completely flamboyant hogwash.

Hon. Mr. Randall: Want to bet?

Mr. Trotter: Now the Minister has gone to some length on various occasions about how they are going to finance housing and I, for the life of me, cannot understand his almost-complete dependence—and in this he was, I think, in agreement with Paul Hellyer, and I disagree with both of you—on private capital.

For example, suppose you have a housing crisis—as you certainly do not have to suppose today; you have it—and suppose you are depending on private capital as you were in 1966. And along comes the Atlantic Acceptance crisis, and the loan and trust companies just cut their mortgage money automatically by 48 per cent. If government policies just sit back and depend on that, they will never get the money that they need.

I think in that same year the loans for apartment buildings were cut 44 per cent simply because the money market went sour over Atlantic Acceptance.

In 1969, this year, now, we need about $3.5 billion in all of Canada for the housing market. How that breaks down for Ontario, I am not certain. I would assume a great proportion of that $3.5 billion would be required in Ontario simply because of its size. By 1974, which is not very far away, by the most conservative estimates, if a Liberal can use that word, you are going to require $5.5 billion to put up the required housing. I hope the Minister can give us more of an answer than he has in the past, as to how is he going to get it.

There are a number of things that possibly can be done. The one obvious one is the government itself is going to have to go into the land purchase market. I believe that land banks are a necessity, not only for the money that has to be put in, but in order to cut down the speculation. For example, if it was known that either a private developer or the government was going into the area of Pickering to buy up part of that 80,000 acres, land would automatically sky rocket, and the only way you are going to cut down that speculation is by the government having overall planning in that area as to what is going to happen.

I think in Saskatoon they have had their own land banks, and certainly, they have not destroyed free enterprise one way or another. In fact, when land has been cheap, when land has been relatively inexpensive, it has not only helped the homeowner, it has certainly helped the man who is in the building business.

My own feeling is that government will have to take a more active participation in the purchase of land and I, for one, am quite content to leave the building of houses and the building of apartments to the free enterprise industries because I believe that they do it far more efficiently than government would. But even a builder today, unless he is a huge concern, simply cannot afford to buy the land as it is.

I would hope that the Minister, when he is seeking money and trying to find new inroads for capital to be invested in housing, would look at the pension funds. I think today only about nine per cent of the assets of the pension funds in Canada are in such investments as mortgages. Again, that figure is for all of Canada, but I think in all fairness it applies very heavily to the province of Ontario.

When we recall that even as of, I think, 1967, the pension funds in Canada had $8 billion, only nine per cent of it, as I was saying, was invested in the housing industry. By 1972, because of the extensive pension plans that are now operating, there will be $14 billion in this type of fund. Certainly, the pension funds are under provincial jurisdiction and the Minister is going to have to do a strong selling job on these various funds, but I think if private enterprise does not co-operate or seek to carry out what is certainly a social responsibility, the government is going to have to take stronger action than it has in the past.

Canada Packers, for instance, has 60 per cent of its pension fund in the mortgage market and it evidently is doing well. I think where free enterprise has shown that it can make a project acceptable, it is a good selling point for the Minister to carry to these other pension funds. But neither the insurance companies nor the pension funds have been measuring up to their responsibility in this matter. These loans, especially when made through Central Mortgage and Housing Corporation, are guaranteed by the government. They would have a guaranteed investment. The moneys that have been available for housing have not been sufficient,

and government has been at the behest of these large concerns year-in and year-out.

We make a tremendous mistake in trying to finance housing if government just sits back and hopes that the market will turn out all right, because in the meantime, hundreds of thousands of people will go without the proper shelter that they should have.

I do recommend to the Minister, and maybe later on he can remark on this, that as a result of the amendment of section 16 of The National Housing Act in June, the private charities are now able to take advantage of Central Mortgage and Housing Corporation loans so that the churches and private service clubs can now get into this market. I do hope that the Minister has a strong programme that will inveigle these various charitable groups to enter the building market.

I think that the Minister has mentioned, but only mentioned, that he might be in favour of the establishing of building and loan societies. These work successfully in Great Britain. They have not worked here, nor do I think there has really been legislation available on which they can properly operate, but this again is an important field that we could use.

I have dwelt on the financing, Mr. Chairman, simply because without solving that basic problem and building houses you are not going to solve the shelter problem and the shelter crisis in this province, and I think the Minister's programme for approaching the financial situation has been weak. What sets the average citizen off and makes them tune out of government policies is when they see a newspaper headline like this, from the *Globe and Mail* of last May: "Bramalea land deal packs $20 million profit." The newspaper goes on in some detail as to how the Bramalea Company is going to make $20 million—not all of it out of Ontario Housing Corporation, they are not saying that—but as a result of a deal made through Ontario Housing Corporation, and through Ontario Water Resources Commission supplying the water, that made it possible for the private companies to make this amount of money.

I think we should remember that the Ontario Housing Corporation should go into the market to buy land to compete, to knock down the price of land, and not as you did in this case, literally buy at a low amount and make a profit off the person who is buying the house. Then, too, remember that the value of this land has increased tremendously. The fact that the Ontario Water Resources Commission will build the necessary sewage system really increases the value of private land at public expense, because the Ontario Water Resources Commission is almost completely a public enterprise, completely financed by the taxpayers' money.

If we are going to have a financial policy in this province, it should not be so that Bramalea Building Company can make $20 million, but so that the people of this province can get homes and rent apartments at decent prices and at decent rents.

Mr. Chairman, I would like to make a few remarks in regard to the treatment of tenants in this province and more particularly the treatment of tenants by the Ontario Housing Corporation. I think one of the problems of tenants these days, Mr. Chairman, is that too many people who make the rules for the tenants have never had to sign a rent cheque. And the problem with the landlords is they look at tenants only in terms of the rent cheques. To me the way these great apartment complexes have grown, whether through government sponsorship or strictly private enterprise, they have reduced the tenant in many ways to a nonentity. He is in some cases a prisoner with a view—some views are better than others—depending on how much money he has. Certainly under our present landlord and tenant system, he is little better than a feudal serf.

We have been waiting now, impatiently, and we are tired of waiting, for the new Landlord and Tenant Act which has been promised by this government, because it is long overdue that the tenant should have a bill of rights in this province. And you know, one of the worst examples that I know of, how tenants have been treated, is in one instance in the Ontario Housing Corporation development that is run by Greenwin Construction Company at 250 Davenport Road. I am sure the Minister has heard of this instance, and I am sure the Minister who has said that he lives in an apartment and probably has no problems, would not run into the situation that tenants of the Ontario Housing Corporation do at 250 Davenport Road. Under the guise—and maybe with an honest attempt to keep order in the building, to keep out hippies, the man at the door of the building kept a notebook of everybody who came in after a certain hour.

I am sure the Minister would not like it and I certainly would not like it, if they kept a record of who called on whom after a certain hour. It may be in some areas that they have trouble keeping order in some

buildings; this happens with private enterprise as well as with the Ontario Housing Corporation. But I tell the Minister, Mr. Chairman, that I know of no place where they go snooping around keeping track of who comes in and who goes out, who calls on whom, how long they stay. The Ontario Housing Corporation seems to be greatly worried about the morals of the tenants. In some cases they assume, or seem to assume, that the people who have low incomes have a greater tendency to be immoral than those who have higher incomes. It is an unfair assumption and I would hope to see too that the Minister would set up some type of regulations to see to it that his tenants are protected.

The Ontario Housing Corporation has, I understand, done one thing that is a move in the right direction. In June, 1969, the tenants at Regent Park were promised that they would have a meeting at least once a month with the representatives of the Ontario Housing Corporation, and so they should have. But I think they should go much farther than that because if tenants are going to become a part of the community, if they are not going to be just prisoners with views, they are going to have to have more opportunity to express their views because what tenant, particularly of Ontario Housing Corporation, wants to write in a complaint and sign his name? He knows he can get into too much trouble. The Minister has a tremendous opportunity here to pilot a new way of treating tenants that are going to live in these great apartment complexes.

I would hope that the Minister would establish either boards or committees in these various complexes where the tenants could meet and govern themselves. I think if this was even experimented with it would be a great step forward. When we get in these areas like Regent Park where there are 9,000 tenants and, I believe, there are approximately 5,000 children, you are obviously going to have problems. The only way you are going to meet those problems is to give the people in these complexes responsibility. I understand that in Regent Park there is a curfew on the children for 10.00 o'clock. Now, I do not know how much say the tenants had in that, I do not think they had very much, but if that is the case I think it is high time that tenants' associations were encouraged.

I will give you an example, Mr. Chairman. One tenant association which I know of needed a few funds just to get organized, it simply could not raise the $200 or $300 that was required. I think it would be worth the experiment for Ontario Housing to give these associations perhaps $500, not just for sporting equipment or under the guise of sporting equipment or something like that, but an opportunity to form associations to govern themselves.

And you know, Mr. Chairman, this whole idea of the tenants having an opportunity to govern themselves comes into the concept that we are going to have to develop in our communities, new communities that are growing up in urban areas—and that is community planning. Any large housing development, particularly in the apartment complexes, should take into consideration recreation centres, child care centres, the centres where the mothers have the opportunity to go to work, because we well know that many of these homes are mother led, and many of the mothers would, if possible, work. But there is really no allowance for these things in the way that our present housing policy is carried out. They are huge filing cabinets of steel and concrete, and people are supposed to exist in them. And here I want to emphasize that it is not just a matter of having a roof over their heads; it is the quality of living, it is the kind of life that they are going to have to lead. I know that this department through the Ontario Housing Corporation, turns the administration of some of its buildings over to the Montreal Trust or to Greenwin Construction and pays them for the effort. I would suggest that an effort be made in giving the tenants an opportunity to run themselves, that some of the money that goes to Montreal Trust might well be spent at least on an experimental project, in having the tenant help themselves.

It is quite possible to form co-operatives whereby the tenants could actually own their buildings. We have co-operative apartments now where we can buy shares in the development. At least an experiment could be carried on in one of these large complexes where the tenants live.

Mr. Chairman, I have been disappointed that the hon. Minister has I believe jettisoned his plan to give rent subsidies. In June, 1969, the federal government passed legislation in which they said that they would supplement the rents if the government would take over —in this case the Ontario Housing Corporation—this problem of subsidizing rents. And the Minister has given us his reasons for it. In fact, the Minister stated in the House the other day, went so far as to say that public housing was not the answer for

Ontario. But my concern is that he has not given a reasonable alternative, and I gather from his remarks that he has scrapped the planned programme of rent subsidies with the feeble excuse that the landlords do not wish to co-operate because there was no shortage of tenants.

Mr. Chairman, this may be true in what they call the "swingles" apartments or the "swingles" high rise, but in cases where a tenant in a given building finds himself unable for various reasons to keep up the rent on his apartment. In the majority of cases welfare payments will not enable him to get above water again so he is evicted and he becomes an emergency case for Ontario Housing Corporation. OHC does not have enough units to meet this kind of problem.

Mr. Chairman, any of us who are members of the Legislature in one of these large urban areas know that this is very common. Someone is evicted who cannot pay the rent. It is the usual story of the mother with five or six kids, there is nothing available, and just try to get something on short notice.

This is one area in which the Minister has just not covered the situation at all and that is, tenants who are already housed but unable to meet the rent, and at the time the proposal was made to landlords there were 10,000 vacancies. Originally the landlords welcomed the proposal but would not go along with the idea of reduced rents and the amount by which the government proposed to reduce the rents probably caused this change.

Nowhere, however, was mention made of plans to subsidize rents in anything other than high rise apartments. What about the hundreds of people who live in rooms, who live in flats, and who live in duplexes here in the city of Toronto? There are many self contained flats in private homes that are good places to live and still people are being evicted. Surely if these units met the basic requirements they should not be ruled out?

I would suggest that the Minister is guilty of imposing value judgments on landlords and tenants when he just says, "Well, the landlords will not reduce their rents." Because, as I understand the approach the Minister had, he just thought of the 10,000 vacancies in the high rise apartments. Again I emphasize that there are a good many other places, in fact, many more desirable places to live than the high rise apartments, particularly if you have a family. I may be old fashioned in this, Mr. Chairman, but I still think the place to raise a family for the most part is in a house, not in a high rise apartment, and this is a problem that we are going to have to face.

In dealing with the rent subsidies, or rent supplements as some like to call it, this idea has been tried in the United States since 1965. The American government has been operating a rent supplement and subsidy programme, and those tenants eligible, are individuals or families whose incomes are such that they are unable to obtain standard housing at a rental which is equal to, or less than, the maximum amount that is established for admission of regular tenants in public housing. Also, it is for those who are, and mind you now, these are four segments that can easily be covered in Toronto: Those that are occupying substandard housing, are displaced by governmental action, elderly or handicapped, victims of disaster; these people, if they are in substandard housing could be moved if they were given help in paying their rents. In some cases, in fact in most cases, they are already paying their rents and they could carry on if they had some help.

There is a limitation as to what assets a tenant has. The Americans have used the system that the amount of payment cannot exceed a difference between one quarter of income and rent, and cannot be more than 70 per cent of rent, or less than ten per cent. One thing it does, it encourages people to take their independence and I think that this is becoming more and more important every day as we see the applications rising for public housing. It seems that people are going to end up in these great complexes, but unfortunately in some instances can become ghettos.

The American government has spent, or authorized to be spent, approximately $12 million on this—that was their initial payment. Now, if we remember what we have spent on our financial plan where we gave tax rebates in the province of Ontario, that election promise that I imagine the government is now going to change, we will see that $12 million is a relatively small amount of money. This rent supplement programme that we think should be carried out, we found that in the United States not only made available more units than was possible under public housing, and in a much shorter time, but it had the added advantage of being realistically keyed-to-need.

The subsidy remained very flexible and gave the tenants a sense of permanance impossible in public housing, and under the United States programme the subsidies bring

the rents up to that which would be normally charged for the unit in question.

That is an interesting point, because I think this is what got the Minister in trouble with his programme that the landlords would not reduce rent. There are two ways to reduce rents, Mr. Chairman. The best way, and the way that we would advocate is to build a sufficient supply of the various kinds of housing that are required. That will reduce your rents and the cost of houses, and the other way, of course, is to control rents by government legislation. This I would support in a limited scale as we supported Ottawa's request that they have rent control. But, in the long run, it is building in sufficient supply. The Americans did not use this rent supplement as a lever to force the landlord to reduce their rents. Whether or not the Minister thinks that rents are too high is, in this particular instance, irrelevant, and if he says they are too high I would agree with him.

In order to operate a subsidy or supplement programme he must pay the going rates. I would rather see him pay the going rates and get shelter for these people, than more or less horse around, if I may use that unparliamentary expression, and get the thing done. It is too early to judge what the overall effect of the American programme will be. But this much emerges. It took the pressure off public housing, and goodness knows, Mr. Chairman, we need that here. It made strides towards removing the stigmas generally attached to the tenant of the public housing group. There is no reason why part of the $40 million being voted under this vote for new projects under OHC could not be redirected and used to initiate this kind of programme.

Mr. Chairman, I would hope that the Minister would not only take these suggestions into consideration, but do something. He has now got at least a promise of 50-per cent federal help. I may say that that legislation in amending the Act was long overdue. It was belated but it has been done and now, the Minister certainly does not have the excuse any more that the federal government is not taking any interest.

I know, Mr. Chairman, in dealing with the tenants and getting them moving in our Ontario housing projects, there has been a great deal of difficulty over how much they should pay. There have been situations where a tenant does well, gets a good job, his rent goes up and then he is out. There has been a *moratorium* on the rent-geared-to-income programme but I would like to know, when the Minister has a chance to answer, just what that programme is. We suggest two things in trying to deal with the tenant who is becoming successful. After all, the whole idea to begin with of subsidized housing was to give the tenant an opportunity to establish himself so that he could buy a house out on the open market. Because of our failure of putting up houses at a decent price and because of our rent-geared-to-income programme, the tenant is in a vise and is simply getting nowhere.

We suggest to that tenant who is succeeding, two things: that a relatively low rent should be fixed and if he is charged over and above that amount, because of his income, it should be put into a fund and if the tenant, say within a year, moves out and buys a house, a sum over and above a certain amount that he has paid in rent should be given back to him if it is on a down payment of a house. In other words, you are encouraging him to get a home of his own.

There is one other way that I might suggest. After the tenant has paid a sufficient amount in rental at least the government has got back the full cost of the rental unit, and the tenant who is paying a relatively high rent should be given a lease for a year at a set rate so that he has an opportunity to save. What I regard as a recovery rate—and I can be corrected if I am wrong—is the maximum cost to Ontario Housing Corporation of a particular apartment or unit. I say when that has been paid for, the tenant in there should be given a lease for at least a year so that he has an opportunity to look around and decide what he wants to do. Again, your rent-geared-to-income takes no account, in my view, of the man or woman or the couple with the large family because it is far easier for two people to get along on $4,000 a year than it is for the couple with four children. This has been a weakness in the rental programme.

Mr. Chairman, in conclusion, there will probably be other opportunities on this vote to say something. I do want to say this: that in meeting the housing programme, there are various types of housing that are going to be required. First and foremost—and I may be old-fashioned in this; they tell me this cannot be done, I still believe it can—we should keep in mind the importance of building family homes. There is room for tremendous expansion even in a great urban area like Toronto if we keep in mind the surrounding land and if we keep in mind that this is an overall policy. This Minister will never solve it by himself but, if he takes into consideration the various taxation

policies that are required on the local level and the taxation relief that is needed, far more homes could be built than are being built. We know that in the Toronto area a 50-foot lot costs between $10,000 and $12,000, which is certainly getting out of range. It puts the house up into the $32,000 range. We could also use this land for the semi-detached house where, on 60 feet, you can put two homes, which reduces the cost of your land per unit to around $7,000. You can put up the row housing, you can get 12 row houses to an acre—where normally you would get four or five single houses on an acre—that cost around $4,000 a unit.

Mr. H. Peacock (Windsor West): You can get 17.

Mr. Trotter: My friend from Windsor West interrupts and says that you can get 17. This is true but it depends on the density and I would try to keep the density as low as possible, as well as making it economically possible. Maybe one of the reasons why Bramalea can make $20 million is because they can pack them in more tightly. I would say that from what I have heard from building experts 12 row houses per acre would seem to be a reasonable, marketable way of handling th'ngs and giving people decent housing. Of course, 20 maisonettes can be built at the cost of $2,000 per unit for the land.

All these things have to be considered as well as the redevelopment. I say this, insofar as redevelopment is concerned, Mr. Chairman: that I quite agree with a lot of what Mr. Hellyer and his task force had to say about redeveloping the older areas. I do disagree though, where he seemed to ignore the problem of subsidized housing in the way we know it through Ontario Housing Corporation. One bears in mind the community effort, such as the people in the Trefann Court area, or Kensington, or particularly the people in the Don Vale area in Toronto. When we bear these things in mind, we know, we feel and we believe that a community can be redeveloped.

One of the reasons why the board of control was afraid of the Don Vale project was that there was no federal or provincial legislation. My criticism of the board of control was that they should say they support it and literally embarrass the federal and provincial governments into doing something.

In discussing this matter of redevelopment the Minister may say, "This comes under The Department of Municipal Affairs, therefore I am not concerned with it." It is housing and if they do rip out Don Vale or rip out Trefann, then end up putting up large apartments, the hon. Minister is going to be stuck with the problem. It is an overall problem and we should encourage the community effort.

These are a few of the problems, Mr. Chairman; there are many more we can discuss in detail. The problems of our tenants living under circumstances where the terms are made all in favour of the landlords, where literally to break the lease, one must have a baby—these are the problems that involve the individual literally in hundreds of thousands of cases throughout the province of Ontario more particularly in the large urban centres. I must say that the Minister in essence is not coming to grips with the housing crisis in this province. It seems we have been listening to his announcements about Malvern, about Flemingdon Park, literally for years. And it does not speak well of government that they cannot give the leadership that is required and which it is quite capable of doing.

You have civil servants there who are able to carry out the job if they were given the political leadership that is required under the type of government that we have today. So I say to the Minister, let us have less flamboyant announcements about Malvern, Flemingdon Park and Toronto Harbour. Let us have more housing units for the people of this province.

Mr. Peacock: Mr. Chairman, the Minister is waiting to answer until those of us on this side have said what we wished to say, as he did last night, and produce the rabbit that he thought he had inflated in this Chamber that was burst so easily by the member for Scarborough West (Mr. Lewis).

May I ask the Minister if he has a Stevenson and Kellogg independent report to produce for us on this vote, Mr. Chairman?

Hon. Mr. Randall: I might say I have no rabbits for you. I will listen to this programme.

Mr. Peacock: Mr. Chairman, the Minister says he has not. I am disappointed because yesterday he assured us—and we were delighted with the assurance after reading that report last night—that every single aspect of his activity is submitted to independent research. Then why not the Ontario Housing Corporation? Perhaps there was a report waiting in the wings?

Mr. S. Lewis (Scarborough West): There is.

Mr. Peacock: A Stevenson and Kellogg report that the Minister is not quite so certain in producing now.

Mr. Lewis: No, there is the management consulting firm of Suters and Whaley now.

Mr. Peacock: In the meantime, let me suggest one task for Stevenson and Kellogg to do for the Ontario Housing Corporation or more particularly to do on the Minister, is his use of figures and statistics in comparing the housing effort in this country with western Europe and Scandinavia, with which he berates us each session in dealing with his estimates.

He told us on Friday morning that the government-sponsored housing being developed in Europe and Scandinavia had people hopping in and out like rabbits in their warrens. Well, maybe that is an unfortunate analogy—

Mr. Lewis: A little risqué.

Mr. Peacock: —but, Mr. Chairman, the effort to build houses, leaving aside the Minister's analogy for the moment, the effort to build housing in those countries is not just quite so dismal as the Minister tries to make out.

I do not have an accurate comparison with the efforts made there and the efforts made in this province because I do not think the figures are available in a provincial breakdown. But the Minister was using national statistics for Germany, and the Netherlands and Denmark and Sweden, and the Soviet Union and other countries behind the Iron Curtain.

I took the trouble to look up some, I think, solid figures which measure that effort over a recent period of time, over the last five years ending in 1968.

They show that in France, housing starts numbered 8 for every 1,000 persons in the population; Denmark, 8.3 housing starts for every 1,000 persons in the population; The Netherlands, 8.9 housing starts for every 1,000 persons in the country; West Germany, 10.1 housing starts for every 1,000 persons in the country; Sweden, 11.8 housing starts for every 1,000 persons in the population.

Canada's effort, on a national scale—the only figure I happen to have—is 8.3, coming ahead only of the effort of the United States and the United Kingdom, among those western countries that are carrying on a public housing policy for its citizens.

The only two countries, Mr. Chairman, in the North Atlantic community that are behind this country in its housing effort are the United Kingdom and the United States. All those other countries that the Minister is so critical of are making a better effort in proportion to the size of population than this country.

Now I know that he has been looking into some of the means that are used in Germany and Scandinavia to increase their housing stock. He is very, very much interested in the simple physical production of housing, there is no question about that, no denying that. He has had the housing conference at the Inn on the Park, at which he has had the four proponents of the systems building approach, make presentations and endeavour to interest builders in the traditional manner of constructing housing in this country to shake off some of the old, stagnating techniques they still cling to.

So far, I do not think he has made that particular breakthrough, but I want to discuss a bit more incisively, perhaps, than the previous speaker, the hon. member for Parkdale, three particular areas of housing policy, one of which is the supply, the physical production of housing the Minister is failing in.

The first, of course, is production. Any housing policy has to have a total commitment to production that is adequate to the total need, that is suitable to the particular needs of each group of people in the economy, all income levels, and is appropriately dispersed and located throughout each of our metropolitan areas at costs within the means of households at every earnings level.

The second goal of a comprehensive housing policy is community development—the rendering of opportunities to families of all income levels and social and ethnic backgrounds to find security in their public housing community, to find opportunities for participation, for their own contribution, for self investment, and where they have good access to services and recreation. The kind of community development that encourages leadership potential from tenants, not meek submission to authoritarian boards of management and local housing authority directors.

The third overall commitment to a good housing policy in this province would be a social commitment to strengthening individual and family life among those persons who are unable to provide housing for themselves in the private market; for the problem

families, as they are sometimes referred to, for the deeply-troubled families who will not respond, will not be able to fend for themselves if shelter and community services are adverse; families who need homemaking services, who need the help of family service counselling, whose children need study halls, whose mothers need day-care centres, and opportunity to get out into productive employment and not be penalized by our provincial welfare system for doing so.

In each of these three comprehensive aspects of a total provincial housing policy, as we pointed out last Friday morning and again this afternoon, a single agency of government, such as the Ontario Housing Corporation, cannot help but fail.

In two of these particular aspects I think it failed almost wholly and entirely. Certainly in the first aspect, that of production, it has fallen far short of meeting what is yet to be ascertained as the effective demand for housing in this province.

It was only on August 15 of this year, I believe, that the Ontario Housing Corporation first advertised for a staff officer to carry on the activities of surveying need and demand for the housing corporation's programme in this province.

Only on September 19 was someone sought to undertake overall co-ordination and planning research into the collection of quantitative, qualitative and demographic housing stock and housing need statistics in this province. Am I right? First time since the establishment of the Housing Corporation.

Hon. Mr. Randall: I will tell you when I get up.

Mr. Peacock: Now, Mr. Chairman, in the hearings of the standing committee of this House on government commissions early in the spring before which the Ontario Housing Corporation appeared, we spent a great deal of time discussing this very point, that the housing corporation's reliance on the applications filed by families and senior citizens in need of housing simply is not an adequate measure of the extensive housing demands in this province. And it is only now, I think—very likely as a result of that prodding by members in this party on that committee—that the corporation is moving to undertake a scientific and statistical analysis of demand.

In the sphere of production, the corporation—of course it should not be blamed; it is the successor to earlier federal-provincial policies—has inherited some of the costs of our urban redevelopment and urban renewal schemes that have brought commercial enterprise, expressways, luxury high rise apartments, to the locations where blighted, slum housing was previously present. And, I think, in the process it has probably destroyed more modest housing for low-income families than all of our public housing programmes, at least in the large urban centres, have replaced in the post-war period. However, the corporation is still trying to catch up with those misguided urban renewal programmes of the early post-war period.

Granted that the corporation has been concentrating on physical output of housing stock, there are real doubts about the qualitative change that has been accomplished for those who have been rehoused and for those new families who cannot find housing for themselves in the private market. The rent-geared-to-income formulas, as I said on Friday morning, has locked in those families who once thought of themselves as potential homeowners. And within the public housing field the Minister is still tantalizing them with announcements that sometime in the future they may become homeowners. In that area of housing policy, Mr. Chairman, there is no question that the element of home ownership would make a tremendous contribution to the sense of community development in those locations.

The rent supplement programme has failed to add to the stock of Ontario housing or public housing in this province. Failed perhaps because the Minister was looking at the wrong supplier of available housing stock—the high-rise luxury developments where he found rents just too rich to be subsidized by the public treasury. Housing that had been built recently at high cost and that no amount of subsidization possibly could overcome.

Perhaps the Minister will renew his offer to introduce a rent supplement scheme. I hope he will, directing it at more modest kinds of accommodation, thereby, perhaps, promoting some mobility among our housing tenants and tenant-owners, motivating people who are occupying housing with space in it much larger than their present needs require, and assisting them to leave that kind of accommodation and make it available for families whose needs in terms of larger families are greater than the present owner-occupants'.

I know the Minister has had his troubles with the federal government over financing—the key to producing more housing stock. The National Housing Act has served less and

less in recent years to provide housing for the private purchaser. In 1968, 18 per cent of borrowers of NHA loans in the large urban centres of Ontario were persons earning under $6,500. Almost half the borrowers from NHA in our large urban centres in Ontario were earning over $10,000 last year.

These are the same people who are being served by the HOME programme in the large metropolitan centres. The Minister can point to Arnprior, where he can offer HOME-financed housing to families with incomes well below the incomes required in large urban centres like Toronto, London, Hamilton or Windsor. But where the pressure is greatest, in these cities, the fact is that income requirements are still very much those of The National Housing Act for the Minister's HOME programme and it thereby tends to serve the same group of people who were abandoned by NHA since the rise in interest rates a few years ago.

I spoke of community development as one of the aspects of an overall housing programme. I asked the Minister a written question on the notice paper, some months ago, whether the inclusion of a day care centre for the first phase of the Chapel Glen Village condominium development, was a condition of acceptance of a builder's proposal. It still sits unanswered on the order paper, Mr. Chairman, with no indication from the Minister as to whether he has yet developed any concern for that kind of community service that must go hand-in-hand with the building accommodation.

We have made a lot of wrong assumptions about public housing in this province, assumptions which have not yet been cast aside by the Ontario Housing Corporation; the assumption that the family style of living will automatically change if they are afforded a decent shelter; the assumption that the local authority's job is to provide shelter and nothing more: it is up to the social agency whose social services are available to handle the hang-ups of the tenants in public housing; the assumption that it is the function of social services to bolster management in the local housing authority to cause tenants to conform to management policies, rules and procedures; if public housing is a pretty good social environment for those people that we have to displace to the building of expressways and other redevelopment and renewal projects, I do not think that the Ontario Housing Corporation has yet—perhaps it cannot by virtue of the fact that it is simply an executive agency of the government reporting to a Minister who does not have an executive departmental responsibility for housing and urban affairs—cannot yet accept some of the basic propositions about community life in public housing. For many families in that housing, poverty is a root problem. Lowering the rents or establishing rent-geared-to-income scales, is not going to solve the basic fundamental problem they face, of lack of money. They will not yet accept that large collections of poor families compound the frictions of badly designed housing, and that high-rises, high density of population and large numbers of children contribute to a lack and impediment of the development of community spirit.

Mr. Chairman, the building of public housing in this province has gone on apace without regard to the factors of community development and the promotion of individual and family life. I think that the organization of housing projects in this province has to be preceded by community development action plans. They have got to be made conditions of development. The Ontario Housing Corporation has got to go to the municipalities and the private social agencies and discuss with them the provision of day-care centres, of recreational and open space, of the various social services that many of the tenant families will require, the adequacy of educational facilities and cultural and youth activities in the neighbourhood where these projects are to be constructed.

I think the Ontario Housing Corporation has got to make it quite clear that it will recognize boards of tenants' affairs, not simply tolerate them, not simply say that it is anxious to have them, but to make it quite clear, project by project, that it would welcome the formation of tenant organizations to represent the tenants in those projects. Not that I subscribe to the suggestions of the hon. member for Parkdale that OHC assist in their promotion by the payment of cash grants to finance their activities. I think the impetus has to come from within the group of tenants themselves once they are conscious of their ability to shape their environment, and find equal weight with the local housing authority's board of management in working out the problems that face them.

Boards of tenants' affairs should be established, composed of representatives of the local housing authorities, the municipalities, Ontario Housing Corporation, and the tenants themselves. The board should rule on the admission and eviction of tenants and

applicants. The board should, in co-operation with the housing corporation, lay down guidelines for informing applicants for Ontario Housing within a given reasonable period of time the reasons for their ineligibility, and give them the right of appeal to some body—such as the board of tenants' affairs—other than the local housing authority management.

The reasons for an unfavourable decision must be clearly and concisely stated in relation to precise standards of admission that are made known to the applicants as soon as they arrive at the housing authority office to submit their application. The board of tenants' affairs should have purview of the leases; it should be after the Ontario Housing Corporation to draft the leases in simple language; the leases should be terminable only for conduct that is injurious to other tenants, or destructiveness of the premises, the kind of conduct which is irremedial, that cannot be changed by social or medical help, and any eviction for any cause other than, say, persistent arrears of rent should be appealable by the tenant to a board of tenants' affairs.

The board should help to ensure the rights of privacy of tenants, that their rights will be respected, and that they will not be harassed in the form of fines, charges for repairs, or threats of eviction. I think the housing corporation has to consider increased effort to involve tenants in the management of the projects through the creation of representative tenant organizations, or representation of tenants on local housing authority boards as well. I know we discussed this with the Minister last year in his estimates of June, 1968, when he stated at that time, and has since, that consideration is being given to having tenants appointed to the Ontario Housing Corporation board itself, and certainly to the boards of directors of local housing authorities.

In all of these various areas of application, eviction, and adjustments in rent that may or may not be justified, the board of tenants' affairs should have veto power. Its decisions should be binding on the project management, or the authority in respect to all of these matters.

I know that the Minister or his officials have heard the extent to which public housing management in other jurisdictions has gone in reviewing these two aspects of housing policy—namely, the achievement of a sense of community development, and the promotion of better individual and family life—in some of the conferences that he has organized. He received from the commissioner of the Detroit Housing Commission in October of last year in Windsor, and I believe had him again as a guest at a later housing conference, an extremely impressive questionnaire on public housing administration which was developed with a view to updating management policies and practices in the Detroit Housing Commission.

I would like to read some of the questions that administrators of public housing in that jurisdiction are asking themselves, Mr. Chairman, and enquire of the Minister if he himself has had his officials look them over with a view to considering their application to the management of Ontario Housing projects in this province. They are:

What housing authority policies and procedures need to be changed?

Which policies are most offensive to the tenants?

Which policies should be eliminated and simplified?

How can residents assist in determining which procedure should be changed?

How could administrative policies be liberalized to enable over-income residents to remain when there is no suitable housing in the private sector? This is a question that has plagued the Minister in respect to several projects in the Windsor area.

What is the most equitable rent system and income re-examination? How often should a resident's income be re-examined?

How can applications for accommodation be simplified? Which information can be eliminated? Criminal records? Number of illegitimate children? Marital relationship? Addiction or alcoholism in the family?

How can leases be simplified? This is a question that has been raised in this House on numerous occasions.

Can damaging surcharges and security deposits be eliminated? What maintenance services are the responsibility of the housing authority as the lessor?

How can housing be made more secure for residents' safety? A change of locks each time the unit is vacated? Also a number of other suggestions following from that question.

What kind of procedures should be established in order that residents and applicants may receive a hearing on complaints?

Who should be a member of such a hearing panel? How should members be appointed?

How can housing authority office hours be scheduled to accommodate working residents?

Should residents be informed of housing authority board meetings and invited to attend? Should board meetings be held in projects on a rotating basis?

The Detroit Housing Commission also asked itself a number of questions about tenant organizations: How best to organize one? What type of paid community worker to put into a project to assist this organization? How to finance tenant association expenses? How to organize tenants who live on scattered sites in public housing?

On tenant participation in management, the commission officers ask if tenants should be consulted regarding plans for new construction, plans for modernization and beautification, decision on rent collections, new utilities, evictions of inadequate families, social services, police relations, and so on. Should the tenants be hired as janitors? Should they be hired to work on the grounds? What method should be used to select them?

On expansion of community services and facilities: Who should provide increased community services for the residents—the local housing authority, an outside social welfare agency, the local community action agency, or the tenants' association?

What services could the residents need? How are priorities to be determined between day-care centres, recreation, health, daily care for the elderly, prenatal and baby clinics, consumer education, credit unions, consumer co-op?

Should services be brought to the residents and located in the project or should the residents go to the services where they can be obtained in the community?

I think among the most important areas of consideration in this questionnaire is that of staffing. How can the housing authority management staff be alerted to be sensitive and responsive to the needs of residents—through staff discussions, training programmes? What is the role of higher education for staff in housing authority projects?

A pretty comprehensive and searching analysis of housing authority management and tenant relations in the city of Detroit—where problems, of course, have a much greater magnitude than we face in this province—probably prompted the development of such a questionnaire. Nevertheless, I think it has a great deal of applicability to the situation in housing projects in this province and I urge the Minister to have his officials start to think about their relationship with tenants in the same questioning, open-minded way that the Detroit Housing Commission appears to have undertaken through this questionnaire.

Just one final proposal I would like to make to the Minister, Mr. Chairman, is that Ontario Housing Corporation, in association with municipal government and municipal social services and private agencies, organize a housing advisory service or housing information centres in our major urban centres. The lack of information on available rental and sale housing in the Metro areas is proving a real barrier to the mobility that I said earlier was so urgent, if we are going to free some of the available housing stock for families who really need it. When families apply to a local housing authority office and they are told that there is a long waiting list, that they are going to have to put their names down and wait, whether they know they are eligible or not, they then have nowhere to turn to at the moment. They simply leave the Ontario Housing Corporation office or the local housing authority office and turn back to the classified ads in the afternoon newspaper to look for housing.

What we need in our large urban centres are these housing advisory information centres which will list available housing stock, for rent or for sale, which will interest low- and lower-middle-income families in moving out of blighted neighbourhoods, or others who want to get into public housing. We need an agency which can counsel them on the amount of carrying charges they can afford and all the legalities of purchasing a home—if they can find one within their means—on identifying their space needs, and on convenience factors such as proximity to jobs and schools. This is the kind of activity that a housing advisory committee could carry on. I think they are desperately needed and I think they could be instituted in our communities in the province where Ontario Housing offices or local housing authority boards are carrying on activities.

Mr. Chairman, I think that is sufficient for the time being by way of formal remarks. The Minister will want to reply and following his reply I hope he will give us the opportunity of asking specific questions about various aspects of the programme.

Mr. Chairman: Does the hon. Minister wish to answer any of the questions posed so far?

Mr. I. Deans (Wentworth): The Minister does not intend to reply individually?

Mrs. M. Renwick (Scarborough Centre): What about your question?

Hon. Mr. Randall: Whatever you would like me to do; I am in your hands.

Mr. Deans: Well, I would like to have the Minister reply to the member for Windsor West. I am very pleased to be given the opportunity of telling the Minister what to do.

Mr. Trotter: Well, if he were in our hands, I—

Hon. A. Grossman (Minister of Correctional Services): If you put yourself in their hands, you are in trouble.

Hon. Mr. Randall: Mr. Chairman, I will first reply to the hon. member for Parkdale and answer some of his questions and, perhaps in answering his, I will be answering some of the questions of the member for Windsor West.

I think it is recognized that today in Metro housing, as most of us look at the difficulties, it is an economic problem: not enough money. There is not enough money to buy a house, there is not enough money for the builders to build houses on any large scale, and certainly in many instances not enough income for people to rent a house within their income so that they feel they are not paying too much rent. That is the major difficulty, I think, with most of the families today. And that is the reason why I think we have a great many more people on the waiting list—the 15,000 that he referred to—that we have analyzed. I want to assure you that even though we got the letters back stating those people could not be found, we are not going to stop building houses—either public or private—because they disappeared from the mailing list.

May I also suggest that in relation to the Paterson housing study, we are not at all complacent about what Mr. Paterson had to say, because when Metro reviewed this big study, they felt it was rather ambiguous. I appreciate we had something to do with it and so did Metro, and when we got the study it did not necessarily mean we had to buy the study any more than we buy any other studies. But after Metro looked it over —despite the suggestions from Mr. Paterson— they asked us to provide 3,500 units per year for the next ten years. This is a goal that Metro has asked us to set, and this is a goal that we will proceed with at the present time. They have looked at the Paterson study, and I am sure they have other studies.

This report said we are going to need 362,000 housing units over ten years including 164,000 for people who can take care of themselves and 99,000 for public housing. The report certainly has made a point as far as providing a volume of housing; on the other hand, the city fathers and the Metro people looked it over and, as we say, at the present time they have discussed the housing corporation with reference to our needs, our supply of housing in the public sector—and that is about 5,500 units a year. Now that can be changed; it is not a hard and fast figure. We are quite prepared to sit down, and if we can build more housing that is required, we are quite prepared to undertake to build it in the municipality that wants it.

The hon. member said we have a tremendous waiting list in Toronto, and I agree with him. In looking down that waiting list—we have broken it down—I counted it as 2,700 waiting for bachelor suites, there are 2,000 waiting for one-bedroom, there are 5,252 that have asked for a two-bedroom, 4,060 for three, 1,525 for four and 398 for five bedrooms.

We do not build senior citizen housing in Metro, as you know; it is built by Metro. I hope one of these days they may ask us to do it for them; we are quite prepared to do so.

I think if you look at those first two figures —there are almost 4,700 there—we have found in the past many of these people have applied to the Ontario Housing Corporation because they cannot get into senior citizens' units in Metro, and we have housed a number of those people. So we really are not talking about families here, we are talking about somebody who normally would go into senior citizens. Over two-thirds, as we say, need bachelor, one-bedroom and two-bedroom accommodation. And, as I said earlier, every time we call somebody for a home we find that we have to make three calls in order to get someone to accept. I recognize that this is possibly because of transportation costs; if they live in the east end and they have to work in the west, or live in the west and have to work in the east, I can understand why these people are somewhat choosy about where they go. But, on the other hand, when they complain that they are not being treated fairly and they are not getting a home because they are number three on the list and they have to drop back to number five, it simply means they pass up their opportunity to go to the western part of the city and they will have to wait until one comes up there, and this brings about some problems for the housing corporation.

The question of public housing is one that perhaps we are going to have to deal with for many years to come. But I do not believe encouraging people into public housing is the way to solve the problem of housing residents of this province. I do not believe that they want to be relegated to public housing tenancy indefinitely, and many of them are going to be because we have a difficult job moving some of them out whose income has gone up and they say, "Well, we appreciate where we are living; we don't want to move." There are fewer people moving out than ever before. But we would like wherever we can to encourage the aspirations of people for ownership.

In my opinion, if in putting our talents together with the federal government we can find some way for these people, regardless of the income they have, to be put in an ownership position—even if it takes 50 years to pay for the house—it is a far better way than putting them in public housing. I think there would be a great saving on maintenance; certainly there would be a saving in the subsidies we are paying today if those subsidies were worked out on the basis of a 50-year mortgage. I think also that they would no longer be considered by some people as second-class citizens. They would have a stake in the community; they would be a part of the community. And we would not have the comments we get periodically that they are Ontario Housing tenants, and we have to defend them once in a while, as I have done in the past and will continue to do so.

The hon. member mentioned that we should find land and provide land banks. Perhaps he would be interested to know at the present time in the province of Ontario we have something like 11,117 acres owned by the Ontario Housing Corporation. Some we own outright and some is in partnership with funds advanced by the federal government. And we have 5,805 lots at the present time which will go into the HOME programme. And, apart from this, we have 10,007 family units that will be built in 1970; the land has been acquired for that. So I think we are moving along the lines the hon. member suggested.

Mr. Trotter: Mr. Chairman, could I ask a question on that point? I know that you have a number of acres, a good many thousands of acres; I know Malvern was one, but is not the major problem that once you have got the land the difficulty is in dealing with the municipality over education costs, over sewage costs?

Hon. Mr. Randall: On the land we hold today, we have dealt with municipalities; this is going to be serviced and it will be available for housing in 1970, which is what I have just finished saying. So we have gone through the problems of dealing with the municipalities. I might say that municipalities are not as tough to get along with as most people believe. I have always found the municipalities very reasonable, and we try to be reasonable. If they are in financial difficulties, we try to help them with the services. Even with the city of Hamilton, we recognized they needed some assistance on trunk sewers, and we are talking to the mayor about that now.

Mr. Trotter: Well, you may be solving some of your problems now, but surely the long delay over Malvern is inexcusable. We go back to the early 1950s with the Malvern project, and certainly that is involved with the difficulty and concern of the local municipality and the costs. If you are going to think about the shortage of housing in this general adea—and you know from your own survey that the majority of people, at least a good proportion of the people who want housing want it in Scarborough or North York—and yet there is a situation in Malvern which has drifted and drifted. It is inexcusable, and I just cannot accept your explanation.

Mr. Deans: Mr. Chairman, if I might ask the Minister—or would you care to answer the hon. member for Parkdale first? Do you want to answer the member for Parkdale? I want to ask you about Hamilton.

You were implying just a moment ago that the city of Hamilton had financial difficulties, and you were talking to the mayor about this. Is this in regard to the development on Saltfleet Mountain?

Hon. Mr. Randall: It is with regard to services in that area, yes.

Mr. Deans: Well, this is an area that the Minister and I have discussed a number of times previously. The providing of the services of Saltfleet Mountain is of some major importance to the area. But within the confines of the city of Hamilton—right within the boundaries of the city—there are considerable numbers of acres of land owned by Central Mortgage and Housing Corporation or the

Ontario Housing Corporation or by a combination of the two, where immediate starts could have been made in housing, had this action been taken some years ago to provide sewage and water facilities. Now, I know on Hamilton Mountain for example—and we discussed this last year—there is something in the neighbourhood of 500 acres, maybe less, maybe more; it is hard to pin it down. And there has been a hue and cry, if that is the term used, as to why the corporation has not assisted in opening up this land. I am curious to know why the corporation feels that this land ought to sit idle while they are developing land on Saltfleet Mountain.

Hon. Mr. Randall: Well, Mr. Chairman, two questions have been asked here, and I can give you a lengthy answer. But I suggest that you let me proceed with what I have got; I will deal with Malvern and I will deal with Hamilton, because I have dealt with Malvern so many times it is getting to be old hat and nobody believes me when I tell the story. So perhaps today I can—

Mr. V. M. Singer (Downsview): There are no houses on it. It is about time you did something.

Hon. Mr. Randall: Perhaps today I can detail it so that even my friend from Downsview will understand and we will not have to go through it again.

Mr. Singer: Well, I can only understand it when you start to build houses.

Hon. Mr. Randall: That is right, because you never listen.

Mr. Singer: Are there any houses on it?

Hon. Mr. Randall: You just sit there yakking and yakking, you never listen.

Mr. Singer: Are there any houses on it?

Hon. Mr. Randall: Not a one.

Mr. Singer: No, of course not.

Hon. Mr. Randall: That is right.

Mr. Singer: And you have owned it for 20 years.

Hon. Mr. Randall: Go up and tell Ab Campbell, the mayor of Scarborough, why there are not any houses on it.

Mr. Singer: Because you do not know yourself.

Hon. Mr. Randall: Oh, nuts. You are weak in the head.

Mr. Singer: Oh, that is a very intelligent remark.

Hon. Mr. Randall: Well, it suits you.

Mr. Chairman, before we were so rudely interrupted by the member for Downsview, I was answering the hon. member for Parkdale, in which he said we should proceed with the National Building Code. We have in Municipal Affairs a committee on uniform building standards for Ontario, for one code in Ontario, and the preliminary report is due in next month or perhaps by the end of this month or November 1. So I think that can be answered as soon as we get the report.

The hon. member said he cannot understand—

Mr. Singer: How long has that been going on now?

Hon. Mr. Randall: Oh, I know, I know. Everything is simple on that side of the House. Just snap your fingers and get it done.

Mr. Singer: With you it is simple; with you it is certainly simple.

Hon. Mr. Randall: Oh, no, no.

Mr. D. C. MacDonald (York South): Hand this to the PR man and it is done.

Hon. Mr. Randall: Do not get excited; do not get ulcers. I do not get ulcers, I give them. Just relax.

Mr. Singer: Your modesty is refreshing.

Mr. Deans: The ulcers you give are to the people of this province.

Hon. Mr. Randall: No, we do not. They think we are wonderful. It is just you people who do not think we are very good.

The hon. member says he cannot understand our almost complete dependence, sometimes, on private capital. Well, the federal government—the last time, I think, Mr. Nicholson was the Minister; before he went to Vancouver—said that they spent $860 million odd on housing and they had no more money. Now we were talking about what was required to build housing for Canada. From 1969 we need $3.5 billion; I am sure the federal government have not got that, and I do not think we have that kind of money. For Canada, to 1974, it will require $5.5 billion, and we just suggest how we are going to get all this money in order to finance housing. The government must go into the financing of housing; there is no doubt about

it. As far as we are concerned, we must get into financing of housing, either through Central Mortgage and Housing Corporation or through the Ontario Housing Corporation, as we are doing at the present time.

Now, insofar as providing funds, I think this government has gone on record of having funds available, not only for land purchasing but financing the HOME programme on our own without any help from Central Mortgage and Housing Corporation when we could not get any money.

Mr. Trotter: You will not do it on this budget.

Hon. Mr. Randall: Well, I do not know whether we will or not. You never can tell.

Mr. Singer: Mr. Nicholson will not let you.

Hon. Mr. Randall: The $50 million I have in the Treasury this year did not come out of my budget. That came out of his; he went out and borrowed the money and gave it to me.

Now, I will cover the building society programme in a second or two and get back to financing.

Mr. E. W. Martel (Sudbury East): We give money to the United States in great gobs, and do not have any money for ourselves.

Hon. Mr. Randall: Yes, that is right. I will make a note of that.

Mr. Martel: I hope you do.

Hon. Mr. Randall: Yes, I will. You said the government must get into land speculation, must go into a land bank and keep out speculation. I had just pointed out we have over 11,000 acres, and this is being serviced, and I think we have stabilized land prices in many areas. Perhaps some people—

Mr. Singer: Polar Bear Park.

Mr. Deans: How can you make a claim like that?

Mrs. M. Renwick: Mr. Chairman, would the Minister permit a question?

Hon. Mr. Randall: Surely.

Mrs. M. Renwick: I would ask, Mr. Chairman, where the 11,000 acres of land are located?

Hon. Mr. Randall: I will get to that and give you the figure. We have the full report. We are already in the land business, then, and we come back to—

Mrs. M. Renwick: You are ten years too late.

Hon. Mr. Randall: Well, you will be here all week, will you not? Do not run away. We come back to building societies. I might point out to you that I went to Europe two years ago with Mr. Suters. We looked over the building society legislation; we spent some time in the United Kingdom with two or three of the largest people in the business. I came back to Ontario and have prepared building society legislation, but building society legislation cannot be implemented in this province unless the federal government is in agreement, because in building society legislation, as you probably know, the dividends on deposits must be tax-free in the hands of the depositors.

Therefore, the federal government must give consideration to passing legislation whereby they work out a tax formula for a building society. And, after the taxes have been paid by the building society, they pay you or me as a depositor, a dividend which in our hands is tax-free. I think when I was in the United Kingdom two years ago, the dividend from the building societies was about 4.5 per cent, and on their tax structure, it meant a seven per cent return for the recipient. Now this is in the hands of my colleague, my friend the Minister of Housing in Ottawa, and I am hoping that when their House opens at the end of this month, discussions can be held with them as to how soon we can get Ottawa to recognize that we are not going to have mortgage money in this province unless we do have some form of building society legislation so that we can permit unions, religious organizations, trust funds, pension funds, perhaps insurance companies, banks, or even the provincial government to go into the building society business.

We get criticized by a number of these people because we do not let them lend mortgage money. We will give them the opportunity, I believe, when building society legislation is passed, to put their money where their mouth is and not expect the government to do the whole project.

I would think, to answer my hon. friend, that having garnered $60 million last year and this year from the local banks to continue with the HOME programme—and we have been able to finance the HOME programme on this money—that we will continue to look for money from the private sources.

I have sent letters to all the insurance companies; I have had meetings with the insurance company officials. And I have been told that, due to the tax change we now operate just like a chocolate factory; we have a corporate balance sheet, then we have to find out where we are going to put our funds to get the greatest returns on our investment. I think if you ran a business, you would understand that, but it does not help me and it does not help those who are looking for mortgage money. The majority of letters I got back simply stated that we are interested in your proposition, we are very sympathetic but we are not in a position to give you any commitments and it may be 1970 or 1971. With the trust companies, they have suggested that they are paying about 8 or 8.5 or 8.25 for guaranteed certificates, and 8.5 per cent for the depositor, how can they put money out at 9.5 or 10 per cent and run a business? The banks themselves in the main say they are short-term lenders. The mortgage business is new to them. However, they have been more generous than anybody else and we have been able to get the funds.

Now I might say to my hon. friends that this government has gone on record as saying to these institutions that the Ontario Housing Corporation will not only guarantee that the builder will finish the project, we have also gone on record as saying that we will take the project off the builder's hands if he cannot rent it.

We have also gone on record as saying that if an applicant defaults on his payments, we will take the house off the mortgage company's hands.

I do not know how much farther the government of Ontario can go in getting people into the mortgage field. To me that is like betting a quarter on the favourite for third, I do not know how you can lose. But no money is coming.

Mr. J. E. Bullbrook (Sarnia): Could you not force the trust companies to elevate their mortgage portfolios?

Hon. Mr. Randall: They have all got their difficulties, we recognize that. Some of these people have problems in the financial field, they have got restrictions. The banks, of course, have been hit with an inflationary squeeze. Mr. Rasminsky, in Ottawa, has upped the reserves—

Mr. Bullbrook: You know the profit picture is available to the banks and the trust companies. Who are you kidding?

Hon. Mr. Randall: I am not defending them. I am just simply saying that they tell us that the money is not there. I suggested to my friends at the banks that the money is there for consumer financing of consumer goods. A guy can go downtown with a Chargex card and he can buy everything but a house. But if he wants to borrow money at 10.5 per cent, it is not available. He has nowhere to put the goods he buys on a Chargex card.

Mr. Deans: Even if the money were available the average man cannot afford the 10 or 12 per cent you talk of. It is in this area that your policies are deficient.

Hon. Mr. Randall: I simply suggest to you that we are doing what we think we have to do in order to provide mortgage money. I do not care about building codes or anything else, you can get all these things, these are not major problems, they can be settled. But, if a guy cannot dig a hole, because he has not got mortgage money, we are not going to build any houses. I know a chap who has 15 houses and he has got two mortgages. He has got 13 under way, what does he do? He brings a truck in to dig a couple of basements, then he has to send the excavator away. He pours two basements, then he has to send the cement contractor away. How we can ever get efficiency in building houses unless we have an assurance of mortgage money, I do not know.

Let me just finish. I simply suggest to you as I have suggested to many other people that the mortgage problem is the answer to building houses. If there is no money, a builder cannot build any houses because he cannot even get starting money.

Mr. Deans: It is only part of the answer.

Hon. Mr. Randall: Wait a minute, I will get through. Maybe I have got your part. You can ask your questions in a few minutes, let me finish.

If a builder comes in to us and says: "Look, I am going to build 50 houses. I have to have 50 mortgages and we cannot get 50 mortgages," then the bank says if you have not got mortgage coverage, we cannot advance you the money to dig the holes. The guy is trapped at both ends and I recognize it.

These are things we are trying to assist the builders with—trying to assist in the finding of mortgage money. I do not see any hope for mortgage money unless we can convince

our federal friends that legislation for savings and loans, or building societies, are permitted.

Now, out on the street here today are what I would like to term a lot of $2 bettors—small people, who are quite prepared to put their money into a building society.

They are not looking for a long return on a finance company or some of the other things they could get into. I believe there are thousands of people in this country who would deposit their $5, $10, $20 and $50 into building societies if they were given the opportunity. I believe there is enough money there if deposited in building societies, to provide us with all the money needed for mortgages.

I checked the Toronto *Globe and Mail* this morning and I think the figures were, if I remember them, about $14 billion on deposit in banks today. So the money is going into the banks.

I would like to see part of that money going into nothing but a mortgage fund which could not be manipulated even by the Finance Minister at Ottawa when he gets into a financial squeeze. I appreciate his problems and I appreciate the Treasurer's (Mr. MacNaughton) problems, but I say this mortgage money must be there every morning the sun comes up or we are not going to build houses in any volume.

Mr. Lewis: Surely it is in the hands of the Treasurer right now?

Hon. Mr. Randall: The Treasurer has done his share. He put up $50 million and you know how he did it? He put it up on the basis that we would provide 20 per cent of the financing. We made the deal with the financial institutions to provide 75 and the applicant would put up five per cent. We could not get any 75 per cent takers with all those guarantees. I went back to the Treasurer and said: "Okay, I may have to use the whole $50 million for a complete mortgage package, 95 per cent." He said: "Go ahead and use it."

Now we had a case in the Borden plant up in Ottawa. A gentleman was up there last Saturday morning and we said we were going to go ahead and finance it. Central Mortgage and Housing has now come in and said: "We will take it over and look after the 300 mortgages." So that problem is settled because we have $50 million available. I hope they can do that again because I still say that $50 million if used as second mortgage money would generate another $200 million in this province from the independent financial sources, and $250 million here to finance mortgages for the kind of homes that you and I are talking about, would give us the kind of housing programme so badly needed.

Mr. Peacock: Mr. Chairman, may I ask the Minister if he has ever asked the Treasurer for a piece of that $100 million a year plus flow of savings from people in this province who are covered by the Ontario Teachers Superannuation Fund, the Ontario Municipal Employees Retirement Savings Fund, and a number of other provincially guaranteed and operated pension or superannuation schemes?

There are hundreds of millions of dollars in assets being used by the Treasurer to finance all kinds of other public projects in the province. Now those are tied up and they are getting paid 4.5 per cent, I think it is, on the average in those plans.

I am sure there is an excess of $100 million annually flowing into those plans for teachers and municipal employees. Surely the Minister could get the Provincial Treasurer to make some of that flow of savings by provincial employees directed into the housing investment field, into the programmes that the Minister is trying to get outside private plans.

Mr. MacDonald: Maybe pay them five or six per cent.

Hon. Mr. Randall: I have not discussed problems with the Treasurer. I have simply suggested to you that I went to him and I got the $50 million. If he wants to give me any more I could put it to work tomorrow in the mortgage business.

Mr. Martel: They have got $496 million in the teaching fund. What happened to that?

Hon. Mr. Randall: I am quite prepared to tell you that I think we should get into the mortgage field—if we cannot get private interests to go into it on the basis I have outlined, either a savings and loan company—

Mr. Lewis: You know you cannot, you have tried.

Hon. Mr. Randall: Well, you never know.

Mr. Lewis: No better indictment of the free enterprise system exists.

Hon. Mr. Randall: Well, I do not know. I have talked to a number of people who have

perhaps said if you can get the legislation through we would look with favour on getting in just for the mortgage business. There are people with money, if the legislation is available, who I think would like to start a savings and loan or a building society operation.

Mr. Lewis: They are penny ante things compared to the social needs—

Hon. Mr. Randall: They are not penny ante at all. Trust companies have been started in many provinces at $50,000. I am talking about $50 million these people have come forward with. With $50 million they would like an opportunity to put it into savings and loan or building society.

Mr. Lewis: They have come forward with $50 million?

Hon. Mr. Randall: Yes, sir. I have talked to two or three—

Mr. Lewis: Well, where were you?

Hon. Mr. Randall: I have not got the building society legislation.

Mr. Lewis: You do not?

Hon. Mr. Randall: No, not yet. I just finished telling you—

Mr. Lewis: How long will it take you?

Hon. Mr. Randall: As soon as the federal authorities pass the Act.

Mr. Lewis: You are just passing the buck again.

Hon. Mr. Randall: I am not passing the buck.

Mr. Lewis: You do not need federal authority.

Hon. Mr. Randall: Oh yes, we do. How are you going to pay a tax-free dividend?

Mr. Deans: You are not.

Hon. Mr. Randall: Well if you are not going to pay a tax-free dividend why would people put their money into a mortgage company? They have got to have some concessions.

Mr. Lewis: Then why do you not use some of the accumulated moneys?

Hon. Mr. Randall: They have got to have a concession.

Mr. Lewis: You still prefer to go to Germany and pay those interest rates—

Hon. Mr. Randall: I would not prefer to go, I am just suggesting that the Treasurer gave me $50 million. Now what are you going to do about the mortgages? What are you going to do about pension funds? That is his business.

Mr. MacDonald: It is your business; have another talk with the Treasurer.

Hon. Mr. Randall: All right. I will have another talk with him on your behalf.

Mr. Singer: On behalf of the people of Ontario.

Mr. MacDonald: You were sloughed off too easily.

Hon. Mr. Randall: No, I did not get sloughed off. You cannot slough off $50 million. What are you trying to do—kid the people? $50 million is $50 million; $60 million from the banks is $110 million. Do not slough it off.

Mr. Trotter: Mr. Chairman, on a point of information. I mentioned this earlier. Pension funds come under provincial jurisdiction. Of all the major funds like trust companies, insurance, and the banks, and all this, the pension funds are by far the lowest in making contribution to mortgage funds—9 per cent.

I know across Canada they have about $8 billion. A good proportion of that is in Ontario and by about 1972 it is going to be $14 billion they have on hand.

Now some of the insurance companies have gone as high as putting 50 per cent of their funds into mortgage money. If the pension funds came anywhere close to that, anywhere close to it, you would turn loose a tremendous amount of money into mortgage money from the pension funds.

This is extremely important and I think that the Treasurer of Ontario should give this a lot of consideration because the pension funds —if it is not going to be directly government money—the pension funds are the greatest major source of new mortgage money.

You cannot just say: "I will talk to the Treasurer about it," because that is the major source. I realize that the funds are going to come partly from government and partly from the private sector, but here is your major source from the private sector and you are overlooking this completely.

I repeat, they only put in 9 per cent of their money and if they would even boost it

to 40 you are talking about literally billions of dollars. It is there, it is no pipe dream.

Mr. Martel: Mr. Chairman, may I just ask a question? I understand that the teachers' superannuation commission has loaned the government $496 million at 4.5 per cent or 4.8 per cent interest. Could that money not be utilized to provide mortgage money at six per cent, let us say, even for the residents of Ontario so that they could afford housing? It seems to me that that is pretty close to $500 million and would go a long way towards turning people who are living in ghettos and in slums into pretty snazzy housing, and if the teachers have been so generous to lend it at 4.5 per cent—which is a discredit to the teachers, I must say to allow the government to get away with 4.5—it would be wise for the government to take that money and put it into mortgage money and people could borrow it at a decent interest rate.

Mr. Deans: I just want to pursue with the Minister his mortgage society angle. I became a little concerned when I listened to you speak about it because as you started talking about tax-free concessions. The first thing that comes to my mind is that when you introduce legislation such as this you must surely have an idea of what kind of interest rate you intend to charge.

Would I be right in assuming that in introducing the legislation you had some indication in your own mind what you intended to charge in the way of interest, or pay in the way of interest? Is this a reasonable assumption?

Hon. Mr. Randall: Are you finished asking the question? Well, all right, I will see if I can answer you. I said a tax-paid dividend. In other words the taxes are paid before the dividend is paid to the depositor so it is not a tax-free dividend. It is like we used to call a section 115, or a 105 where a company could pay 15 per cent of its surplus and then pay a dividend. The dvidend was tax-free or tax-paid in the hands of the recipient. This is the kind of legislation that would be required if we are going to have a building society. The formula has to be worked out when the company is set up whereby on its earnings it pays its taxes to the federal government and I suppose a share to the provincial government. Then whatever surplus is left is paid to the depositor by way of a tax-paid dividend. When he adds up what he has got on that—if it is 4.5 per cent, and our tax structure is such that he winds up with 7 per cent as he did in Great Britain—this is the dividend we are talking about.

Mr. Bullbrook: Why can you not do that out of The Income Tax Act?

Hon. Mr. Randall: You cannot, apparently.

Mr. Bullbrook: Well, it is a tax-paid service.

Hon. Mr. Randall: Well I do not know whether 115 as 105 is still in effect or not. I would have to check it. Is it still in effect?

Well, I would suggest that in this country —and the hon. gentleman from Sudbury East was talking about the difference in interest rates—our objective would be to get the interest rate around the NHA rate, but make sure money was there.

If the money is not there at 9.5 per cent it is no good having an interest rate. I suggest to you before you get excited and get up and start swinging your arms just let me point out to you, I do not care what the interest rate is. If the money is not there it does not matter if it is 90 per cent—you cannot get it.

Interjections by hon. members.

Hon. Mr. Randall: Well, you can discuss that with the Treasurer, I am not in a position to talk pensions. I do not understand the pension investments. I simply suggest to you that I do know that most of the pension money has been invested in many things such as education and municipal bonds. Perhaps you are right. They always say foresight is better than hindsight, but these things have been done over the years and you are locked in—

Mr. Lewis: But more of it comes in every year. It is coming in at the rate of $100 million a year.

Hon. Mr. Randall: I know. Perhaps this is the kind of money that will go into a building society.

Mr. Lewis: Are you so isolated from the Cabinet?

Hon. Mr. Randall: No, no, we are not isolated.

Mr. Lewis: Well then, what is the point of not using these moneys for housing purposes?

Hon. Mr. Randall: I did not say we would not use them. I said that would be a point I would have to discuss with the Treasurer.

I do not make the decisions for the Treasurer any more than you make the decisions for your leader.

Mr. Lewis: But you have not been talking to the Treasurer.

Hon. Mr. Randall: Oh sure, I have been talking to him. Where do you think I got that $50 million, in a crap game? Oh, wake up!

Mr. Trotter: Do not be facetious.

Hon. Mr. Randall: I am not being facetious, I just think some of the questions are nonsensical because when the government gets $60 million from private sources, it carries on a housing programme and you brush it off as nothing. Then it gets $50 million from the Treasurer and you brush it off as nothing. Get your pencil out.

Interjections by hon. members.

Mr. Lewis: You pay the top rate and now the mark has been freed.

Hon. Mr. Randall: Oh, you are a bright guy now that the market has gone up and the interest rates have gone up. Everybody has the answers after the decisions have been made.

Mr. Lewis: The member for High Park (Mr. Shulman) offered you his advice many months ago.

Hon. Mr. Randall: I know. He is the same fellow that said do not buy Canadian bonds—do you remember that? Do not buy Canadian bonds, do not invest in Canada.

Mr. Chairman: Order.

Hon. Mr. Randall: Remember that? "Don't buy Canadian bonds. Don't invest in Canada."

Interjections by hon. members.

Mr. Chairman: Order!

Hon. Mr. Randall: I hung it in my bathroom, like Simpson's catalogue.

Interjections by hon. members.

Mr. Singer: Is it not time for another essay on Marx?

Hon. Mr. Randall: Yes, it is.

Mr. Singer: Yes, well, give us another on Marx.

Hon. Mr. Randall: Well, I have one here for another fellow.

Mr. Chairman: Let us deal with the estimates.

Mr. Singer: When you get to Malvern—

Hon. Mr. Randall: When we get to Malvern, just bring your lunch because I have a story for you. And bring your cushion, because you will need it.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. Lewis: Who can explain Malvern?

Hon. Mr. Randall: Mr. Speaker, the hon. member brought up a question. He was very concerned about the security on Davenport Road and I think a lot of this stems from an article written by "Dear Mr. Haggart"—not "Dear Doctor" this time; Mr. Haggart, the columnist in the Toronto *Telegram*, and we replied to Mr. Haggart.

> We were disappointed by your column of Wednesday, September 10, which reflected a complete misconception of security arrangements for Ontario Housing Corporation development at 250 Davenport Road. Contrary to your conclusion, the security measures were invoked to protect the building occupants, not to provoke welfare snoopers with the details of tenants' private lives.
>
> This is a new building containing 461 dwellings and the tenants are just now settling into their new home. The building is being administered for the corporation by Greenwin Property Management. Mr. Ed. M. Collicoat, a man of considerable experience, is the property manager in charge of the building.
>
> During the early stages of occupancy it was an easy matter for an unauthorized person to gain entry into the building. Some of them caused no harm or disturbance, but others rang bells, tripped fire alarms, set up housekeeping in unoccupied apartments, and tampered with the mail slots in occupied apartments.
>
> Many of our tenants at 250 Davenport Road are older women, and were most upset by some of these activities. Time and again members of the management staff encountered people in the building who could not give a satisfactory explanation of what they were doing there. Finally, after receiving more than 100 complaints from tenants, Mr. Collicoat launched a security blitz; and that is when

the little black book referred to in your column made its appearance.

The new regulations had a salutary effect. Within days the disturbances had all but ended. Conditions have now improved to the point where it is felt that the use of the book is no longer necessary.

Building security officers fill out a report at the end of each day at the end of each shift, which is a permanent record. The registration book while it was in use was a temporary record which was seen only by Mr. Collicoat. After reading the security officers' entries he immediately destroyed the pages. The book was a management tool, and I would emphasize, it was not a source of information for the use of outside agencies.

I think it is fair to say that your column was off the mark when you stated that the book has in reality little to do with the keeping out of drunks, hippies and pot smokers. The corporation does not sit in judgment on its tenants or their guests. It does, however, have a responsibility and an obligation to follow good management practices.

When guests arrive alone at the building after midnight, the security officer will continue to call the apartment to be visited to obtain permission from the tenant to admit the visitor. Guests who are not staying overnight may park anywhere on the parking lot until 3.00 a.m., after which they may receive a parking tag. Persons who have indicated to the security officer that they will be visiting overnight are asked to park in a special area and their cars are not tagged.

Undoubtedly, some tenants like the ones who complained to you resent the security regulations. The response from others in the building, however, indicate to me that a far greater number want and appreciate this additional protection. The documentation of all our tenants has not been completed but to the end of July it showed that 317 of the 425 tenants in the building at that time were 55 years of age or older. The welfare snoopers, as you call them, have little interest in the residents of this building. More than a quarter of the tenants are employed, nearly 40 per cent receive old age pensions, and over ten per cent receive other forms of income. Less than 24 per cent receive family benefits.

Before closing I would like to point out that your Miss Mary Mars apparently combined information received from Richard Snell of this corporation with statements obtained from other sources. The direct quotation attributed to Mr. Snell does not reflect what he told Miss Mars. There have been no evictions of tenants from 250 Davenport Road. A number of people who slept in empty apartments were put out, and we found evidence that other apartments had been lived in by unauthorized persons, but no bona fide tenant had been evicted.

I hope this letter helps to clarify the situation at 250 Davenport Road.

(Signed) E. J. Whaley

Mr. Trotter: Mr. Chairman, many large apartment complexes have difficulty with vandalism and trying to keep order. But this is about the first one I have heard of private enterprise, public enterprise of anything else, where they go around with a little black book. Now, it may be that the only reason the book was stopped was because the matter did hit the press, and the whole thing was exposed. But I think this is more symbolic of the treatment that the tenants, or what I call the feudal serfs receive, not only from this corporation but from—

Hon. Mr. Randall: What would the member have done under the same circumstances?

Mr. Trotter: Well, in most of these apartments they do have someone at the door. They do have someone trying to control things if somebody acts up. I know a number of people who live in apartments, and I have asked if they ever had anybody with a little black book and they do not take me seriously. They just had not heard about it. I would assume that this is a most unusual way of handling the situation.

There have been times when a superintendent has called the police if someone has been rowdy—that I do know of in apartment buildings—but I bet in the apartment building the Minister lives in they do not stand at the door and say: "Who are you going to see? When are you leaving? Who is your friend?". It is unheard of.

I think if that is any indication of how you manage, or how you permit your agents to manage your buildings, then it is high time you completely overhauled your way of doing things and your attitude towards your tenants.

Hon. Mr. Randall: Well, all I can say to the hon. member is that I live in an apartment, and I know some of the difficulties

experienced. This book was made up after 12.00 o'clock at night – when people were coming in after 12.00 o'clock at night.

In my own apartment a few months ago I went down to put something in the locker and there were two well dressed young fellows down there, better dressed than any of us in here. They said: "Good night". I said: "Good night". I put my stuff in the locker, I went out. The next morning my wife said: "Did you see anybody in the locker?" I said: "Yes, there were two good looking fellows down there." She said, "Do you know they ransacked every locker in the place last night?". Now we have a doorman, but the man goes home at 7.00 or 8.00 o'clock, and the apartment is empty. There is no way that I know of that people, with 54 apartments in there, can have a doorman 24 hours a day.

But in this development up there, we put the man on, and the man asks questions of anybody coming in after 12.00 o'clock. I have suggested that—after I read the letter to Mr. Haggart—it was not a matter of snooping on the people. It was an attempt to try and stop some of these things that were taking place, and most of the tenants are very happy about it. I am sure that the ones who were not happy are now happy we have torn the book up. I give the member the assurance we will be very careful the next time we try to repeat the same performance.

Mr. Trotter: I would not try repeating that—

Mr. Martel: We should sell it.

Mr. Trotter: The day of big brother is here—

Hon. Mr. Randall: Oh, I know, we are almost to the point where if a cop arrests a guy, we throw the cop in jail and send the culprit down to Florida for a two-week vacation. I think we had better start assisting some of the police enforcements when we see what happened just east of here last night. I think it is about time we recognized that some of these people going around need to be checked.

Now, Mr. Chairman, the hon. member brought up tenant participation. This was also brought up by the hon. member for Windsor West. And I would like to read this into the record, I think it will outline for the Opposition members the attitude of the housing corporation towards tenant participation. I might say that I believe very strongly in the philosophy of tenant involvement in management. In saying this I am referring, of course, to those rental properties which fall under my jurisdiction. This includes family housing, senior citizen housing and residential accommodation for graduate and post-graduate students of universities and other post-secondary educational institutions.

Management of our rental properties in Ontario is handled in two ways as follows: (a) through provincially incorporated housing authorities; (b) direct management by OHC.

Members of provincially appointed housing authorities are interested local citizens jointly nominated by the federal, provincial and municipal levels of government. The board of directors of OHC was selected and appointed by the government of Ontario, having particular regard to the knowledge and skills each individual could bring to the deliberations of the board, and also to ensure representation on a geographic basis. The board of OHC includes such knowledgeable persons as Dr. Albert Rose, director, school of social work, University of Toronto, and Mrs. Frances McHale who is an acknowledged authority in the geriatric field.

Since its creation, OHC has encouraged the formation of tenant associations but have followed a policy that the tenants should be encouraged and supported in their endeavours —but there should be no direct involvement by OHC. In other words, no tenants' association would be worthwhile if it were dominated by the corporation. In encouraging such groups, the corporation is striving for maximum tenant membership, rather than having to deal with small vociferous and non-representative groups. As an example, the corporation assisted the embryonic Kingston association by providing promotional material, application forms and copies of the proposed constitution and objectives of the group as drafted by its pro-tem executive.

In other areas, for example, the Regent Park Community Improvement Association, the corporation suggested a tenant-management liaison committee which meets on a regular basis to discuss matters of concern to both tenants and management. Our on-campus student housing is administered by the university in question.

However, in the case of our apartments for married graduate students at Yonge and Charles, we have taken steps to set up a management liaison committee which will have representation from the tenants, the university and OHC. There is already in existence a tenants' association at Yonge and

Charles, and the association has been asked to nominate its representatives on the committee.

It has been suggested that tenants should be represented on the board of directors of OHC, and on the boards of the various Ontario housing authorities. I could say that they are already represented if, in appointing the present board members, we have chosen wisely. For example, what greater champion of tenants' rights is there than Dr. Albert Rose? If, however, we are to interpret the proposal literally and appoint tenants to these various boards, then I suspect we would be creating a situation which could only be detrimental to the best interests of our tenants at large. I will be more specific:

(a) In what manner would the tenant representatives be selected? If, for example, tenants were appointed to the board of OHC, they should reflect geographic areas. The interests of tenants in metro Toronto could be widely divergent from those of, say, Kenora or Windsor or Arnprior. We could, therefore, end up with a board which would be completely unwieldy in terms of numbers.

(b) Board members of both OHC and Ontario housing authorities have access to confidential information concerning tenants and applicants. I ask you, would the tenants of a development in, say, Guelph be happy to know that one of their number had access to many highly personal details concerning their families and financial circumstances?

(c) Board members of both OHC and Ontario housing authorities must on occasion decide whether action must be taken to obtain possession of a dwelling occupied by one of their tenants. Invariably such action is for reason of chronic rental delinquency or antisocial behaviour. Decisions of this nature cannot be reached unless complete information concerning the tenant family is made available and thoroughly and dispassionately reviewed. Again, would tenants in this position be happy to know their personal affairs were being reviewed by another tenant?

These are just a few examples of why board membership by tenants is not a feasible proposal. However, let us look at the type of involvement that would be beneficial to both tenants and management.

(1) Strong, properly constituted and truly representative tenant associations can provide an excellent bridge between tenants and management.

(2) Properly constituted tenants' advisory committees representing tenant organizations in established geographic regions can act in an advisory capacity to the board of directors of OHC. Such advisory committees could bring to the attention of the board, areas of concern regarding the maintenance and design of developments, management practices which in the eyes of the tenants are unduly restrictive, suggestions concerning the introduction of new or improved programmes for the benefit of the tenants, suggestions concerning inter-project competitions including sports, garden competitions, and so on.

At the management level, OHC is very aware of its responsibilities and is conscious of the fact that it must establish a good rapport and working relationship with its tenants. For this reason it is currently working on a formula which will permit maximum tenant involvement in the administration of their affairs while at the same time recognizing that in certain aspects of management there cannot be tenant participation.

Mr. Chairman, that is our position on the representation by tenants. I will be glad to hear from some of my friends when the opportunity presents itself, but I think they will recognize that we have taken action, we are interested in the representation of tenants, and we feel, this way, we will give them the kind of representation they need, without interfering with administration in housing matters in the province of Ontario in a way that would be detrimental to them, or perhaps to their neighbours and the things their neighbours would not want them to know.

Now, another question from the hon. member: Should we allow tenants to run their own projects instead of Greenwin or Montreal Trust?

I certainly suggest to the hon. member that property management is almost a profession. I appreciate in some apartments—and I look at some of the high rise apartments in this city in which there are several million dollars invested—they are run by the superintendent as a rule. The man is probably in many instances not qualified to run it. He has had no property management training. He has no training in dealing with the tenants themselves, but perhaps they get him, or his wife, for a low income with board and lodgings. And this is the kind of person who is put in to run a multi-million dollar apartment complex.

I suggested to the apartment people that this is where they could improve their relations with their tenants, whether they be high-rise or otherwise. I do not believe turning over these buildings to the tenants themselves to operate would serve any purposes for us,

and certainly I do not think they would give themselves the same kind of service they are now getting from the people we have employed to operate, either Greenwin or with our own staff from the Ontario Housing Corporation.

I would suggest that we are open to any other comments with regard to this. We will look at them, and if there is any merit in the idea, fine, we will take a look at it. But, at the moment, I do not think there is.

Mr. Trotter: Mr. Chairman, the reason why I suggested that—and it would not be something I would go pell-mell into, suddenly turning everything over to the tenants—is there could be an instance where you could try a co-operative effort, when maybe you have been able to buy into a co-operative apartment. Could you try it on a basis with tenants? Certainly they could hire personnel just as well as Montreal Trust or Greenwin Construction. It would take help from the Ontario Housing Corporation but the whole idea behind it is to encourage tenants to look after themselves and to participate in the activities of their own building.

My own feeling is that is people participate in the administration of, be it community or building, they will see to it that their children, or other people's children, are not going to injure things or that proper control of the building, of who comes in or who comes out. The difficulty today is that so many people who do become tenants are so disenchanted, so cut off, they are virtually alone in these big buildings, they take no particular interest. This is merely one way of trying to experiment, trying to find a pilot project, to try something new or something different. There is a problem and it is not only a problem now, but is going to become an increasingly more difficult problem with the more apartments you have, and as people are brought up in this whole atmosphere.

We are having children now who are raised in these apartment buildings, who are not going to know any other type of life, except living in these apartment buildings. I would suggest that there is a type of building or type of administration that should be experimented with to see if it could work.

Hon. Mr. Randall: May I suggest to the hon. member that we have already moved in this direction with condominium, as you know, where we have an ownership position; we have a contract for three years that the people who build the building will run the project until the tenants become management oriented and they run it for themselves. As I suggested the other day, we are going to endeavour to transfer to some of our public housing tenants, their own premises that could be apartment houses I mentioned. And, I believe as we transfer the ownership to the tenants, we would work out the same kind of a programme we have with our condominium. We would give those same tenants the opportunity of becoming their own managers.

Mr. Trotter: Well, in saying that do you not admit that the argument you just read—of four or five pages—was wrong, because you say the tenants will get to know too many personal affairs of other tenants? The same thing could happen in a condominium—maybe not on as large a scale, because there are not as many people.

Hon. Mr. Randall: No, I would say when they go into an ownership position, they own the building, they own the apartment, they have taken over the building, then I think it is possible for them to have management experience and put them in charge of their own building as we have done in condominium.

But I do not think that when we appoint these tenants we are talking about here now, they would get the same kind of guidance you are referring to. I think that tenant participation will do what you are suggesting, and will give them an opportunity, perhaps after a year or two, when they have had the experience of acting as an advisory body to a housing authority. It is, say, an apartment in Windsor of 100 or 200 suites, once they have had this experience, perhaps the housing authority will find they can run their own building, and we would be willing to talk to them about it but at the present time it has not worked out.

Mr. Peacock: When will the Advisory Committee for the Windsor Housing Authority be established? The Minister used that as an example and—

Hon. Mr. Randall: I just pointed out we are working on the formula. I cannot give you a date when it will be started. I suggest to you that we recognize this is the way we should be going. We are working on a formula and we will put it into effect just as soon as we can. But I have no deadline.

Mr. Peacock: But is it not true, Mr. Chairman? Would the Minister admit that he is considering this because in Windsor, in the downtown high-rise, there is an organization

of tenants in Ontario housing who have been endeavouring to adjust grievances with the local housing authority, and have already acquired the kind of knowledge and experience he is talking about, and who do not feel at all sensitive in the way he does about passing on what he refers to as other tenants' personal affairs—which can range from a family's difficulty in meeting rent payments when due, to a senior citizen in the hostel unit being reprimanded for taking some food out of the dining room to feed the birds. Those are the kind of management practices in Windsor that have given rise to the formation of a tenants' organization. A senior citizen in a hostel tucked a few crusts of bread under her shawl to take out to the courtyard to feed the birds. A notice has gone out on the bulletin board, as recently as early September, saying that food is not to be taken from the dining room of the hostel, otherwise the person committing that offence will be invited to find other accommodation.

Mrs. M. Renwick: It is like being a prisoner.

Mr. Peacock: That is what has given rise there to the initiation of a tenants' organization, and the tenants down there I am sure are going to want not just an advisory position to the board, they are going to want a separate organization altogether, apart from the board of directors—one tenant representing them on the local housing authority board, and a tenant affairs board itself, made up of equal representation from the city, and the housing authority, and the tenants from various projects around Windsor themselves. The Minister is repeating the same arguments he made last year, the very same, that the tenant representative on the board would have access to personal knowledge of the tenants' affairs being brought before the board. This did not prevent the Minister when the Toronto *Daily Star* was trying to dethrone him earlier this year, from discussing the affairs of one tenant of Regent Park.

Hon. Mr. Randall: That is where the tenant himself got into the act and he invited his own publicity.

Mr. Peacock: That is why we need a board of tenants' affairs, Mr. Chairman, to prevent this kind of retaliatory act by the housing management.

Mr. MacDonald: Just one small point, Mr. Chairman, I am rather intrigued to see the comparison the Minister made between condominium and a tenants' association to give the tenants an opportunity. He said that in a condominium they had a property right, they owned it and therefore there was a certain legitimacy to their claim to be able to direct it. May I suggest, without being unduly provocative, that that is a 19th century concept. It is the kind of attitude that, in relation to the franchise, only yesterday said that if you were not a property owner you had no vote, because property is the basis upon which you have rights. I suggest to you that if you have people in a building of this nature, whether they own the building, or whether they are tenants in the building, is not the distinction upon which you give them a right to shape their own destiny within the building. Quite frankly, in getting out of that old 19th century concept, if it is not a feudal concept, I think you may ultimately develop mechanisms for solving some of the admitted headaches in the operation of an apartment. I know there is one OHC building in my riding and I have calls from the tenants. It would drive you up the wall to hear the kind of thing that they are being bothered by—marks on the walls, keeping elevators going so that you cannot get on them, this kind of silly irrationality.

But you are going to get rid of that if you place the obligation on the people themselves to discipline themselves. If they are going to be little boys and girls, pushed around by some sawdust Caesar—at least what they think is a sawdust Caesar—then you are going to get the wrong kind of attitude and the wrong kind of reaction. I rose primarily just to indicate to the Minister that I think unwittingly he has revealed the basis of his outmoded philosophy—if you happen to own it, you have a right to a share in its direction. If you do not happen to own it, then he can dream up a dozen and one excuses why it would be bad to give you a share in its direction.

Hon. Mr. Randall: I do not feel that way at all. I have an open mind on the situation at the present time and I am quite prepared to take a look at the matter which the hon. member for Malvern, brought up this afternoon. I am not going to commit the housing authority to that kind of a programme until it has been carefully studied because we have found enough difficulties in many other areas, not only for us but for the tenants as well. It is very easy just to turn it over and say, "You take it and run it." Let me just suggest to you that I do not see any difference between a guy that owns his place and a fellow that

rents. I think we can find a workable solution. Do not ask me today to just turn the building over and let us see what happens. I think we have to study it; I said we are prepared to study it, and when we have studied it, we will be delighted for once if that programme you suggested works out in our own interests. In my own building, I would not want any part of running the building. I let the landlord run it and I pay him for it, but I am quite sure there may be other tenants in there who perhaps would like to run the building. There is a difference of opinion between tenants and perhaps you and ourselves. I would suggest to you that we are going to have a look at it, and I am quite sure we will come up with a workable solution.

Mr. Chairman: The hon. member for Scarborough Centre.

Mrs. M. Renwick: Mr. Chairman, a question to the Minister on his statement of contracting-out the management of the Ontario Housing units. Was this contract put up to public tender?

Hon. Mr. Randall: We invited bids from a number of trust companies, and Montreal Trust was the one we accepted.

Mrs. M. Renwick: How many trust companies, Mr. Minister?

Hon. Mr. Randall: I understand it went to half a dozen management and trust companies. I would be glad to get you the names; I do not have them here.

Mrs. M. Renwick: That is what I was going to ask the Minister—the names of the companies. You will supply the names tomorrow?

Mr. Lewis: We have another three or four days on this?

Hon. Mr. Randall: I have another two weeks; I have had my holidays.

Hon. Mr. Welch moves that the committee of supply rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, tomorrow we will carry on with the consideration of the estimates of this department, to be followed by those of The Department of the Attorney General and Minister of Justice.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 6.00 o'clock, p.m.

No. 177

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 9, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, October 9, 1969

Health insurance premiums, bill to provide for, first reading, Mr. Nixon 6861

Expropriation in Frontenac-Addington area, questions to Mr. Simonett, Mr. Nixon 6862

Proposed share purchase of Union Gas by Consumers Gas, questions to Mr. Kerr, Mr. Nixon 6862

Windsor's road programme, questions to Mr. Gomme, Mr. Peacock 6863

S.W. and A. bus fares, questions to Mr. McKeough, Mr. Peacock 6863

Extradition of Hal Banks, questions to Mr. Wishart, Mr. Gaunt 6863

Remuneration for regional councillors, question to Mr. McKeough, Mr. Haggerty 6863

Office facilities for the OWRC in Sudbury and Sault Ste. Marie , questions to Mr. Kerr, Mr. Martel 6863

Fish kill in Roberts River, questions to Mr. Kerr, Mr. Martel 6864

Commercial fishing for pickerel, questions to Mr. Brunelle, Mr. Paterson 6864

Planned schools for Forest Glade subdivision in Windsor, questions to Mr. Davis, Mr. Burr 6865

Traffic speed on two-lane highways, question to Mr. Gomme, Mr. Burr 6865

Dead elms overhanging highways, questions to Mr. Gomme, Mr. Burr 6865

Pollution in Detroit River and Lake Erie, questions to Mr. Kerr, Mr. Burr 6865

Strike in Dundas of Canada Crushed Stone, questions to Mr. Bales, Mr. Nixon 6866

Abortion code in Japan, question to Mr. Wishart, Mr. Sargent 6867

Council of regents for colleges of applied arts and technology, questions to Mr. Davis, Mr. Pitman 6867

Letters of permission and letters of standing, questions to Mr. Davis, Mr. Pitman 6867

Students enrolled in teachers' colleges, questions to Mr. Davis, Mr. Pitman 6868

Teachers from other countries, question to Mr. Davis, Mr. Pitman 6868

Ontario Hydro service on Indian reservations, questions to Mr. Kerr, Mr. J. R. Smith 6868

Traffic signal lights at intersection, questions to Mr. Gomme, Mr. Burr 6869

Prisoners in punishment cells, questions to Mr. Grossman, Mr. Shulman 6871

Estimates, Department of Trade and Development, Mr. Randall, continued 6873

Recess, 6 o'clock 6907

LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, OCTOBER 9, 1969

The House met at 2.00 o'clock, p.m.

Prayers.

Mr. Speaker: Petitions.

Presenting reports.

Motions.

Introduction of bills.

PAYMENT OF HEALTH INSURANCE PREMIUMS

Mr. R. F. Nixon (Leader of the Opposition) moves first reading of bill intituled, An Act to provide for the payment of health insurance premiums.

Motion agreed to; first reading of the bill.

Mr. Nixon: Mr. Speaker, if you will permit me, the bill requires the premiums for health insurance to be paid out of the general revenues of the province.

Mr. M. Shulman (High Park): Mr. Speaker, on a point of order, I believe this matter has come up before and I would like to have it clarified. I am not criticizing the intent of this bill in any way; I would like to make that very clear. Is it possible for a private member to introduce a money bill?

Mr. Speaker: It is not possible for a money bill to be introduced by anyone except a member of the Executive Council. But, at the moment at least, I am not certain that it is, or is not, a money bill and I shall refer it to Legislative Counsel and the Clerk to ascertain that and rule on it in due course.

Before the orders of the day, I would like to deal with a matter which was raised yesterday.

Yesterday the member for Sudbury East (Mr. Martel) raised what he deemed to be a matter of privilege concerning statements made by the member for Nickel Belt (Mr. Demers) outside the House. I pointed out to him at the time that I knew of no privilege of the House or of the members that is offended by remarks made by a member outside the House.

The member for Riverdale (Mr. J. Renwick), both in the House and later in a letter to me, suggested that he could see no difference in a member rising to correct a misstatement by the press relating to remarks made in the House and a misstatement by another member made outside the House in relation to things said in the House.

I suggest this erroneous concept arises from a misunderstanding of the purpose of raising a matter of privilege. Strictly speaking, the purpose is not to set the matter straight or correct the record but to institute proceedings for the punishment of the offender. Of recent years, it has been the practice to drop the matter after calling it to the attention of the House and not to take the additional procedure which in fact should be taken. That is, to move a motion to bring the offender before the bar of the House, or a committee of the House. May's 17th edition, chapter 8, makes it quite clear that such erroneous reports of proceedings in the House are breaches of privilege.

The privilege in question is the privilege of Parliament of accurate and fair comment in the public press. It does not, and never has, extended to comments made outside the House by individuals, or members of the House or private citizens. It is, of course, possible that some personal remedy might be available but it does not concern the House.

If the erroneous or offensive remarks are made in the House then, of course, they might well give rise to a valid point of order, but, again, no known privilege is involved.

Hon. J. R. Simonett (Minister of Public Works): Mr. Speaker, I rise on a point of personal privilege.

In Tuesday's *Globe and Mail* of this week, and in Tuesday's Kingston *Whig-Standard*, I was quoted as saying—and evidently my remarks to the NDP—"Why do you not get out of here?"

Mr. Speaker, I want to say emphatically that I am not responsible for that remark. However, during the debate that afternoon

when the member for Scarborough East was speaking, I did motion and say to him: "Why do you not go over there?" He came back with "Why do you not get the – – – – out of here?" I think that is where the remark came from and I did not want to be quoted in the paper as making a speech like that which I had never thought about.

Mr. Nixon: Mr. Speaker, I have a question for the Minister of Energy and Resources Management: Is the Minister conducting a review of the expropriation of 20,000 feet of lake frontage in the Frontenac-Addington area owned by Kenneth Kellar of Perth Road, Ontario?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, I understand that this is a matter for The Department of Public Works and the hon. member should direct his question to the Minister in that department.

Mr. Nixon: I believe the expropriation was made while the Minister of Public Works was the Minister of Energy and Resources Management and it was under his direction that the conservation authority made the acquisition. Is that not right?

Hon. Mr. Simonett: No, it was for a provincial park.

Mr. Speaker, I might add a little light to this. While I was Minister of Energy and Resources Management—and of course it happens to be in the area that I represent—Mr. Kellar called on me stating that he had this property and they were negotiating to buy it. I cannot quote the exact difference in dollars between them, but it seemed to me it would be in the area of $30,000 or $40,000. At that time I advised him to go back to Public Works and see if he could not negotiate a settlement because it was evident that the property had to go in the park because it was in the centre of what is to be a large provincial park.

I had not heard any more about it until three weeks ago when I understand the matter went before the municipal board and it has been dealt with there. I understand that Mr. Kellar is not too happy with their decision.

Mr. Nixon: I do not know whether this is permissible, Mr. Speaker, but, would there be any further information available if I were to direct a formal question to the Minister of Public Works on the acquisition and the decision of the municipal board? Are there any alternatives remaining to Mr. Kellar?

Hon. Mr. Simonett: Mr. Speaker, I would say not because the matter has been before the board—it has been dealt with. I do not think there is any hope of re-opening the case.

Mr. Nixon: There is no point in his appealing to the Cabinet or anything like that?

Hon. Mr. Simonett: Well, I am not advising Mr. Kellar or anyone what they should do about appealing to the Cabinet.

Mr. Nixon: I have a further question for the Minister of Energy and Resources Management: Will the Minister proceed with second reading of Bill 109, An Act to amend The Ontario Energy Board Act, so that it will be in force in order to control the proposed share purchase of Union Gas by Consumers Gas? Is section 7 in the bill adequate to bring the proposed takeover under the control of the Energy Board, and if not, will the Minister propose an amendment to accomplish this?

Hon. Mr. Kerr: Well, Mr. Speaker, I would like to answer the second question of the hon. member first. Section 7 of the bill as presently printed is not adequate to bring the proposed purchase of shares under the control of the Energy Board. We are considering an amendment that would do this. In answer to the first question, we intend to proceed with Bill 109, either with or without further amendment. I cannot say at this time whether or not it will affect this particular transaction. This, of course, depends on the outcome of the bill in this House.

Mr. Nixon: May I ask the Minister if he is aware that the offer to purchase the shares will become effective next week, and that unless he proceeds with the bill forthwith there will be no possibility that he, as Minister, or the Energy Board, will have any control over the purchase of Union Gas by Consumers Gas.

It would appear that there is an element of indecision here, which is going to result in the transition having occurred without the Energy Board or the representatives of the people of Ontario having had anything to do with either the approval or the examination of the change.

Hon. Mr. Kerr: All I can say to the hon. leader of the Opposition, Mr. Speaker, is that we are dealing with this matter as fast as possible, as far as our legislation is concerned.

Mr. Speaker: The hon. member for Windsor West. Is the hon. leader completed?

Mr. D. C. MacDonald (York South): The Minister is not here, so I guess I cannot ask my question.

Mr. Speaker: The member for Windsor West has the floor.

Mr. H. Peacock (Windsor West): Mr. Speaker, I have a question of the Minister of Highways: Why did The Department of Highways refuse the city of Windsor's request for a 1969 road construction budget of $3.5 million, resulting in a reduction of nearly $1 million in the city's road programme?

Hon. G. E. Gomme (Minister of Highways): Mr. Speaker, it was strictly on account of our financial situation. There were many municipalities in Ontario in the same position.

Mr. Peacock: Mr. Speaker, were the other municipalities chopped by a proportionate amount?

Hon. Mr. Gomme: I cannot recall all of them but I can tell you about the town of Almonte where I live. It was cut 100 per cent, so I think we were worse off than you.

Mr. Speaker: The hon. member has a further question?

Mr. Peacock: Yes, if only Windsor had Almonte's problems, Mr. Speaker.

A question to the Minister of Municipal Affairs: Has the Minister given further consideration to the city of Windsor's request for provincial assistance in rescinding the recent S.W. and A. Bus Company fare increase following his meeting with city officials on Tuesday?

Secondly, has he reached an opinion on the Ontario Municipal Board's authority to order the bus company management to rescind the fare increase?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, the answer to the first part of the question is, yes. The answer to the second part of the question is that it is my opinion that the OMB does not have such authority.

Mr. Peacock: A supplementary, Mr. Speaker, if I may. If the answer to the first part is yes, is the Minister prepared to announce what form the assistance will take?

Hon. Mr. McKeough: There is no assistance which I can render.

Mr. M. Gaunt (Huron-Bruce): Mr. Speaker, I have a question for the Attorney General: Has the Attorney General had any communication with his federal counterpart in connection with the request made this spring by Justice Minister Turner, through the Canadian Department of External Affairs, to the new Secretary of State in Washington, concerning the extradition of Hal Banks?

Hon. A. A. Wishart (Minister of Justice): The answer, Mr. Speaker, is no. As far as I am aware, there has been no communication whatsoever.

Mr. Gaunt: Then I presume, through you, Mr. Speaker, that the case is closed.

Hon. Mr. Wishart: I think, Mr. Speaker, on several earlier occasions, that so far as Ontario was concerned we had done everything possible to carry forward the matter of getting this man back to face trial in Canada. The matter has now, for some time, been a matter between the Secretary of State of this country of Canada, and that of the United States. Ontario has no more part to play in that.

Mr. Gaunt: Mr. Speaker, has Ottawa ever indicated to you personally, or to the government, that they had done all they could, and that as far as they were concerned the case was closed?

Hon. Mr. Wishart: No, I do not think Ottawa has ever indicated that they have done all they could. I remember when Mr. Martin was Secretary of State he made some statements, which he did not communicate directly to me, that he was going to take this matter, I think, to the United Nations or something of that sort. But he did not tell me that he had done all he could, or that he had ever done that.

Mr. Speaker: The hon. member for Welland South.

Mr. R. Haggerty (Welland South): Mr. Speaker, question to the Minister of Municipal Affairs.

Is the Minister planning to set guidelines for remuneration for regional councillors in view of the trend toward regional government?

Hon. Mr. McKeough: The answer, Mr. Speaker, is no.

Mr. Speaker: The hon. member for Sudbury East.

Mr. E. W. Martel (Sudbury East): Question to the Minister of Energy and Resources Management: Rumour has it that OWRC is

attempting to obtain office facilities in Sault Ste. Marie, and the offices which OWRC was to open in Sudbury will now be located in the Soo. Can the Minister assure the House that this is not the case?

In the event that OWRC intends to open its office in Sault Ste. Marie instead of Sudbury, can the Minister give the reason for the change?

Hon. Mr. Kerr: I would suggest to the hon. member, Mr. Speaker, that he should never listen to rumour. The OWRC intends to open the office in Sudbury as announced, and there is no change in plans in this respect. Because of the importance of the Great Lakes system in the Sault Ste. Marie area, a separate office which would include laboratory facilities is also under study for that area.

Mr. Martel: Second question to the Minister of Energy and Resources Management: Who is conducting the investigation into the fish kill in the Roberts River at the junction of the Roberts River and the Vermilion River? Who will pay for this investigation? When will a full time staff man be available for the Sudbury area?

Hon. Mr. Kerr: Question part (a): Mr. Speaker, the OWRC is enquiring into the alleged fish kill in the Roberts River which was reported to have occurred September 28 last.

Initial information suggests that the alleged kill was minor. The Department of Lands and Forests concurs with this observation. The National Steel Corporation of Canada Limited indicated that it was unaware of any reasons related to the treated waste discharge from its Moose Mountain mine that might have resulted in such a kill.

The OWRC has requested the company to list the various chemicals used in the process and to indicate any significant process changes which might have occurred recently;

(b) This type of investigation is a normal work function of the commission;

(c) The target date for an OWRC staff man to be located in Sudbury is December of this year.

Mr. Speaker: The hon. member for Essex South has the floor.

Mr. D. A. Paterson (Essex South): Mr. Speaker, I have two questions of the Minister of Lands and Forests: When was the departmental decision made to prohibit commercial fishing for pickerel under Essex County licences only for the month of October and the prohibition of the use of three and a quarter and three and a half inch gill net mesh?

When was the Alymer district office made aware of this decision? Why were commercial fishermen not notified until September 26? Is the Minister aware that this late notification has caused serious financial difficulties because of commitments for equipment and net of this size and labour involved? Is there any dollar value estimation of obsolete three and a quarter and three and a half inch mesh now in the hands of Lake Erie commercial fishermen?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in reply to the hon. member for Essex South:

(1) The decision was made on April 28, 1969;

(2) This subject was continually discussed with the Aylmer office as early as November 1968 and they were advised in May of 1969 of departmental approval;

(3) The field staff informed some representatives of commercial fishermen of tentative plans on January 28, 1969 and of approval informally on June 13, 1969. The department notified the fishermen formally by letter dated September 8, 1969—and I am sending the hon. member a copy of that letter—as soon as possible after the regulations were made in Ottawa;

(4) No, because we assume the fishermen were well aware of proposed regulation changes; and

(5) The answer is no.

Mr. Paterson: May I ask a supplementary for clarification? The Minister stated the letters went out to the fishermen on September 8, yet complaints have reached me that these letters were not received by the fishermen until September 26, when they returned to port. I wonder if the Minister could look into that and see why these letters had not gone out from his department.

Hon. Mr. Brunelle: I would be pleased to look into the reason for the delay in the letters, Mr. Speaker.

Mr. Paterson: I have a second question of the Minister: Is the use of monofilament mesh for commercial gill nets legal in Ontario waters?

Will the Minister make a definite policy statement re the use of monofilament mesh,

before commercial fishermen place orders for this equipment?

Hon. Mr. Brunelle: Mr. Speaker, in reply to the hon. member's question, yes, monofilament nets are used in Ontario, except in Lake Ontario where the fishermen themselves requested its prohibition for every species but carp.

Yes, monofilament is more efficient in some cases for catching a certain species. We use it ourselves in the department for our lake surveys programme and my department is promoting efficiency in gear technology.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker, I have a question for the Minister of Education: Is the Minister doing anything to encourage the sharing of heating, gymnasium and library areas of the public and separate schools now being planned for the Forest Glade subdivision in the east end of Windsor?

Hon. W. G. Davis (Minister of Education): Mr. Speaker, this would have to be a voluntary interest on the part of both boards. If they wish to discuss this possibility with the department we would be quite prepared to discuss this matter with them.

Mr. Burr: Has the Minister made any calculation, even a rough calculation, as to the amount of money that might be saved by such a sharing?

Hon. Mr. Davis: Mr. Speaker, there has been no rough calculation because at this point we have not been approached by either board as to this possibility. As I say, if they wish to do so, we would be quite prepared to sit down and discuss it with them. Obviously, I think on the surface there would be some saving, the extent of which I could not tell the hon. member at this point.

Mr. Burr: A question of the Minister of Highways: Will the Minister consider placing at intervals along winding two-lane highways (for example Highway 11) signs suggesting that for reasons of courtesy and safety, those motorists who are driving at less than the speed limit should occasionally pull off onto the shoulder of the road in order to let faster traffic go by?

Hon. Mr. Gomme: Yes, Mr. Speaker, I will consider it.

Mr. Burr: A question for the Minister of Highways: Has the Minister any plans for removing dead elms which, bordering or overhanging almost all highways in Ontario, constitute a threat to the lives and safety of all motorists?

Hon. Mr. Gomme: Mr. Speaker, we have had a continuing programme to remove all dead trees on the rights-of-way. I presume the member is talking about trees on private property which we have not undertaken to remove.

Mr. Burr: Mr. Speaker, a supplementary question: Where the department sees a tree on private property bordering on the road and overhanging it, should the department not encourage the owner to remove the tree?

Hon. Mr. Gomme: I would think in the light of that, Mr. Speaker, any tree that was a danger to the motoring public would be removed.

Mr. Burr: By whom? By the department?

Hon. Mr. Gomme: No. As I said before, Mr. Speaker, we do not go on private property but I think we would work along with the owner to see that it was done.

Mr. Burr: And a final question of the Minister of Highways: Why has it taken so long to install the Highway 3 and Todd Lane intersection traffic lights, promised by this department on July 11, 1968?

Hon. Mr. Gomme: Mr. Speaker, I will have to take this question as notice and try to get the answer from the district office.

Mr. Burr: A question of the Minister of Energy and Resources Management—this is from yesterday:

Has the Minister considered the possibility and advisability of making a persuasive appeal to Detroit's Common Council to proceed at once with the construction of the advanced waste treatment system which would make a great reduction in the pollution of the Detroit River and Lake Erie?

Hon. Mr. Kerr: Mr. Speaker, I have considered contacting Detroit city authorities regarding the condition of both air and water generally in the Detroit-Windsor area. However, as the hon. member realizes, someone might question the propriety of the provincial Cabinet Minister dealing directly with a U.S. municipal council on a matter such as this. For example, if the State of

Michigan should make approaches to the city of Toronto we might object.

However, in my opinion, Mr. Speaker, if we are going to co-ordinate our efforts and make them effective not only in the Detroit River but also in the St. Clair and St. Mary's and Lake Erie, we must work with the State of Michigan and other agencies such as their water resources commission and the International Joint Commission.

Mr. Burr: Mr. Speaker, a supplementary question: The Minister would agree that every day saved when three billion quarts of waste is being poured into the river would be worthwhile saving.

Another question of the Minister of Energy and Resources Management—

Mr. Speaker: Perhaps if that were a question and not a statement the member would allow the Minister to answer.

Hon. Mr. Kerr: Mr. Speaker, I agree with that observation. But I feel it would be better to work with the State of Michigan as we did with holding regulations and as we did on the St. Clair River. We are having a great deal of co-operation with the governor of that State and I could also refer to a letter, Mr. Speaker, from our Prime Minister (Mr. Robarts) dated last July to the chairman of the International Joint Commission, Mr. Arnold Heaney regarding pollution problems in the area to which the hon. member refers. I might refer to one particular paragraph:

> We would urge the International Joint Commission to use its good offices to encourage the United States jurisdiction bordering on the Great Lakes, but particularly on Lake Erie, to accelerate pollution control measures.

It has been reported to me that the Kaihoga River in Cleveland, the Buffalo River in Buffalo along with industrial and municipal wastes from the Detroit River area are major contributors to this pollution problem. I have no doubt that these and other significant situations are already well known to you.

Mr. Burr: A final question of the Minister: Is the Minister considering the appeal of Governor Milliken of Michigan that oil-drilling operations in fresh water bodies be prohibited?

Hon. Mr. Kerr: I am trying to locate the reference to that. My understanding, Mr. Speaker, was that the meeting of the six governors from the states bordering on the Great Lakes there evolved a resolution to establish a moratorium on drilling operations in the Great Lakes which was supported by four of the six governors. The governors of New York and Pennsylvania did not support the resolution.

The International Joint Commission has been at work since the spring of this year studying the potential oil pollution incidents from oil- and gas-well activities in Lake Erie. It is expected that their report will be complete before the end of the year.

Subsequent dates for public hearings in suitable centres in both Canada and U.S.A. will be fixed. Our policy respecting drilling will be re-examined in the light of the findings of IJC.

Mr. Burr: Thank you.

Mr. Speaker: I understand this Minister has a reply to the question from the member for Sandwich-Riverside from the other day.

Hon. Mr. Kerr: That question has already been answered Mr. Speaker.

Mr. Speaker: The leader of the Opposition might perhaps now wish to ask his question of the Minister of Labour.

Mr. Nixon: Thank you, Mr. Speaker. To the Minister of Labour: Will the Minister report to the House on the steps taken to assist in the solution to the strike in Dundas of Canada Crushed Stone, a division of Steetley Industries Limited?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, an application for conciliation services was recently received and the branch is now making arrangements to provide the conciliation services as requested.

Mr. Nixon: I am under the impression that this strike has been going on for two months now, does the Minister know what the first day was?

Hon. Mr. Bales: The information I have, Mr. Speaker, is that the strike started I think on July 17. The parties were negotiating together and it is only, I think, within the last week to ten days at the outside, that they asked the department for conciliation services.

Mr. Nixon: Was this a joint request or from only one side?

Hon. Mr. Bales: It was a request, I believe, from one side.

Mr. Nixon: Which side?

Hon. Mr. Bales: My impression is that it was from the union but I am not absolutely certain of that.

Mr. Speaker: The hon. member for Grey-Bruce.

Mr. E. Sargent (Grey-Bruce): This question should have gone to the Minister of Trade and Development, would he accept it? It was directed to the Provincial Treasurer on economics, but it has to do with housing.

Mr. Speaker: The hon. member may redirect it in the House if he wishes and the Minister may take notice of it or he may wait until tomorrow and send in another question directed to this Minister.

Mr. Sargent: It is regarding housing, Mr. Speaker.

Mr. Speaker: Mr. Speaker can only rule the matter as the rules apply.

Mr. Sargent: Mr. Speaker, a question of the Attorney General: Will the Attorney General advise the probability and feasibility of Ontario adopting a code similar to that now in effect in Japan where a lady can obtain an abortion for four or five dollars?

Hon. A. Grossman (Minister of Correctional Services): No inflation there. At least no inflation on the inflation.

Hon. Mr. Wishart: Mr. Speaker, abortion under our present law is a criminal offence and, therefore, a federal matter. The recent amendment to the code did provide that a therapeutic abortion, approved by a committee of doctors in the hospital, could be carried out under certain circumstances which are nominated or named as a therapeutic abortion. But the province of Ontario would have no authority or jurisdiction whatsoever to infringe upon the field of federal jurisdiction, and abortion, at present, is an offence under the Criminal Code of Canada.

Mr. Speaker: The hon. member for Peterborough.

Mr. W. G. Pitman (Peterborough): Mr. Speaker, I wonder if I could address a question to the hon. Minister of Education: What is the full complement of members for the council of regents for the colleges of applied arts and technology?

How many members are on this council as of October 9?

Hon. Mr. Davis: Mr. Speaker, I am just going by memory. I believe initially it was 15 and then we increased it through regulations to 16. There are presently 11 on the council and we are in the process of appointing four new additional members.

Mr. Pitman: Would the Minister indicate when these appointments will be made?

Hon. Mr. Davis: Mr. Speaker, I would like to think it would be within the next two or three weeks.

Mr. Pitman: Could the Minister indicate why there has been this number of people going off the council over the last short while?

Hon. Mr. Davis: Mr. Speaker, I think the council was set up roughly some three years ago. Two or three of the members who have resigned indicated that while they thoroughly enjoyed the experience, it was rather onerous and time consuming, and they said it was time to share the responsibility with somebody else.

Mr. Pitman: Might I ask another question, Mr. Speaker? How many letters of permission and letters of standing valid for elementary and secondary schools in the province have been issued by the department as of September 30, 1969?

Hon. Mr. Davis: Mr. Speaker, I am sure the hon. member for Peterborough is well aware of the distinction between the letter of permission and the letter of standing. As it relates to the letters of permission, those issued for teaching for 1969-1970 were in elementary 88 and for secondary 1,016.

Mr. Speaker, there was certain other letters of permission, all issued for one year only as the hon. member is aware, and I cannot give him the figure for this yet. It could relate to a few principals in the elementary schools who have qualifications but not necessarily for the task of principal.

With respect to letters of standing, from January 1969 through to September 30, it is not a new figure, it is an on-going figure, the elementary is 1,290 and the secondary is roughly 496.

Mr. Pitman: Could the Minister indicate whether there has been a substantial increase in the number of letters of permissioin for secondary schools, and if so, what the reason would be?

Hon. Mr. Davis: Mr. Speaker, I think we discussed this last spring if memory serves me correctly. I indicated then that one of the steps the department was taking was the

establishment of the summer course for secondary school teachers at the Lakehead. I think I can report that the extent of the problem was not as great as we had anticipated. I do not have the figures compared to a year ago. I can get this for him. But the school boards were able to meet their requirements for secondary school teachers with greater ease and, quite frankly, most of this had been anticipated last spring.

Mr. Pitman: My final question, Mr. Speaker. This question was submitted some time ago: How many students enrolled in teachers' colleges in the academic year 1968-1969 have not found employment?

Is the enrollment in provincial teachers' colleges for the academic year 1969-1970 related to the needs of Ontario classrooms in 1970-1971?

Finally, have school boards been cautioned about gathering teachers in other countries when Ontario teachers are without employment?

Hon. Mr. Davis: Mr. Speaker, the last figure that we have officially from the teachers' colleges, I think, was for either May or June. I am not sure whether I gave the hon. member an up-to-date figure at that time. I believe it was in the neighbourhod of 600. Since that time some of these, of course, have found employment, but it is not possible for us at this stage to say exactly what number there would be.

With respect to the enrollment for this year, the policy has been, and will continue for this year anyway, to enroll all those who qualify as long as they apply in time to the teachers' colleges. This has been the philosophy and it is difficult, Mr. Speaker, to predict the number of teachers who leave the profession and also the number who want to re-enter the profession.

For instance, in 1967-1968, 7,476 withdrew from the profession. There are enrolled, this year, somewhere in the neighbourhood of 8,090 in our teachers' colleges, as of September 22, so that if one can relate these two figures in anticipating some degree of growth, it would appear as though we are in a position to meet the requirements for next September.

Mr. Speaker, once again we cannot completely predict the number of teachers who may leave the profession and those who want to return to it.

I would also say, Mr. Speaker, that with the experience this year of the school boards, with elementary school teachers, I think one can predict with some degree of accuracy, that only in the case of specialist teachers will there be many boards who will be going outside this jurisdiction to obtain their professional assistants.

Mr. Pitman: May I ask if the department is making this position known to the school boards first? And secondly, are there more or fewer teachers enrolled in the teachers' colleges than last year? I think the Minister said 8,090. Is that more or fewer?

Hon. Mr. Davis: Mr. Speaker, the 8,090 represents some increase. I do not have handy the exact percentage increase. I will get that for the hon. member. We will be circulating, once the final figures are available to us, the numbers of students in the various colleges, college by college, to the boards, so that they will have an awareness of the student teachers who will be available.

Mr. Speaker: The hon. member for Hamilton Mountain.

Mr. J. R. Smith (Hamilton Mountain): I have a question for the Minister of Energy and Resources Management: Why will Ontario Hydro not supply hydro to Mr. Ivan Thomas, a resident of the Six Nations Indian reservation?

Hon. Mr. Kerr: Mr. Speaker, it is standard practice to require Indians on reservations to make application for service to their band council. The band council approves the applications on the basis that they will guarantee payment of accounts. This procedure is followed because Ontario Hydro is unable to collect arrears through tax rolls where the reservations are concerned; as is the case in rural municipalities served by Hydro.

Mr. Thomas has offered to make a deposit to guarantee payment of his account. The regional director of The Department of Indian Affairs and Northern Development discussed this matter with the Six Nations band council on September 16. The chief and the nine councillors present were unanimous in their opinion that Mr. Thomas's application for electrical service must be routed through them. They further stated that if this were not done, council would no longer co-operate with Hydro under the terms of the agreement.

Accordingly, Mr. Thomas was advised that Ontario Hydro was ready to provide service to his home, but it could not act without his

co-operation in following the standard procedures to which Hydro is contractually obligated.

Incidentally, Mr. Speaker, the inference in the feature article which appeared in a local newspaper this week, that this matter is related to negotiations for the construction of a transmission line from Nanticoke generating station to the reservation, is completely without foundation.

Mr. J. R. Smith: Mr. Speaker, may I ask a supplementary question? Does the Minister intend to consult with Hydro to ask them to review this policy in respect to Indian reservations which is paternalistic and denies the rights afforded to all citizens of this province? Having gone to teachers' college with Mr. Thomas, and being a personal friend, I think it is a great injustice.

Hon. Mr. Kerr: Well, Mr. Speaker, this is a very complex matter involving a large band, and, as I say, it involves a detailed contract. However, as a result of the request from the hon. member, I will have this review undertaken.

Mr. Speaker: The hon. Minister of Highways advises that he now has the reply to the question from the member for Sandwich-Riverside, asked today.

Hon. Mr. Gomme: Mr. Speaker, the department was waiting for the reconstruction of the intersection to be completed before installing the traffic signals. The work is now almost finished, and the signals are being erected, and they should be in operation in the next few days.

Mr. MacDonald: Mr. Speaker, before the orders of the day, I would like to raise a point of order in relationship to the private members' hour.

I am informed by our Whip that though we were scheduled for, and in a position to proceed with, an item of business in the private members' hour tomorrow, the government Whip has indicated that nobody on the government side is ready to debate this issue, and therefore it cannot be debated.

I draw to your attention that this will be the third private members' hour that has gone down the drain since the Legislature resumed its sittings, and two of those three have been for precisely the same reason: Namely, that nobody on the government side of the House is in a position to debate the item that is going to be called.

I want to suggest to you, Mr. Speaker, and I know of no other way to do it, since apparently our Whip, in effect, is faced with a decision that he has to accept from the government side of the House, that this, in effect, is a scuttling of the private members' hour. I would suggest a rule that I think was obtained some years ago, namely, that if a clear 48 hours' notice were given—or by understanding if there was a switch in a shorter period of 48 hours—that if that item of business is called it will be debated. If the government is not in a position to debate it, it will be interesting to know of their bankruptcy on that, as on many other issues and we will put in a second speaker and fill the time.

I submit to you, Mr. Speaker, that this should not be tolerated tomorrow and that the rules should be laid down so that it will not occur in the future.

Mr. G. Ben (Humber): Mr. Speaker, I want to rise on a point of order with reference to the Minister of Municipal Affairs.

Mr. Speaker: Perhaps we might first deal with the matter raised by the member for York South. I too have been concerned, because I have endeavoured to ascertain what would be the subject for debate in the private members' hour, and have been told that the Whips' decision was that there would not be a private members' hour on Monday, and I have not heard yet about tomorrow.

As I think all hon. members know, as far as Mr. Speaker is concerned in these matters he has been by practice and precedent governed by the decisions of the party Whips as conveyed to him. And I certainly understand the situation so far as the matter raised by the member is concerned, and I will be glad to discuss it myself with the Clerk of the House and the party Whips, if I can get in touch with them, and see what we can do about it. I believe that is an hour when members should have an opportunity to express their opinions on matters of concern to them and the public. I think it is a good point raised by the member, and I will be glad to see what can be done about it.

Mr. MacDonald: Mr. Speaker, can you indicate how soon you can inform us as to whether or not the hour will be offered at all?

Mr. Speaker: I cannot because I see that the government Whip is not in his seat, and whether he is available or not I do not know. As soon as I am out of the chair I will

endeavour to reach him, but I unfortunately cannot make any promise.

Mr. MacDonald: We are ready to proceed.

Mr. Speaker: Thank you. The hon. member for Humber.

Mr. Ben: Mr. Speaker, at 11 o'clock this morning the hon. Minister of Municipal Affairs had a press conference at which he released a statement captioned "Aircraft Noise —Toronto International Airport, Malton". Now this statement enunciated a new principle of restrictive zoning in the area surrounding the airport which, in my opinion, Mr. Speaker, was of great import to many members of this House whose ridings are included in or about the proposed plan.

I believe, Mr. Speaker, that a statement such as this should be made in this House. Surely it could have waited the three hours which would have brought it into the time period in which this House starts to sit, because there are many questions of clarification that we should like to ask the hon. Minister pertaining to this statement. As it is, if the Minister does not consent for us to put some of these questions of clarification, we will find ourselves typing question after question after question to be submitted to the Speaker for his concurrence, and then submission to the hon. Minister.

Tomorrow, as has been already indicated, is Friday and we try to keep the question period short. Now I think the hon. Minister ought to submit himself to some of these questions; or in future restrict himself to making statements such as this, of a policy of great import, to the House.

Hon. Mr. McKeough: Mr. Speaker, let me say, first of all, I would be delighted to answer any question which the hon. member has. I think it is fair to say that this matter has been under discussion with the municipalities, perhaps four or five directly involved. The mayors, planning directors, and the members most directly involved with those municipalities were there this morning.

Mr. L. A. Braithwaite (Etobicoke): Mr. Speaker, if I might rise on a point of order, I was not—

Mr. Speaker: We might finish this one first. Does the hon. member for Humber have anything further?

Mr. Ben: Yes, if the Minister is willing to answer a question for clarification.

Mr. Speaker: No, just on the point of order. It is not open to the member at the moment to question the Minister. I am about to point out to the House that the present rules at least, and so far as I can ascertain the proposed rules, would indicate that Ministerial statements are not subject to prolonged questioning. Brief questions for clarification can be answered. Therefore, the premise upon which the hon. member for Humber has based his thought—that there might be many questions of the Minister if he made a statement —would not be sound.

Secondly, no question having been asked of the Minister through the proper procedure, as we now have it in the House, any question further from the member to the Minister, or any reply, would be strictly out of order and I so rule and would so hold.

Now, unless that particular decision is to be appealed, that will end this matter at the present time.

Mr. Ben: Mr. Speaker, I am not questioning your decision, but I would point out that, in speaking in the first instance, I mentioned a question for clarification. I quite agree with your ruling, Mr. Speaker.

Secondly, I would point out that if it interests the Minister, and interests the officials of the municipality, surely it interests members of this House, and a statement ought to be made in this particular House. That is the point I was trying to make.

Third, we could not have put the question in the proper form, Mr. Speaker, because we did not obtain copies of the Minister's statement until after the hour which sets the deadline for putting questions.

Mr. Speaker: I am not quarrelling with the hon. member's point of order or point of privilege, whichever you wish to call it, but I do point out that there is no opportunity now to consider the matter that he has raised, other than the Minister's explanation.

The member for Etobicoke.

Mr. Braithwaite: Mr. Speaker, on a point of order, I would like to make it quite clear that my riding is one of the ridings that is immensely affected by airport noise. The citizens of my riding have been insulted by this Minister, Mr. Speaker, because I have not been—

Mr. Speaker: If the hon. member will state his point of order, the insulting of his—

Mr. Braithwaite: My point of order is that the Minister has stated that he notified all members who were concerned. I received no notification, I have not as yet received a copy of this particular press release. I know about it now, but I knew nothing until I came in here, when the hon. member for Humber was good enough to show me a copy that he had secured from somewhere. I do not think this is any way for the Minister of Municipal Affairs to treat the Opposition. And I just want to make it known that I take it as a deep personal insult.

Hon. Mr. McKeough: Mr. Speaker, I thought it might have been better if I had not invited the member who has just spoken because the last time he spoke on this subject he got into so much trouble with the hon. Mr. Hellyer I thought he might better be left out of it this time.

I assure the members of the House—

Mr. V. M. Singer (Downsview): Typical of that Minister.

Hon. Mr. McKeough: Mr. Speaker, I assure the members of the House that I take full responsibility for whom I invite to my office and I intend to continue doing so.

Mr. Braithwaite: The Minister has stated that he invited all the members who were concerned. My riding is concerned, I was not invited. I ask the Minister to retract that statement.

Hon. Mr. McKeough: I did not say that.

Mr. Speaker: The hon. Minister states that he did not say what the member alleges, therefore I presume that the member will accept the Minister's statement.

The hon. member for High Park has two questions of this Minister.

Mr. Shulman: I have a question of the Minister of Municipal Affairs. Notice of it has been given, Mr. Speaker: Is Judge R. A. Carscallen correct in his statement that fair market value is not the test for assessing properties, as reported in last week's Petrolia *Advertiser-Topic*?

Hon. Mr. McKeough: I will take that question as notice, Mr. Speaker.

Mr. Shulman: I also have a question of the Minister of Correctional Services left from yesterday: Has Mr. Joey B. been held in the hole at Millbrook since July 19, 1969? Is there any maximum time limit during which a prisoner may be held in a punishment cell?

Hon. Mr. Grossman: Mr. Speaker, the answer to both questions is "no".

Mr. Shulman: Will the Minister allow a supplementary?

Hon. Mr. Grossman: No.

Mr. Shulman: Is the answer no?

Hon. Mr. Grossman: The answer is no.

Mr. D. C. MacDonald (York South): Mr. Speaker, again if you will forgive me, I rise on a point of order.

As I understood your comment a moment ago with reference to the rules or the proposed rules in the select committee report concerning questions of clarification or statements after a Ministerial statement, your indication was that only questions of clarification might be put to the Minister.

Mr. Speaker: At the present time.

Mr. MacDonald: Right. And you said that was, as far as you understood, the recommendation of the select committee. My understanding is that the recommendation of the select committee is an embodiment of a proposal that was made in this House by the Prime Minister on June 17 of this year and it is to be found on pages 5732 and 5733 of *Hansard*. Perhaps I can just read it briefly because quite frankly I think it will resolve an awful lot of wrangling in the future.

The Prime Minister had made a lengthy statement on Medicare and in the course of subsequent observations of his, he said.

> May I say, on a point of order, while I am on my feet, I recognize the frustration sometimes, of the Opposition when a statement such as this is given. I would say, Mr. Speaker, that it is necessary for the government—it is necessary for me as Prime Minister—to have an unlimited right to speak in the House because I must tell the House what the government is doing. This is my responsibility of this minute and always has been.
>
> Also, in this House, always there has been a leniency and a right for the leaders of the two parties to make comments when these statements are made. Now, like so many of our rules, the ultimate result that we seek to achieve will only be achieved through some some common sense in dealing with this. I do not, as the leader of the goverment, want to see any restrictions placed on the right of the Opposition to seek clarification or to make brief comments on statements made by the Ministers.
>
> Every Minister has, I might point out, Mr. Speaker, the same responsibility to the people of the province. He takes the responsibility for what his department does. If it is wrong he takes the responsibility for that, so he must put before the House the proposition that would occur in his department. I think if

we were to consider it in this way, and not have points of clarification from eight or ten members, but leave it to the leaders of the other parties or a particular critic who might be involved—and as long as he uses some common sense in the extent to which he chooses to go—I am quite certain this situation will work itself out to everyone's satisfaction.

Hon. Mr. Grossman: Well, that is the key phrase, "common sense."

Mr. MacDonald: Well, my colleague who was on the select committee draws to my attention the specific recommendation of the select committee.

> The Ministerial statements should so far as possible be of a non-controversial nature and be confined to giving information with respect to the administration of policies of the department as was suggested by Mr. Speaker Morrow. Also that a spokesman for each Opposition party represented in the House be given an opportunity to make a brief reply to the statement.

Hon. Mr. Grossman: Non-controversial!

Mr. MacDonald: Perhaps if the replies are no more controversial than the Ministerial statements, we will have plenty of leeway.

So I just draw this to your attention, Mr. Speaker, because since the Prime Minister has indicated this pattern and it was considered and adopted by the select committee, I see no reason why perhaps we cannot move with that now rather than living with the problem of the earlier approach. In this instance, I think it would have resolved the difficulty that you seem to find yourself in.

Mr. Speaker: May I say first that neither the member for York South nor Mr. Speaker were on this committee. I do not think either one of us can say what was in the committee's mind as far as putting the Prime Minister's views into the report of the committee.

I would say this, that I am entirely in accord with the views expressed by the Prime Minister and read by the member for York South. I am quite prepared to follow that until there are new rules—provided that there is, as the committee and the Prime Minister both said, reasonable discretion exercised. But I would point out to the members that there was no statement before the House today by any Minister is respect of this matter.

Mr. A. Carruthers (Durham): Mr. Speaker, on a point of order, I wonder if I might clarify the private members' hour briefly. Originally the bill of the member for Yorkview was to be the first on the private members' hour.

Mr. J. E. Stokes (Thunder Bay): Yorkview?

Mr. Carruthers: Yorkview, yes. He being away at the time, this was impossible.

Mr. MacDonald: That was before the recess.

Mr. Carruthers: Yes, that was before the recess but he did not have it then and was to carry it on to this session. Then, the member for Windsor West had a bill coming up and we were prepared to deal with that, but the Whip for the official Opposition was away at the time and there was no surety that they were prepared to go on. Then we changed it again to the member for High Park in the meantime. So we have had three changes in that period. I understand—

Mr. J. Renwick (Riverdale): State the point of order.

Mr. Carruthers: —by mutual agreement yesterday it was decided that the first private members' hour would be a week from tomorrow, October 17.

Hon. Mr. Grossman: That destroys the halo does it not?

Mr. Stokes: I suppose this is the right place for me to get up and to clarify this issue. The deputy Whip for the government states that the hon. member for Yorkview was supposed to go with a certain private bill, but this was agreed to three months ago and it never got on because of the urgency of trying to clear up the business of the House before the recess on June 27.

On the first private members' hour, which was slated to take place a week ago yesterday, the deputy Whip said that they had not done the research on the one that we wanted and would prefer that it be held over until the following Monday. On Monday, it was unfortunate that the Whip from the Liberals and I were not able to get down because of weather conditions, so that we were not able to finalize any agreement for that day.

But with regard to the private members' hour for tomorrow, we had agreed that we would substitute one private member's bill for another one because there was an opportunity to discuss the subject matter of the first one during the estimates which were currently before the House. We agreed to that.

So then, yesterday, I was notified by the chief government Whip that he would prefer that we hold off any private members' bills until a week from tomorrow because he

thought that everybody was interested in getting out of the House early tomorrow—for some reason or another.

Mr. C. G. Pilkey (Oshawa): Conservative caucus!

Mr. Stokes: Now, it is the feeling of the members that I represent that they would prefer to go through with the private members' hour tomorrow. We are ready and the deputy Whip of the Liberals indicates that he is ready with Resolution 32. I suggest that we proceed on that basis.

Mr. Speaker: Well, like so many matters in the House, they become more confused the more we talk about them. I have now the statement of the assistant government Whip that there was an agreement among the Whips that there would be no private members' hour until a week from tomorrow. I now have the Whip of the New Democratic Party telling me that there was not an agreement. I will still, as I mentioned a little earlier when the member for York South raised the point, see what I can do to straighten it out when I leave the chair.

Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. A. E. Reuter in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

On vote 2208:

Mrs. M. Renwick (Scarborough Centre): Mr. Chairman, I would like to begin my remarks to the hon. Minister of Trade and Development today by trying to evoke from him some meaningful debate on his statement that public housing is not the answer to housing requirements in the province of Ontario. I agree, Mr. Chairman, as we do in the NDP caucus, that the kind of public housing that the government of Ontario has produced is not the answer. The units that have been produced have been produced without thought of the needs of the people who live in them.

Now, I would challenge the Minister that he is completely wrong in saying that public housing is not the answer to the problem in Ontario. I would read some facts from the Economic Council of Canada's sixth annual review, 1969. On page 99 they say that less than one per cent of the total housing outlay in the last 20 years in our country was for public housing for low income families. The Minister, in his initial remarks, held the Scandinavian countries—which he lumped, incidentally, with the communist countries as if they were the same thing—waiting lists as being a problem to public housing.

I would say to the Minister, Mr. Chairman, that whoever prepared that work for him should immediately be put somewhere else in some other department because they left him wide open to the remarkable figures that have been concentrated over the years—for example, 25 to 30 per cent of the housing in the Scandinavian countries is public housing. It left him vulnerable to have pointed out to him, as we will see later on, the kind of public housing that the Scandinavian countries have produced and were producing as far back as 1935.

It is so far superior to anything that we have produced in Ontario that the Minister should have hesitated, in my view, to use the Scandinavian countries as an example.

Waiting lists, yes, Mr. Chairman. I would like now to challenge the Minister on his plans for the "need" here, in Ontario. In the report of the Economic Council of Canada, on page 168, it was stated:

> We do not believe that there is the slightest hope that free play of market forces can bring about a solution to the housing problem that low income families now face in this country. We are a rich nation, and decent shelter is an elementary human need. Various forms of public assistance will, therefore, be required to provide adequate housing at reasonable cost to low income families and individuals.

On page 99, the report discussed the "need" estimates. Canada, from 1966 to 1971, had an average need of 190,000 housing units per year. From 1971 to 1976 there was projected the need of 230,000 housing units per year.

Now, Ontario had 38.3 per cent of this country's housing stock in 1966, so if we call it, Mr. Chairman, 40 per cent of the forecast for Canada, we require this year, 76,000 units on a rough figure. That need, Mr. Chairman, was almost met. We do have, as the Minister stated, 16,000 families not presently adequately housed in the low-income bracket.

However, what I would like to ask the Minister specifically, Mr. Chairman, is how he sees only two years hence the beginning of an estimate of need from 1971 to 1976. Because the estimate of need in Ontario then

becomes 92,000 units instead of 76,000—an additional 16,000 units average per annum. In these figures that the economic council report on housing used, the estimates did allow for new families, for undoubling, for replacement of obsolescent housing, for demolition, for urban renewal and for housing improvement. They allow for every conceivable factor including some increase in vacancy rate. So their figures should be absolutely accurate.

I would ask the Minister if he does not think public housing is the answer in Ontario. This is a new switch because even as recently as last week, Mr. Chairman, we were picking up Toronto newspapers saying on one page that the Minister of Trade and Development says that the public housing is not the answer, and on another page the Minister is saying that Ontario's public housing is the finest in the world.

Now if it is the finest, it must be working well. It must have been adequate. The Minister is very carefully preparing the assembly, and the people in Ontario who are interested in housing, that the Tory government is now going to admit that it does not really believe in public housing. It has got permission from Ottawa to sell some of its units, if not all of them, and this is simply the beginning of what might be a possible phasing out.

My questions, Mr. Chairman, to the Minister are: What is the alternative in his mind and at what price, at what cost for the wage earners of Ontario if he does not believe that he can go ahead successfully in public housing? Where does he see the development, then, for the additional units needed in the 1971-1976 spectrum as forecast by the economic council?

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, through you to the hon. member for Scarborough Centre, let me point out that I have been in Sweden twice in the last two years and I have talked to the housing authorities there. They themselves recognize that if the state and the state only is going to build housing, they will always have a waiting list—unless they can turn to private developers.

Mrs. M. Renwick: Mr. Chairman, could I ask a question of the Minister?

Does the Minister think I was speaking about waiting lists?

Hon. Mr. Randall: No, I am just trying to—if you will listen, I am just trying to answer your questions. If you give me a chance to finish, I will answer all your questions. I just simply suggested that, in talking to the Swedish housing authorities, they pointed out to me that the system that they are using, regardless of how good you think it is, is not filling the need, and the number of people on the waiting list indicate that the state only building houses will not take care of the needs of the nation.

I did not lump Sweden together with the communist countries for any purpose except to point out that, where the state is entirely responsible for housing, they are in great difficulties.

I found that when I was in Russia a couple of years ago, in talking to the state housing authorities in Russia—

Mrs. M. Renwick: Big difficulties right here—

Hon. Mr. Randall: Pardon?

Mrs. M. Renwick: Big difficulties right here.

Hon. A. Grossman (Minister of Correctional Services): You do not have to wait 11 years to get housing here.

Hon. Mr. Randall: No, I am not in great difficulty. Now if you will just listen, I will try and help you out—if you think you can broaden your thinking on housing. Because I am going to come back and tell you what we are doing here, and perhaps you will admit that we are doing something in housing.

Mr. S. Lewis (Scarborough West): You use the word 'socialism' a little loosely—

Hon. Mr. Randall: Well, all right. You tell me what the economic difference is in some cases.

Mr. Lewis: Twenty years, or 30 years ago, it was permissible.

Hon. Mr. Randall: Tell me what the economic difference is.

Hon. Mr. Grossman: The hon. member for Scarborough West!

Hon. Mr. Randall: No, not much difference economically. Not much difference. You use it when it is convenient to use it.

Mr. Chairman: Order!

Hon. Mr. Randall: Mr. Chairman, I was saying that, not only in Sweden but also in

Russia, they recognize that state-built housing is not going to fill the needs of the people. And already, as I said the other day, in Russia, they are trying to find some way they can create home ownership—and remember those two words because I have heard enough about them from the Opposition and all the kidding we have taken in the last few years—this is probably the key to housing people in this province.

I was in Hungary in May, and I talked about housing over there. As you probably know, if you know something about their rents over there, they pay five or ten dollars a month compared to Canadians. Five or ten dollars Canadian a month for a house. And the foreign minister himself told me: "We are not going to house our people on this basis. We must find some way to give people home ownership."

We talked about our housing programme here at great lengths, and he was here on September 27 and he had an opportunity to see what we were doing in housing here. And he was very impressed, but he said: "How do we—

Mrs. M. Renwick: Mr. Chairman, would the Minister accept a question on that statement?

Mr. Chairman: Oh, I think perhaps the hon. Minister should be permitted to finish.

Hon. Mr. Randall: Why do you not let me finish? I will listen to questions—I will listen to you all afternoon. I have got lots of time. I am not going anywhere.

Mrs. M. Renwick: Me neither.

An hon. member: We do not think you are going anywhere either.

Hon. Mr. Randall: That is right, but I am taking you with me.

But I talked to the foreign minister on housing when he was here and I showed him what we are doing, and he said: "If we could find the key to having somebody else in Hungary build houses but the state, we would turn to it tomorrow. Because we are not housing our people adequately, nor are we building enough housing."

Mrs. M. Renwick: You are not building the right kind.

Hon. Mr. Randall: Well, that is all right. You should visit some of these places instead of just reading books.

Mrs. M. Renwick: Do not worry, I was in apartment buildings in my riding all last Saturday.

Hon. Mr. Randall: Perhaps if you saw these conditions, you would understand why the state is not going to house all the people.

Mrs. M. Renwick: I have got enough places to visit.

Hon. Mr. Randall: I know it is a policy of the NDP to put everybody in public housing, but that is not our policy; and we do not intend to do it.

Mrs. M. Renwick: We are not saying—

Hon. Mr. Randall: We do not intend to do it.

Mr. E. W. Martel (Sudbury East): Got a shovel?

Hon. Mr. Randall: We do not intend to do it. No, I have got a pitchfork, because that is the kind of thing you understand.

Mr. Chairman: Order!

Hon. Mr. Randall: Now I just want to say the hon. member mentioned something like 76,000 starts, I think it was, next year or 71,000 quoting from some figures. There were over 80,375 starts here in this province this year so, according to the figures you quoted, we are meeting the housing starts. Now I am talking starts—

Mrs. M. Renwick: That is what I said. That is what I said.

Hon. Mr. Randall: We are meeting the housing starts.

Mrs. M. Renwick: That is what I said—this year.

Hon. Mr. Randall: Yes. We are meeting the housing starts.

Mrs. M. Renwick: But I am asking about the future.

Hon. Mr. Randall: And there is no reason to believe in the future we will not do the same thing and—

Mrs. M. Renwick: How? That is what I was asking.

Hon. Mr. Randall: If mortgage money is available. That simply is the key. I said that yesterday. I will say it again and again and again.

Mrs. M. Renwick: You think the people can afford it?

Hon. Mr. Randall: The people can afford it—if we set up the kind of mortgage programme that I am talking about. Now, if you will let me finish again without interfering, I will give you our answer to financing the kind of people that you and I are interested in.

I might say to you that we have already asked the federal government, as we did up in Guelph, to put 5,000 public housing units on sale. Certainly, we cannot put those units on sale unless those people can afford them. Now below those people are people who have to be subsidized, and I have already suggested to my counterpart up in Ottawa, instead of building public housing, can we find a long-term financing programme with a minimum down payment that will permit these people into home ownership.

Now I think if we did that we would take away the stigma of second-class citizens, which a lot of people seem to tag them with. Certainly, I do not stand for anybody saying that. I have defended them every chance I get when people say the public housing tenants—and I think my friends at the *Star* will recognize that I took pen in hand, along with my friends, and defended the people in public housing last year. I will do the same thing any time.

We are criticized about tenants in public housing. I do not believe that people have to be directed to public housing, if they want proper residential accommodation. I think these people can be housed, and it is a matter of working out the mathematics—and the mathematics are not a puzzle to me. If the money is available from the sources that have to finance, that is our sources and the federal government's sources, I believe we can finance the people that are now paying rents and the kind of housing we are building—while you talk about housing that we are building—to date has averaged, with land, $15,550 a unit.

Now surely maybe with a 50-year-mortgage, we can take these low-income families with no down payment and, instead of them paying rents, perhaps they could pay a low mortgage which will let them pay it out in 50 years and have a roof over their head.

This is the kind of approach I am thinking of. I do not believe that this province here, or any other province, is going to solve the problem of housing our people by simply going out building more public housing, requiring more and more subsidies, segregating people from the mainstream of the community, and having to build special facilities because everybody said: "Well, if you are going to have public housing you must have a playground for these kids, you must have separate swimming pools, you must have separate schools." If we want segregation, this is one way to get it—to continue with these massive public housing deals.

If we get away from massive public housing, then we say scatter them through the community then everybody says: "Well, you must build them private recreational centres because there are 400 houses up there, or 40 houses up in that street." And I say again, you do that and you are segregating the people.

Our policy—I have announced it several times, and I continue to announce it—is that we are going to continue to acquire land, we are going to continue to build on the HOME programme under condominium, for both the poor and the modest-income families. As soon as I can work out the financial arrangement, this is where the people are going to go. They are not going to go into public housing, if I can do anything about it in my lifetime.

Now perhaps I will not be that fortunate, but at least I am going to try.

Mrs. M. Renwick: We do not disagree with that. We are asking how you are going to do it.

Hon. Mr. Randall: I know what you are asking. You ask, but you do not listen. Mr. Chairman, I am—

Mrs. M. Renwick: On a point of order, Mr. Chairman.

Mr. Chairman: Point of order.

Mrs. M. Renwick: On a point of order, I think that it is very poor to be told that—

Mr. Chairman: That is not a point of order. What the hon. member says is not a point of order, the hon. member will please state her point of order.

Mrs. M. Renwick: My point of order is that the Minister is misleading the House, misleading any person who might read a copy of *Hansard* when we in the New Democratic Party, who are vitally concerned in housing, are practically sitting on the edge of our seats to ask the Minister now that he has taken a new road, decrying the lack of his plans or use for public housing—

Mr. Chairman: Is this the point of order? I am missing it, what is the point of order?

Mrs. M. Renwick: The Minister deliberately misled the people of the House by saying we were not listening. We are listening with bated breath, Mr. Chairman.

Mr. Chairman: All right. The hon. Minister has been misleading the House by indicating they have not been listening. They are listening. Will the hon. Minister please proceed.

Hon. Mr. Randall: Mr. Speaker, the hon. member will know from the applications we have—

Mr. Martel: Retract!

Hon. Mr. Randall: No, I am not going to retract; I never retract, not unless I am wrong and then I will retract, and I will be the first to apologize. But I am not retracting that statement because what I say is absolutely right, and our people are not going to be pushed into public housing by the NDP. Do not ever think they are going to be pushed into it. You would love to have the entire state in state housing. You would love to have everybody in state housing. This is the end result of socialism.

Interjections by hon. members.

Mr. Chairman: Order.

Hon. Mr. Randall: I will make my point once more. We have a number of applications in Ottawa for public housing. We will continue with those until we have worked out a financial arrangement whereby those units can either be built now or in the future and sold to the tenants, as we are doing with the 5,000 units we have started on. If I could sell the entire 25,000 units under our management tomorrow to the tenants, that is what I would be interested in doing. Now maybe that answers your question.

Mrs. M. Renwick: That is just what I said. The Minister has now said that public housing is something he is no longer going to produce, that he is no longer interested in, and in my view he—

Hon. Mr. Randall: I did not say that at all. I said we were going to continue with public housing and we were to try and sell that public housing today or tomorrow to the tenants.

Mrs. M. Renwick: I will correct my words, Mr. Chairman. The Minister said that public housing was not the answer to the housing needs.

Hon. Mr. Randall: That is right, that is correct.

Mrs. M. Renwick: Did the Minister say then that the Economic Council, who state that they did not see the slightest hope of a free play market producing adequate housing are wrong?

I believe, Mr. Chairman, the Minister said the New Democratic Party was wrong. But is the Minister saying that the economic council report of 1969 on housing—which states they do not see the slightest hope that free play of market forces can bring about the solution to the housing problems that low-income families now face—is wrong?

Hon. Mr. Randall: No, I am not saying they are wrong; I am not saying they are right. Mr. Benson disagrees with the Economic Council. I have disagreed with the Economic Council at times. I agree with them on some things, but on housing—I do not think they have the complete answer on housing—and I think perhaps what we are doing here in the long run will prove to be the best method of housing our people.

Mrs. M. Renwick: Mr. Chairman, I was trying to get from the Minister where—

Hon. Mr. Randall: You got to me, go ahead.

Mrs. M. Renwick: —where the department is going. And let us hope it will go under the aegis of a Housing Minister so that we do not harass the Trade and Development Minister any further on this portion of his budget.

Hon. Mr. Randall: You are not harassing me, I enjoy it, go ahead.

Mrs. M. Renwick: Mr. Chairman—

Mr. Lewis: You are being quite provocative.

Hon. Mr. Randall: Oh, no I am not. She is not mad, you are the one that is mad. Let the girl talk, shut up.

Mrs. M. Renwick: When the Minister is dealing with $30 million in a two-year period under the EIO programme, and with $4 million in housing subsidies for a three-year programme, the $4 million in housing subsidies for a three-year programme is pale by comparison.

It is just wrong for anyone to try to perpetrate that this is a housing ministry, because it is not a housing ministry, it is a housing industry in the hands of Mr. Suter, and the offices on University Avenue, and not a housing industry in the hands of the Minister of Trade and Development. If it were in the hands of the Minister of Trade and Development, Mr. Chairman, I am sure that some of the aspects of this would have been altered somewhat before now.

So the Minister is to be complimented on Edgeley. The Minister must have had some sanction in the beginning of Edgeley. Edgeley, I am told, and I read about it, and talked at the housing conference to the architect, has overpassed Watts for children, and has, I believe, day nurseries, or a day nursery, and it has incorporated into it all the things which the previous developments of Ontario Housing were lacking, but it is just too little too late, Mr. Chairman.

If the original Tory-mind concept could have embraced the facilities that would be needed by the people in the high-density housing units, the Minister would never have been in the position where the Minister of Transport, Mr. Hellyer, would come to Toronto and in a moment's notice freeze the future of the Ontario Housing Corporation, because he could not do it, Mr. Chairman, if he were to look at Edgeley.

Edgeley is the sort of development that the Scandinavian countries have been developing for years. It is a working mother's paradise to live in some of those developments in the Scandinavian countries because she does not have the problems. We have got housing developments that are not even near stores.

Now, I would like to talk to the Minister for a moment about how the people are going to buy the homes then that he hopes to produce and I hope he will produce, and we in the New Democratic Party hope he will produce. We do not argue, Mr. Chairman, with the Minister's stand that home ownership is far superior to what we have now in the form of public housing. There is no question in the mind of any New Democratic Party member that this is superior to the system that the Minister of Trade and Development has allowed to develop in the province of Ontario, but we are also very concerned as to what his plans are.

Mr. Chairman, if you think that we are being obnoxious or time-consuming or anything else that sometimes we get named over here, let me just go briefly if I can, without being apoplectic, to the Minister's *entrée* Mr. Chairman, to the political arena, a little prior to my own and out of the same riding association. I am very familiar with the Minister's *entrée* to the political arena, and do not ever underestimate the Minister of Trade and Development, I say to my colleagues, because of his abilities in Trade and Development. The Minister is also very political.

Three days before the election that elected both of us, he announced 3,500 housing units in Flemingdon Park, as if they were going to grow up overnight. That is why I am trying now to pin the Minister down to something more than "we are going to have land assembly; we are going to have home ownership; we are going to Ottawa." I want to know how, when and where. The hon. Minister spoke yesterday about 11,000 acres of land assembled in Ontario—I want to know where.

In my trip out to see the New Democratic Party Cabinet sworn in in Winnipeg I saw a few thousand acres of land, too, and I hope that is not the land that is being assembled. I would like to know exactly where today, and I believe the Minister promised that he would bring us that information today.

Mr. Chairman, I think the Minister said he had some answers for us today. It is answers that we want, Mr. Chairman, it is answers that the people in Ontario want, it is answers that the poor people, the low-income, the working poor people, want. It is the answers that the 50 per cent income families want, the 50 per cent of our families who earn only $7,000 a year or less, and do not qualify for the housing plan as a rule.

Well, the Minister was political with his 3,500 units—you would not say mistrust the Minister, Mr. Chairman, but you would say you want to pin the Minister down to facts.

Looking through the press clippings for that time, one would think the Minister had suddenly unearthed this plan on which, overnight, 3,500 housing units could erupt. Now, we knew that could not happen and we said even a year would be a serious delay. And I became concerned about it, Mr. Chairman, because the Woodbine right-of-way was what seemed to be the flaw in the Minister's going ahead with the land.

I believe the parcels were 13 and 14, 9 and 5, 11 and 12, and that the hang up was that Olympia and York agreed to do all the rezoning—I wonder if the Minister could correct me? I live in the community and I have picked up information as this

development has grown from being a tract of bare land in 1960 to being a 28-floor high-density living area in the Minister's riding. I think that transition itself is worthy of a study, Mr. Chairman, but I will not go into that at the moment.

The fact remains that when the Minister announced the housing, he had not cleared the parcels of land, and when I tackled the Minister on this at a public meeting he said: "Well, there is a fly in every ointment" sort of thing and the fly in this one was that he could not proceed with the land.

Now I am told that Olympia and York agreed to do all the re-zoning before selling off the units, and they could not without a deed to the road allowance between parcels 13 and 14. And then I believe subsequently that was released.

That is the Chapel Glen project which began three days before the election of October 17, 1967, only two years ago. And what I am concerned about with the plans of the Minister from here on in, is the cost Mr. Chairman, to the people of Ontario, who are on fixed minimum wage. Many live on fixed incomes, needless to say, and the Ontario Housing Corporation, when they announced the $60 million scheme for condominiums in Don Mills—in the hon. Minister's riding—said that persons earning about $6,300 a year could have two-bedroom apartments and persons earning $8,000 a year could have four-bedroom town houses.

And the payments were very low, Mr. Chairman, they were $12,000 per unit, and, at that time, it was stated they could be sold for a down payment of $600, and monthly payments, including taxes and maintenance costs, of about $143. The down payment for a $15,000 unit would be $1,250, and monthly payments $181.80.

Is the Minister still using those figures? I believe he is; he quoted an average of $15,000. I suppose the average means there must be a figure above that, and I would like to know what that figure is. And the Minister said something very interesting, Mr. Chairman; he said something I have been waiting to hear him say for a long time, he said "no down-payment homes". I wish the Minister would correct me if I am wrong.

One of the last things that John F. Kennedy did, before his untimely death, was conduct an experiment on a few hundred no down-payment homes. And if that is what the Minister has in plan, I think it is very interesting.

However, Mr. Chairman, if the Minister does not have that sort of thing in plan, then the people who are now residents in the Ontario Housing Corporation in Flemingdon Park, the Minister's own riding, live in fear—and I have talked to them and they do, they are friends, they are neighbours—they are afraid that someone might come along with a $750 down payment which they do not have and be able to buy the unit in which they now live, if the Minister decides he is going to get rid of the weight of his public housing unit.

Later, Mr. Chairman, I hope the Minister will talk about the contracting out of the care of those units, because the Minister is slowly shedding the weight and the responsibility that is rightfully his, if he is going to have the portfolio of housing. He has now contracted out the maintenance to The Montreal Trust Company, and where do we go from here, if the Minister is going to go into a larger and newer programme of home ownership?

As he said, he would like to sell the units tomorrow if it were possible. This has to be done with great care and I am asking the Minister if he plans no down payment, and I am asking him where he plans to go; are we going to run into a two-year delay like we have on Chapel Glen? I understand Chapel Glen now has a plan for, is it 1,400 units? Has that contract been let? Has the architect been assigned? I think that will do much to give us some idea of what the Minister means when he would like to put in this kind of housing. We would like this kind of housing, Mr. Chairman. This is the kind of housing that every family in Ontario —just like in the Scandinavian countries—want, single-unit dwellings, if they can; or for those who do not want to care for a little bit of grass or storm windows, want an apartment; but not something that is without grass, without facilities, without recreation.

I am well aware Chapel Glen has a skating rink. I am not talking about a skating rink at Chapel Glen, I am talking about the whole package, what the Minister sees coming. And I think if he can give us some idea it will do much to encourage us, if the Minister is serious, that he will not get some hang up as he obviously did with the Chapel Glen programme.

You see, there is very little point in talking about home-ownership-made-easy programmes if the people cannot afford it, so the financing is something we should hear about.

Hon. Mr. Randall: Mr. Chairman, through you to the hon. member, may I say that when you look at the last three years and start to compare the amount of subsidies, I would remind you that nothing starts as of today, when you start to get into building homes. If you build a home for yourself, I doubt whether you could finish it in much less than six months. And when you are building hundreds of homes, as we are building, we run into many, many difficulties.

You will see in the financial report we have provided you with, for next year we set up an amount of $5 million for subsidies, to give you some idea how much money is going to be required for subsidies. Again, that is one of the reasons why we should be looking at housing people in their own residences instead of putting that money into subsidies, because we pay the subsidy money and then these other things I talked about—people in public housing, and all the slurs they have to put up with—are still there.

And if it gets to $50 million, we have not solved that social problem. So I look at that $5 million and adding that to the federal share and the municipal share, we estimate it would be $12 million in subsidies this year.

I want to make my point very clear again. We did not say we were not going to continue with public housing, we have called for proposals this calendar year, 1969, for 12,000 units, roughly $150 million. These proposals are going through.

Mrs. M. Renwick: For 12,000 additional units this year?

Hon. Mr. Randall: The proposals are going through, they are called for, they may not be finished next year, but these are the proposal calls that are going out. Sometimes these projects may take 18 months before they are finished, depending on strikes, lockouts and a lot of other things.

I am glad to see the hon. member agrees that the HOME plan is a good plan, provided we maintain our present prices or even lower them.

Mrs. M. Renwick: They have to be lowered.

Hon. Mr. Randall: I know. I am just saying I am glad to see the member agrees with the home-ownership plan. I think I agree with the hon. member that this is what we should be doing more of. And let me give the member this assurance: When we built in Flemingdon Park we had not changed the basis of our original announcement as to what it would cost to live under the HOME programme in that condominium concept.

Mrs. M. Renwick: Will it have to be subsidized?

Hon. Mr. Randall: No, I do not think it will have to be, not with the arrangements we have.

We did the same thing with Greenwin's property up at Highway 400 and Donway. There were 400 units in there, and they were sold on the condominium programme, under the condominium concept of prices. Perhaps I could read into the record, some of the plans for Flemingdon Park. I would like to point out to you, when I said I had the deal closed around 1967, I had the deal closed.

Mr. V. M. Singer (Downsview): On the eve of the election.

Hon. Mr. Randall: I had the deal closed but out of the blue came a one-share Sweeney, and you know what that is—if you do not, ask the gentleman who sits on your right—a one-share Sweeney who tied up the entire works—and if this government had put one dime into that Olympia-York the money would have gone to the one-share Sweeney. Our money would have been tied up, and we would, perhaps, still be in the courts fighting over the amount of money we had paid for that land. So the government had to back off until the—

Mrs. M. Renwick: Who was the one-share Sweeney? The city of Toronto?

Hon. Mr. Randall: A man who owned the brick company out here, Mr. Goldstein, or something or other—Mr. Bloom.

Mr. Lewis: If the deal was closed, why did it subsequently fail?

Hon. Mr. Randall: No, No.

Mr. Singer: The same thing, one of those kind.

Hon. Mr. Randall: The deal between Olympia and York was understood, the papers were being drawn up.

Mr. Singer: But the papers were not signed.

Hon. Mr. Randall: No, the papers were drawn up. The money had not been paid over.

Mr. Lewis: When you say the deal was closed, you mean that it was not closed?

Hon. Mr. Randall: I mean that it was an understanding between ourselves—

Mr. Lewis: That is not the way it was announced. Four days before, you announced it was a *fait accompli.*

Hon. Mr. Randall: Yes, and after that, Mr. Bloom came out of the woodwork.

Mr. Lewis: He came out of the woodwork?

Hon. Mr. Randall: Sure.

Mr. Singer: The Minister made an announcement to the contrary.

Hon. Mr. Randall: Oh, we make lots of announcements.

Interjections by hon. members.

Hon. Mr. Randall: We can get knocked off the same as anybody else.

Interjections by hon. members.

Hon. Mr. Randall: Well, I do not apologize for it. We have got the deal going.

Mr. Chairman: Order.

Hon. Mr. Randall: Not a bit. I would make it again tomorrow, if I had the same kind of circumstances facing me; if I had the same opportunity.

Mr. Lewis: You always would do the same thing?

Hon. Mr. Randall: That is right. Like you.

Mr. Chairman: Order.

Hon. Mr. Randall: Like you. You would say anything, and do anything. They call you the hyperbole kid.

Mr. Lewis: That may be; and it allows me to discern hyperbole and distortion in others.

Hon. Mr. Randall: Now lay off. I will pin your ears back.

Mr. Lewis: On a point of order.

Mr. Chairman: Point of order.

Mr. Lewis: To the Minister. It was as a Minister of the Crown that you announced to the people of Ontario a categorical assurance that the deal had been closed on 3,500 housing units. But you had not signed the document. And when you went to sign the document you suddenly found, what you call in your own lingo, a one-share Sweetey.

An hon. member: Sweeney!

Mr. Lewis: Sweeney? It shows how much I know and I am happy I do not understand that jargon. But the fact of the matter is that it necessarily casts doubt upon every single housing pronouncement you make, including the ones you will be making today about Malvern—which we will wait to hear—and all the others which you have trotted out over the last few years, none of which have materialized—

Mr. Chairman: I think the hon. member has gone beyond his point of order.

Mr. Lewis: Well, I am not sure what the point of order was, Mr. Chairman.

Mr. Chairman: Neither am I.

Mr. Lewis: I found myself on my feet, the Minister acceded, the chair agreed—

Mr. Chairman: The hon. member gained the floor on a point of order. That is the only basis on which you were speaking.

Mr. Lewis: Oh well, I felt I should speak, sir. I was on my feet.

Mr. Chairman: Well, I realize that, but the hon. member was not properly on his feet.

Mrs. M. Renwick: On a point of order, Mr. Chairman.

Hon. Mr. Randall: May I just clear up a point, and I will sit down.

Mrs. M. Renwick: Point of order, Mr. Chairman.

Mr. Chairman: The hon. member has risen on a point of order, which is perfectly in order.

Mrs. M. Renwick: I would hate to think that the Minister of Trade and Development had me so apoplectic today that I confused the dates of his election. I would like to correct that the hon. Minister was not elected the same year that I was. It was his re-election that we were speaking about.

Mr. Chairman: Was that the point of order?

Mrs. M. Renwick: Well, I made a grievous error, yes.

Mr. Chairman: The chair accepts the correction as a valid point of order.

Mrs. M. Renwick: Thank you.

Mr. Chairman: The hon. Minister of Trade and Development.

Hon. Mr. Randall: Mr. Chairman, I suggested to my hon. friend that we, in all honesty, had a deal. We were committed to buy, subject to clear title and services. And to my mind, and to that of my staff on the Ontario Housing Corporation, we had no idea that Mr. One-share Sweeney would come out of the wood. Now, that can happen to anybody. It happens in financial deals all over, when real estate or anything else is involved. But there was no intent to mislead anybody.

Mr. Lewis: Oh, no.

Hon. Mr. Randall: So now let me just read into the record—

Mr. Singer: Mr. Chairman, I wonder if the Minister would permit a question? He says there was no attempt to mislead anybody.

Hon. Mr. Randall: Right.

Mr. Singer: But at the time you made the announcement, and I recall it very well, you said: "We are going to build, we have closed the deal." Now, how could you possibly be interfered with by a minority shareholder if you had closed the deal? The minority shareholder. The phrase "one-share Sweeney" has always referred to someone who comes in, and is concerned about his company's affairs from a minority position. But if you were dealing with the proper people in Olympia and York, and the majority of that company had voted to sell you land, the concern of the gentleman who had a minority interest is not your concern. It is the concern of the majority shareholders.

Now what possible sense does this kind of talk that you are giving make? I just do not understand. If your statement at the beginning was correct, that you had consummated the deal with the land owners, and you were going to put 3,500 units on it, how could you possibly be disturbed in that plan by the interests of a minority shareholder?

Hon. Mr. Randall: I have a press release here, that I released October 13, at the time the arrangement was made, and I will read it to you:

> Mr. Randall said Ontario Housing Corporation has acquired some 70 acres of land at Flemingdon Park, adjacent to Don Valley Parkway. This land will be used to create Chapel Glen Village, a community of nearly 3,500 dwelling units ranging from town houses to high-rise apartments.

Now, you are a legal beagle, I presume, and you would recognize that if I had called you to act for the housing corporation, and we had even got around to the point where we were ready to sign an agreement, and a dissident shareholder came forward and said: "Look, we are going to put a writ on this company." In fact, a writ was issued against the housing corporation to start with. We would not pass over our cheque until that writ was cleared. As soon as the writ was cleared, we were able to go ahead and complete signing the agreement. But in the meantime, Mr. Chairman—

Mr. Singer: Mr. Chairman, would the Minister permit an interruption?

Hon. Mr. Randall: Would you let me finish this statement? Then I will listen to you.

Mr. Singer: All right.

Hon. Mr. Randall: In the meantime, in 1967, Central Park Estates Limited offered to sell a portion of their holdings at Flemingdon Park in the borough of North York. This land would permit the Ontario Housing Corporation to develop some 3,200 condominium housing units. An agreement to purchase some 24,667 acres, at $5,244,400, was executed on February 25, 1969.

The purchase prices included an amount to cover two-thirds of the cost of a community centre, which would benefit both the families who will occupy these lands, as well as others in the neighbourhood. The centre was completed and turned over to the municipality last month. At the time I made this promise, I said we would have a community centre. The community centre has been built and is now in use.

Hon. Mr. Grossman: Promised and done.

Hon. Mr. Randall: At the same time, I said we would service that land and we arranged with Olympia and York to go ahead and service it. They had to turn it over to us serviced. So they went right ahead with their servicing, so there was no delay while this lawsuit was going on between this shareholder and his company.

School accommodation is available, both the first phase as well as the second phase, which will take place at a later date. On May 7, 1969, the corporation publicly advertised for building proposals for 1,472 condominium units to be erected on three parcels of land immediately west of Don Valley Parkway.

Submissions were received in July for development using an industrialized building method system. The successful proponent, approved by the board of directors of the Ontario Housing Corporation, was Modular Pre-Cast Concrete Structures Limited. Details of the contract between the Ontario Housing Corporation and Modular Pre-cast Concrete Structures Limited are now being finalized with a view to construction commencing this year. Selling prices of the units will be within the limitations of the HOME programme.

The second phase of this development, and this is one you brought up a minute ago with the hon. member for Scarborough Centre with regard to road easement, the second phase of this development, east of the Don Valley Parkway, will commence in 1970.

Servicing of the land is already underway, and the purchase of a small parcel of land, needed for the continuation of a roadway, has been negotiated with the present owners, the city of Toronto. Planning of this development has been carried out in close consultation with the officials of North York and we are confident that no serious complications will arise.

Now, when we made our arrangements, we had every intention of proceeding. But we were not in a position to know that somebody was going to come along and block those proceedings.

Mr. Singer: Mr. Chairman, I wonder if the Minister would let me see those two documents he has just read from, because there are a couple of phrases in there that I thought I picked up and I would like to confirm them as I am speaking? Could you send them over, the two of them, please?

Hon. Mr. Randall: What two were they?

Mr. Singer: You read from two documents. That one was the second one and then there was a shorter one, which was the first one.

Mr. Lewis: Stanley Randall had to be, he was in a tight race in Don Mills.

Hon. Mr. Randall: That is right. We won it.

Mr. Lewis: Only to lose it in the next round.

Hon. Mr. Randall: We won it—and we will win it the next time, too.

Mr. Singer: Now then sir—

Mr. Lewis: Your margin was cut pretty severely.

Hon. Mr. Randall: Oh, you are just lucky.

Mr. Singer: Now then Mr. Chairman, if I may continue now that I have these documents in my hand—this release, the first document that the Minister read from, is dated October 13 which, by strange coincidence, was four days before the election. In the second paragraph—

Hon. Mr. Randall: You want it four days after?

Mr. Singer: No, I do not think so. I do not think so. It is obvious what the purpose of it was.

An hon. member: And now we get the truth, too.

Mr. Singer: Paragraph two says: "Mr. Randall said Ontario Housing Corporation has acquired 70 acres of land at Flemingdon Park."

This other document, the condominium unit one, has no date on it; I would presume it came some time after the election?

Mr. Lewis: No, it was on the 16th.

Mr. Singer: Oh, that was just a report today. Oh, this is the current one—the phraseology has substantially changed.

Yes, because he talks about an offer to sell and the fact that an agreement is being negotiated, and sometime in the future hopefully we will close. Now you do not have to be, to use the Minister's phrase, a legal beagle, to understand the difference between the words "has acquired" and the words "an offer has been made".

"Has acquired" means that you own it, and when the Minister got up and said, on October 13, 1967, that he had acquired, or the Ontario Housing Corporation had acquired, he was telling something that was absolutely incorrect. It was wrong. He had not acquired it. He had not acquired it at all. He had entered into negotiations to acquire it. Somewhere along the line he ran into legal difficulties, so the deal was not consummated at the time it was intended to be consummated.

So what the Minister did and what becomes very obvious from the document the Minister just read—and that is why I asked to have them in my hand while I was making these remarks—was to mislead the people of Ontario on the eve of an election into believing that there were going to be some 3,000 or 3,500 new dwelling units about to

be erected. I say, sir, that the Minister misused his office. The language in his material was deliberately contrived to produce that effect. The Minister must have known that was going on, otherwise he would not have run into the present difficulties.

Now to stand up here and to tell us a one-share Sweeney destroyed all the plans is just a red herring that the Minister is trying to drag across the trail. It makes absolutely no sense. The Minister is trying to cover up for a misleading announcement that he made on an eve of an election for the political purposes of saving his own seat and saving his own party.

I think that that is a pretty disgusting exhibition from a man who should be a responsible Minister of the Crown.

Mr. Lewis: On a point of order. May I have that second document, the one about the condominium?

Mr. Singer: You can have them both. Send them back to the Minister, I borrowed them from him.

Hon. Mr. Randall: Now we are going to get a lecture.

Mr. Lewis: Now, just to demonstrate. The Minister said in paragraph four of the condominium unit announcement, I imagine this has gone to the press today, has it?

Hon. Mr. Randall: No, it has not gone out yet.

Mr. Lewis: Has not gone out yet?

Hon. Mr. Randall: It was not for publication.

Mr. Lewis: For your own information. But you have read it into the House. You said that details of the contract between Ontario Housing Corporation and Modular Pre-cast Concrete Structures Limited are now being finalized with a view to construction commencing this year—"commencing this year"—

My colleague from Scarborough Centre no more than 20 minutes ago asked the Minister whether the deal was complete. The Minister nodded affirmatively in his chair. She asked you whether—

Hon. Mr. Randall: She said the purchase of the land.

Mr. Lewis: No, she went further than that.

Hon. Mr. Randall: No, she said the land, the land.

Mr. Lewis: She asked you about the project.

Hon. Mr. Randall: It was the land.

Mr. Lewis: She asked you about the project.

Hon. Mr. Randall: Do not confuse her. She wanted—

Mr. Lewis: —wanted to ask you about the architect.

Hon. Mr. Randall: About the land.

Mrs. M. Renwick: I asked if the tender—

Mr. Lewis: And she asked you whether the architect had been settled on. Has the architect been settled on?

Hon. Mr. Randall: The builders themselves have their own architect. They have submitted pictures of buildings so I presume the architect is working for the contract. We do not hire—

Mr. Lewis: Your presume! You nodded affirmatively and vigorously.

Hon. Mr. Randall: May I just tell you something? Will you sit down for a second?

Mr. Lewis: Why sure, go ahead.

Hon. Mr. Randall: When we hire a consortium they have their own engineers, their own architects and they come in with a finished product and we buy it. Does that answer your question?

Mr. Lewis: No, it does not because your words all day have been ambiguous.

Hon. Mr. Randall: Well then you must be stupid.

Mr. Lewis: I knew what you were trying to convey. Do not call me stupid because it is irrelevant to the debate.

Mr. Chairman: Order.

Hon. Mr. Randall: That is not irrelevant.

Mr. Chairman: Order, please. The words of the hon. Minister were hardly parliamentary. They were provocative and—

Hon. Mr. Randall: Okay, I withdraw the word. He is not stupid, he is—

Mr. Lewis: The Minister may be perceptive, he may be wrong. But in any case it is irrelevant.

The point is, Mr. Chairman, that what is going on this afternoon—and I think it is worth reaffirming, is what we tried to suggest before will go on later is this careful, sleight of hand on the part of the Minister. The announcement of housing projects are invariably put as completed—a *fait accompli*—every detail finalized, the buildings will appear before our eyes overnight but they never appear.

Hon. Mr. Randall: That is your impression, not mine.

Mr. Lewis: They never appear and I suggest you pause before you leap.

Hon. Mr. Randall: I just told you how long it would take.

Interjections by hon. members.

Mr. Chairman: Order. We can only have one speaker at any one time. The hon. member for Scarborough West has the floor.

Mr. Lewis: I do not think it is worth belabouring unduly.

Hon. Mr. Randall: I do not think it is either.

Mr. Lewis: I think, however, that it does throw into question all the announcements which the Minister makes and all the subsequent—

Hon. Mr. Randall: It is hyberbole.

Mr. Lewis: —the subsequent announcements which will be made in order to assuage and appease the Opposition—

Hon. Mr. Grossman: It is hyberbole.

Hon. Mr. Randall: He was the first one to use it.

Mr. Lewis: No, I did not use it.

Hon. Mr. Randall: You did use it.

Mr. Lewis: I wish I had. The Minister uses the announcements to assuage the Opposition and to lull into false security an entire electorate. Well, that is fine. That is, I suppose, at the point of a political campaign. When a politician is quaking in his boots at the 11th hour and his seat is in jeopardy and several trips to Japan hang in the balance, then one has to release this kind of information because one just does not throw away globe-trotting for the sake of a few hundred votes.

So, you announce a 3,500 unit project having been acquired. Now you know it is not simply the word which my friend from Downsview used, it is not only an unpleasant or unpalatable political procedure, it is as provocatively and as unpleasantly misleading, in public terms, as any Minister of the Crown can—

An hon. member: Careful.

Mr. Lewis: I am being very careful—as any Minister of the Crown can be—because you are now dealing with the one social area where every person in the province feels vulnerable. That is the area of housing, and you have no right to be so imprecise—

Hon. Mr. Randall: What have you done for the people in housing lately?

Mr. Lewis: To be so imprecise and misleading, to be so frivolously deceptive in all your pronouncements—

Hon. Mr. Randall: What have you done lately for the people of Ontario?

Mr. Lewis: So frivolously deceptive in all your pronouncements—

Hon. Mr. Randall: Tell us what you have done.

Mr. Chairman: Order.

Mr. Lewis: That is what is at the heart of all of this.

Hon. Mr. Randall: No—

Mr. Lewis: You have significant sections of your society which cannot possibly afford the kind of housing which you are providing. You yourself are calling into question the whole concept of public housing. You stand here and you say it is not a housing problem, it is a money problem, an income problem, a mortgage problem. You offer absolutely no assurance that the problem is under control but you will make one pronouncement after another of this kind. It is a sort of fetish you have in make pronouncements. And it is simply not good enough. Every single year the numbers on the roles accelerates in geometric proportions and the number of houses which you build lags behind. It does not keep up because the list always exceeds the numbers built.

To bring it back into yet another perspective which I noticed yesterday afternoon—I did not intend to get into it at this point—but I want to make this aside. The Minister is always careful to talk about 12,000 or 15,000 or 20,000 applications. I have yet to

hear him say how many people that represents. When he talked about Metropolitan Toronto yesterday afternoon I noticed him say that on the waiting list there were 5,252 for two bedrooms, and 4,060 applications for three bedrooms, and 3,025 applications for four bedrooms. When you multiply them by the appropriate factor of numbers of people who are involved, you have between 55,000 and 65,000 people, not applications. Just in those three categories.

When you add the one-bedroom apartments and the four-bedroom and the five-bedroom, you probably have a determined housing demand of between 75,000 and 100,000 people in Metropolitan Toronto today. Today! That does not include the enormous number of families who have given up altogether about putting their names on these absurd lists for which they have to wait interminably.

Do you know what 100,000 people represents in the Metropolitan Toronto area? It represents, I suppose, in excess of or approximately five per cent of the total population. Now, what kind of urbanization policies have you got? What kind of sense about metropolitan development do you have? Which five per cent of your population is on waiting list to find shelter? That is why the entire government is in such serious trouble.

Hon. Mr. Randall: We are not in trouble, you are. Have you looked at B.C. lately? You are the ones who are in trouble.

Mr. Lewis: As a matter of fact, when I compare our election outcome in B.C. with your outcome in B.C., I feel fairly good about it.

But that is why—and I am not trying to put it to you provocatively—that is why the government got 19 per cent of the vote, 19 per cent of the vote in the urban polls of Middlesex South in east London—because you have not got the slightest comprehension of what urban needs are.

Hon. Mr. Randall: You confused them on Medicare.

Mr. Lewis: You have no recognition whatsoever of the requirements of a highly urbanized society.

Medicare! We went from door to door and said: "What do you think of Stanley Randall?" and they all voted for the member for Middlesex South.

Hon. Mr. Randall: He will be sorry the day he ever went into that party, believe me.

Mr. Lewis: He will be in this debate today and you will see the dimensions that have been added to the House.

Mr. Chairman, I will not go further at this point, although like my friend, the member for Downsview, we would be interested to hear of the next inflated revelation called "Malvern", the new thunderbolt from on high to create housing overnight; the next headline in the Minister's panoply of reckless public utterances. When housing is such a difficult social concern you do not make announcements on the eve of election, or any other time, about how many units are guaranteed, because too many people are dependent on those announcements in terms of their own economic needs and their own particular hopes. That is not the kind of thing which reflects well on the government.

Hon. Mr. Randall: The member must be kidding surely, when his own people went out and promised if they were elected they would build 100,000 houses—

Mr. Lewis: Up to this very short point in time, we have not yet been elected. That is another two years hence. When we are, we will build those houses.

Hon. Mr. Randall: How many?

Mr. Lewis: We will build every house that is required to solve the crisis in Ontario, every single house that is required.

Interjections by hon. members.

Mr. Chairman: Order, please. Back to the estimates.

Mr. Lewis: There is a certain volatility creeping in over here, Mr. Chairman.

Interjections by hon. members.

Mr. Lewis: You sounded exorcised for a moment. You have never lost your cool in this House before.

Hon. Mr. Randall: I never have; neither have you.

Mr. Lewis: Do not start now. People will begin to believe you have a housing problem.

Hon. Mr. Randall: No they will not; they will know we are solving it. They would never depend on you to solve it.

Mr. Lewis: The reality is that all of us, in order to have a debate which is in any sense marginally coherent, have accepted the Minister's grounds that the problem is not

so much in the building of houses, as in the finding of the money. Right? And we have also accepted what the Minister has said about Ottawa, because God knows the whole Hellyer task force was yet another deception of mind-boggling proportions.

But the fact of the matter remains, Mr. Chairman, and we can assert it with confidence—is that the money problem need not exist either.

Hon. A. B. R. Lawrence (Minister without Portfolio): Just print it.

Mr. Lewis: It is not even a matter of printing. As my colleague, the member for Windsor West, pointed out yesterday, as the member for Sudbury East pointed out yesterday, there are funds available in the pension schemes of this province which do not require running off to Germany to make another $50 million or $60 million loan and pay exorbitant interest rates for the German mark.

Hon. Mr. Randall: How do you know they are not committed?

Hon. Mr. Grossman: Is the pension committee not going to have something to say about that?

Mr. Lewis: They are, that is right. They are committed; and they are growing at the level of $100 million a year. There is all the money you would require if you had any sense of social priorities whatsoever to build the houses involved, without worrying about tax devices—which preoccupies you—without worrying about all the constitutional red tape which will bind you irretrievably when you get into negotiations with Ottawa.

Because that is not the problem at all. The reason you went to Germany to borrow the money rather than taking it from the accumulated savings of the province of Ontario—that is, building social requirements out of social money—the reason you went off to Germany is because, when the chips are down, you cannot free yourself from this private enterprise fetish of yours. You just cannot break the umbilical cord with free enterprise. It traps every area of freedom you have.

You are incapable of recognizing that there are public things in the public sector which can be usefully done. So, rather than use the public sector, you are still going to pay high interest rates to Germany, and you are still willing to tell us in this House: "I am going to the insurance companies; I am going to the trust companies; I have appealed to the banks; I am going to have building societies; I am going to raise it on a penny ante basis because I know there are all kinds of people in the province who have one dollar and five dollars and ten dollars they would like to invest."

You tell me a successful housing policy in this world which was based on one dollar and five dollar investments? Really, at what level of ridicule are we reducing the subject of public housing?

Mr. Chairman, I recognize that around the Minister in the Cabinet he does not have a group of economic liberals. They still believe in a balanced budget, they still have all those protocols, those restrictive protocols which make it impossible.

Hon. Mr. Randall: The member is not suggesting we go socialistic, is he?

Interjections by hon. members.

Hon. Mr. Randall: We do not believe in being bankrupt.

Mr. Lewis: If you do not, you go bankrupt.

Interjections by hon. members.

Mr. Lewis: There was a time when those ideas were accepted internationally, but in the post-war period the proposition of some deficit financing has been reasonably legitimate around the world.

Interjections by hon. members.

Mr. Lewis: I am not interested in the prediction. I am interested only in the fact that you will use none of the moneys you have available for housing. And you will use every single device and stratagem at your command to go around the world and around the province to find sources of private capital. You know as you sit there that you will fail because those sources are not there. As a matter of fact, the greatest single indictment of the capitalist system—and I use the word descriptively—is in the field of money for housing. Free enterprise has never provided the social requirements for shelter anywhere in North America. He is asking for investment. He is not giving money away, I may say, to attract that investment.

Now those seem to me to be the truths, and, Mr. Chairman, when the Minister says to our party: "We will find the money" and he turns to impossible sources for the money,

Mr. Chairman, there is not a chance of him finding it.

Interjections by hon. members.

Mr. Chairman: Order please. The hon. member for Scarborough West has the floor.

Mr. Lewis: Yes, I am going to get down in one minute and 12 seconds.

Hon. Mr. Grossman: The member was quitting three times.

Mr. Lewis: No, I am always at my penultimate remarks, always coming near the finale. I just get a little exorcised, the Minister has that effect on me. Cherubic effect, I enjoy—

Hon. Mr. Grossman: I was wondering which Minister the member meant.

Mr. Lewis: Well, now you know.

I really think, Mr. Chairman, although I am very loathe to say it, that what the Minister is telling us in the House is that he will not build houses. I would like to make this distinction, perhaps it is personal rather than party—but I really attribute this to the Housing Corporation. I have the sense, you know, that the Ontario Housing Corporation—particularly in some of its leadership—would go ahead and build the houses if it had the money. There are no inhibitions there. The inhibitions are profoundly political, they are profoundly philosophic, so when you say to us: "I am going to look for the sums in other areas" what you are really saying to us in very clear language is that we are not going to have the houses required.

He says: "We will play out the string as long as is required to get away with it. We will build the minimum necessary in order to appease an outraged urban electorate, but we will build not one stick of shelter beyond that because when all is said and done—just as with health, and with certain aspects of social services—we do not see housing as a very high priority in this government."

Mr. P. D. Lawlor (Lakeshore): In other words you are the big block in your own department.

Mr. Lewis: If ever the budget reflected anything it was in the field of housing where it reflected an absolute disaster. Why do you not use the funds you have? Why do you not go out and simply build the houses on those 11,000 acres? I do not know how many units you could put up on 11,000 serviced acres you told us about.

Hon. Mr. Randall: 170,000.

Mr. Lewis: 170,000 houses? Units? Yes. I assume that many of them would be of high density.

Mr. Singer: You do not even know where the acres are.

Mr. Lewis: But I will. I take the Minister at his word—you have said 11,000 acres—am I right about that? Serviced land, that is, which the Ontario Housing Corporation owns.

Hon. Mr. Randall: I did not say serviced, you are talking land bank.

Mr. Lewis: Land bank. You hinted at servicing, if my memory serves me right.

Hon. Mr. Randall: No I did not, not at all. I said that we had banked over 11,000 acres and I would give the lady—the hon. member for Scarborough Centre—

Mr. Lewis: She is a lady.

Hon. Mr. Randall: I know she is, I wish I could say the same thing about you.

Mr. Lewis: On this occasion I am not relinquishing the floor; I made that mistake before. Are any of the 11,000 acres serviced?

Hon. Mr. Randall: Yes.

Mr. Lewis: How much?

Hon. Mr. Randall: I will try to get the figures for you. No, you are not going to pin me down, you have been doing a little lieing this afternoon so I will wait—

Mr. Lewis: A quarter, a third, a half? You do not know how much is serviced?

Hon. Mr. Randall: You asked and I will look at it; I will let you know.

Mr. Lewis: It is interesting that you should just "let us know", that you do not have it at your fingertips. One would think a Minister who wanted to build houses and had 11,000 acres in a land bank might know how many of those acres were serviced for the subsequent housing possibilities. One would think you could pull it out of the air.

Hon. Mr. Randall: Like you, just like you. You have got all the answers.

Mr. Lewis: It is curious that the figure which is surely one of the answers is not available to you instantaneously. Maybe the 11,000 acres land bank is not something we

should pin our hopes on. Perhaps that is what it is.

Interjections by hon. members.

Mr. Lewis: Mr. Chairman, I accede to the member. The member for Downsview who is about to impale the Minister on his own words. I would not deprive him of that pleasure because, vicariously, some others of us enjoy it. But I want to re-enforce the fact that until you begin talking about the public ownership of urban land; until you recognize the failure of the whole social economic system around housing; until you view housing as a social goal of government rather than a simple commodity like a car or a suit of clothes—which is the way you tend to view it—then you will never meet the current need which you yourself have assessed, let alone the real demand which is never given to this government.

Mr. Singer: Mr. Chairman—

Hon. Mr. Randall: Mr. Chairman, could I answer the hon. member?

Mr. Singer: No, Mr. Chairman, let me have a go at it.

Hon. Mr. Randall: I am not going to talk about Malvern.

Mr. Singer: I have not been in this debate at all and I have the Chairman's eye and I am going to speak.

Hon. Mr. Randall: You do not mind if I go out for a while?

Mr. Singer: Well, I would appreciate you staying because I am going to say some things about you and I would like you to be here while I say them. If you do not want to stay it is your privilege.

Hon. Mr. Randall: I hope they are kindly, I always talk nicely about you.

Mr. Singer: Well, that is fine. Mr. Chairman, the whole significance of the documents that the Minister made available to me a few moments ago, has to be repeated, I think.

The Minister, from the press release he sent across the floor, indicated that on October 13, 1967—which as I say was three or four days before the election—that Ontario Housing Corporation had acquired 70 odd acres of land.

Mrs. M. Renwick: Seventy?

Mr. Singer: Well, a number of acres on which he was going to build these 3,500 units. I have since sent for the press clippings and I have got them here and they do make a wonderful story. "The Happy Timing of Queen's Park Statements" is something that the *Globe and Mail* had a piece on on October 14. The Minister's office made available records of all of the phone calls that had been received from people anxious to move into the $60 million habitat style of housing that was set for Don Mills. People were keeping records of the applicants that were going to live there. I think really the nicest story on this whole matter is a piece that appeared in the Toronto *Star* on October 18, the day after the election which says "HOME Helps Randall Win Don Mills" and under the by-line of Don Dutton, this story appears:

> A 3,500 unit Home Ownership Made Easy announced early last week by Economics Minister Randall's department for his Don Mills riding was credited last night by his campaign workers for his re-election. Randall edged his runner-up by 906 votes.

Mr. Lewis: By 906? I guess he has had it.

An hon. member: What was yours?

Mr. Singer: Well mine was only 21, but I did not have housing projects to offer, I am sorry. If I had a few of those housing projects, it probably would been 42.

Now, Mr. Chairman, I do not think that these remarks can go without having some reference to what the modest Minister said at this time. In this story, this is what he says:

> "The things I have been doing for the people of Ontario paid off," a jubilant Randall said after the final results were known. "The things I have been doing for the people of Ontario paid off."

Well, the things he has been doing were announcing housing projects that were going to take place on land that had not even been acquired, that has not as yet been acquired apparently, that is still tied up in somebody else's litigation.

Now, Mr. Chairman, this is humorous, but it is also very, very serious, because this is part of the pattern that unfortunately has been established by this Minister where he builds housing—not by putting shovels into the ground—but he builds housing by announcements. He builds housing by headlines, and I think this is wrong. I think the time has come when his leader, and I am sorry

that his leader is tied up in the hospital with a leg operation, the Premier of this province, has got to do something about him, because he no longer represents responsibility as a member of the Cabinet.

Not only have we had the story about Flemingdon Park, we have had the story about Malvern, year after year after year, and there still is not a single housing unit built on the Malvern land. It has gone on over 20 years, and there are Malvern statements in this file of clippings, too. I have asked through these estimates, what about Malvern? Oh, that is going to come, you just wait—coupled with some usual insults but no story on Malvern. Where is the story on Malvern?

Finally, Mr. Speaker, the penultimate effort that was inflicted on the Legislature, and on the people of Ontario, was the Minister's remarks the other night about Harbour City. Sixty thousand to 70,000 housing units and the work could start within a year. Going through these again, I see there was reference in 1967—it was not stressed so much, but there was reference—and Randall is quoted as saying what a great scheme we are going to have in Harbour City.

I suppose the Minister has taken some note of the fact that the planning director of the city of Toronto, and the planning director of Metropolitan Toronto say they have not been able to consider any plans because none have been submitted to them. I suppose he has gathered in passing that there has been nothing more known about this scheme by the city government, and by the Metropolitan government, other than the general and vague discussions that said: Would it not be a good idea if we could develop the Toronto harbour system?

I suppose the Minister has no real concern about how people might get in or out of that development. He made some vague mention about GO Transit. It hardly seems logical to me that people who might live in Harbour City would avail themselves of GO Transit to go and work in Oshawa or Port Hope or Burlington.

It would seem to me, Mr. Chairman, they would be much more interested in using the Metropolitan Toronto subway, a possible extension of the Spadina Road extension, a possible extension of Highway 400 in a southerly direction, a possible widening or elaboration of the Lakeshore Road. The Minister pays no attention to these things. Has he moved in, as the *Globe and Mail* suggested in its editorial this morning, and just brushed away the role of municipal government in this aspect? Is the city of Toronto not concerned with what happens? It seems to me their council has been spending a great deal of time in listening to many representations about the southerly extension of the Spadina Road extension from the present spot which it has reached, and it is a very, very serious problem that calls for careful examination in great detail by planners; it calls for the listening to, at least, of the views of people who are going to be affected by it.

There have been suggestions that industries are going to be wiped out and have to move away, that Toronto's economy is going to be seriously affected. Has the Minister solved this or is he just going to put 60,000 or 70,000 people down at the bottom of the city and say, find your own way home, we will have GO Transit take you back and forth to Oshawa if you happen to get a job there? Has the Minister discovered, or tried to ascertain, how water is going to be brought to this new development? Has he spoken to any metropolitan or city water engineers? Does he know the size of the water mains that are going to be necessary to be there, or has he just pushed aside the responsibilities of local government?

I say, Mr. Chairman, that the time has come when Ministers of the Crown have to be responsible and when they get up and make statements, as Ministers apparently talking about government planning, surely those plans that they enunciate must be meaningful. They cannot just be a whitewash; they cannot just be window dressing; they cannot be just designed to fool either the electorate on the eve of an election, or to quieten the Opposition when the estimates are here. Surely they must be responsible.

Had this Minister, Mr. Chairman, got up and said, I am sorry we thought we had something going in Flemingdon Park, we ran into difficulties. We had a signed offer but we were not able to close the deal because the vendors had some trouble. One could understand that, but that is not what he said. He said, we have acquired land, we are going to go ahead and build on it. If he had stood up and said, insofar as Malvern was concerned, there is trouble, perhaps that land was acquired prematurely, perhaps the grandiose statements that Macaulay used to make about hundreds of thousands of people living in Malvern were a little over-exaggerated, but in due course, when the water mains move north and the sewer mains move north, we will have some people living on Malvern, we could understand him.

But do we get that, Mr. Chairman? No, we do not. We get the loose treatment of the facts by this Minister, day after day, week after week, they reach their full-blown value on the eve of an election, and at the time of his estimates, and his words, full of sound and fury, signifying absolutely nothing.

Mr. Chairman, I say the Minister has misled this House in the most serious manner, by his recent exhibition, on Monday night I think it was, when he talked about the development of Harbour City and the possibility that the work could begin within the year and that sixty to seventy thousand people would eventually be housed there.

I say, sir, and I deliberately charge, that there is not one basis of fact in this scheme at this moment. That it is going to be many, many years before anyone can begin to talk about when the work will start, and about when housing units will be available, and I say, sir, it is a disgrace to the government that he purports to represent, and to the people of Ontario, that this Minister is allowed any longer to make this loose, irresponsible and flamboyant type of remark, deliberately to delude the people. I say, sir, we have had enough of this.

This debate is going on for several days, but at this point, I am going to move that vote 2208 be reduced by the sum of $12,000, which is the amount of the Minister's salary. I think this is the only way in which we can express in this House, some of us in any event, our disgust with the Minister's approach to this subject. His loose play with the English language, his deliberate efforts to delude the public, and the way in which he misrepresents the position of the people of Ontario and the government of Ontario.

Hon. Mr. Grossman: Mr. Chairman, I submit to you that motion is out of order.

Mr. Lewis: It is perfectly in order.

Mr. Singer: Why is it out of order?

Hon. Mr. Grossman: The Minister's salary is statutory.

Mr. Lewis: He said, "by the sum of", he did not say his salary.

Mr. Singer: Mr. Chairman, on a point of order, I did not ask that the statutory amount be deleted, I said that the vote be reduced by the sum of $12,000 which is the same as the amount of the Minister's salary.

Hon. Mr. Grossman: Where, Mr. Chairman, would the hon. member have it deleted?

Mr. Singer: From vote 2208, that is the way the motion reads.

Hon. Mr. Grossman: But from what, what item?

Mr. Singer: From all the items, the total items.

Hon. Mr. Grossman: Do we take $12,000 out of housing? That is going to help housing?

Mr. Singer: Well, you can debate it. As soon as you catch the Chairman's eye, you can debate it.

Mr. Chairman: Mr. Singer has moved that vote 2208 be reduced by the amount of $12,000. Those in favour?

Mr. R. F. Nixon (Leader of the Opposition): I think, perhaps, we could carry on the debate for a period of time anyway on this particular motion since it is broad enough to direct the responsibility where it must lie, and that is with this Minister.

My colleague, the member for Downsview, has brought this to a point by moving the reduction in the amount, by a sum equivalent to the Minister's salary, to pinpoint the responsibility where it must be. There is no doubt that the Minister in his releases and remarks, does not spread the responsibility among his colleagues, but takes the responsibility himself for the announcements that have been made so frequently.

I want to raise two or three specific items that I believe have been dealt with inadequately by the Minister and his advisors. The first is the subsidy programme in general. Earlier this afternoon the Minister said, as if he was the first to think of it, that he does not believe the answer to the housing problem was to put those people who need additional housing, or any housing at all, and those who are not adequately housed, in these tremendous apartments that have been built over the past number of years.

He should know by now that most thoughtful citizens in this province, certainly all the members of the House, would agree with that position, and that we do not want, ever again, to contemplate building these monstrous apartment houses which have become ghettos, communities with special stigmas associated with them a difficult place in which these people are raising their families, and for which the Minister is not entirely responsible himself. Many were built before he took on the responsibility, and his staff, I believe, have been doing a good job, at

least in attempting to make life possible, livable, in those areas, for the hundreds of families who find that they have no other recourse.

But, when we talk about using the resources of this government, and the funds that could be available from the government of Canada, that have not been adequately available for a number of reasons—and many have been brought forward—I think that he should consider, again, the use of rent subsidies and even interest subsidies to make possible home-ownership and apartment-ownership without resorting ever again to the separation of the facilities as has been the custom and policy of his administration, or of his government and his department, for so many years in the past.

The rent subsidy programme was accepted with enthusiasm by a good many people. It was the Minister himself who has indicated that there are insurmountable difficulties; the government at Ottawa, and even that Hellyer report that has been drawn back and forth into this debate so frequently, have indicated that they would like to take part in this sort of a programme of following provincial initiative.

The Minister, in two or three of his speeches, has indicated that he feels it is impossible to give a rent subsidy of a type that would be fairly administered, and that in fact could meet the needs as he sees them. But I think that he has quit too soon.

Instead of withdrawing from a programme like that, he should expand it, because the only way the hundreds of young families, thousands of young families, are ever going to achieve home-ownership, even outside the bounds of Metropolitan Toronto, where the Minister has said that it is going to be high-rise, and practically nothing but, is with some sort of interest subsidy for those families which would qualify.

Now there is not a member in this House that would not support the Minister and Treasurer (Mr. MacNaughton) if they were to appropriate funds that would make possible, programmes of this type. We do not want the funds to be used exclusively to build these communities which are geared to income, which are set apart from the rest of the community. The Minister, I think, has tried without too much effect, to make these communities be accepted in all parts of urban centres, and he has, to the best of his ability, overcome some of the objections that have been expressed by those people in the community who have said they do not want this kind of a development next to them.

But still the problem exists. And I believe that subsidies on rent, and subsidies on interest payments, which are extremely high, a minimum of 10 per cent in most of these instances, could very well be the answer to the problem that the Minister tried to face, inadequately, unfortunately, but which should form the basis of a new and enlarged programme, rather than a movement away from the subsidy programme as has been a part of his statement.

The second mortgage that the Minister discussed in the House earlier this session, back in the spring. This was one of his announcements with much fanfare, but at least it was given in the House, where it should have been given, and we had an opportunity, at least to hear him and get some clarification. But this is the first opportunity that there has been any considerable discussion about the prospects of the government providing second mortgage financing. This has been a position of the Liberal Party, as sponsored and supported for a good number of years, that we feel that the availability of second mortgage money is going to expand the prospect and possibility of home-ownership to a good many more families who do not now share in that prospect, and possibility. We think that it should be made available, not only to the purchase, but the renovation and improvement of older homes, and this is something that I think is not being given the emphasis that it should have been by this Minister, and the department that he is responsible for.

The second thing that I want to deal with, specifically, is land assessment. The member for Downsview has referred to the Minister's propensity to announce the assembly of land when in fact it has not been accomplished, and once it has been assembled, announce the development of housing in large scale which has never in fact come about. The Minister may have more to say about that later in the debate, but I want to draw to the House's attention, Mr. Chairman, the fact that some of these lands across the province have been assembled, without consultation, with those who locally have the responsibility for planning the housing development and the urban expansion in their own area.

Now surely this is an area where the Minister is acting as a Tzar in making decisions which have to be left with those on the local field, who have the elected responsibility, or are hired to give the decisions or at least

give the advice associated with urban expansion in their own communities. The Minister went into the area near Kitchener-Waterloo—between Kitchener and Galt—and without reference to local authority, and using 90 per cent federal funds, made an extensive purchase without giving any indication either to the House at the time, or even his federal partner, as we are told, as to who was making the final decision and whether or not the local people were involved or what the overall plan was, in the expansion of the community and even what the costs would be and what the final—

Hon. Mr. Randall: May I ask you a question? If you were going to buy 3000 acres would you go out and broadcast it, and put it in the press and scream about it and then go up and try to pick up this 3000 acres piece by piece with taxpayers' money?

Mr. Nixon: The Minister has asked me a question, and I would say that I would not think of making a decision establishing what will be a new city or a tremendous expansion of a city that is already growing under its own plan, without consulting those local people who have in the end result the final responsibility to administer the new town and see that the services are made available.

Surely the local elected officials, my colleague from Downsview has made the suggestion and it is one that I am sure we would all agree with, have the confidence of their neighbours and they have as much responsibility as the Minister to see that these acquisitions are done, not at the lowest possible price, but at a fair price concerning the prospects of the territory in which the purchases are made.

The main criticism is that the Minister is making these decisions without local consultation, but more than that, without any kind of a plan across the community of Ontario in association with the Minister of Municipal Affairs, or the Treasurer, or probably even the Economic Council of Ontario as to where these centres of development should come.

Another area that should certainly be drawn to the Minister's attention is that in the counties of Norfolk and Haldimand where tremendous and generally unplanned expansion is taking place. Ontario Hydro had decided three years ago to build a major new power plant on the border between those two counties, and on the shore of Lake Erie. The Steel Company of Canada, then, unilaterally, without consultation, as a surprise to the Minister, made the decision that they would locate a major new steel complex close to the hydro plant. There have been announcements associated with other major expansions along the north shore of Lake Erie, and still this Minister has made no major acquisitions there.

He has not consulted with those local officials in that part of Ontario, which is going to be the fastest changing, fastest growing urban area within the next ten years. No decisions have yet been made. We wonder why he did decide on his own to acquire those large tracts of land between Galt and Kitchener, and there has never been sufficient explanation. It may be two years from now, the Minister will give a frank explanation of what prompted similar to the explanation he gave today two years after the last provincial election when he made the decision to announce that he was going ahead with large scale expansion in our constituency of Don Mills.

The lack of an overall plan is not specifically this Minister's responsibility, but certainly it is the responsibility of any Minister who is associated with the development of the province, and that includes the Minister whose estimates are before us.

The Minister himself has said that mortgage rates at the 10 per cent level should not impede the development of housing if only the capital were available. There have been proposals put before him, that would use insurance and pension sources for capital but for any person who is seriously contemplating the ownership of a home at the rate of interest on the mortgage of ten per cent, to hear the Minister talk about a 50-year mortgage is really frightening—it really makes your blood run cold. Perhaps I am old-fashioned, I have never had to pay a mortgage with anything like those proportions. Maybe this is something we are going to have to live with in the future, but surely we should be considering the alternatives for those families who might otherwise be eligible for the kind of assistance that this Minister administers for interest subsidies, that would permit them to move ahead on this purchase of a more generous and specific and simple type than the HOME programme this Minister has ever been able to raise up until this time.

There is one other matter—I suppose of lesser importance, but I want to raise it while I am on my feet. We know that in the municipalities for many miles around Metropolitan Toronto, it is not possible to make use of

trailer-housing for any meaningful section of the housing in a community. Whether it is rapidly growing, or any other type. And we know the reason for this, particularly in the years immediately following 1945. Trailer camps had a terrible reputation, they were really mobile slums. There seemed to be no ability for the local municipality, or any other level of government, to impose any sort of reasonable control.

Many of us have visited these trailer camps and seen that it was a good thing that they be cleaned right out; and most municipal councillors shiver at the thought of any kind of a bylaw, or any kind of a regulation from the government of Ontario, that would permit them to go into that business again.

Yet in the last five to ten years, I believe much has been done to make a reconsideration of this important matter long overdue. Not only have the trailer facilities themselves been upgraded in what they offer a family that, on a short-term basis, wants to live in a certain community, but it should be a relatively easy matter for a municipality, or this Minister, to set up some programme that would leave the initiative to the municipality, but assist it.

It should be a relatively easy matter for trailer camps, trailer parks, to be set up that they would be fully serviced, that they would be fully regulated, so that there would be no thought of those downgraded slum-like areas that we remember from perhaps 20 to 25 years ago.

I think this is one area of really good housing, at a reasonable price, that has not been sufficiently explored by the Minister; and has been overlooked by many municipal officials and elected people because of their remembered experiences from a quarter of a century ago.

There are these matters that I want to raise this afternoon in this debate, but essentially I rise to support the motion put forward by my colleague, the member for Downsview. That the Minister's leadership and initiative in this regard has been ineffectual, that specifically in the case that has been raised this afternoon, he has been grossly misleading in the statements he has made about the responsibility of his department. And in fact the motion that is before the House should be supported and the estimates reduced by a sum of $12,000.

Mr. Chairman: The hon. member for York South.

Mr. D. C. MacDonald (York South): Mr. Speaker, I just want to enter briefly into this debate, because we are going to support this motion and I want to say why we are going to support it.

Hon. Mr. Randall: We already know.

Mr. MacDonald: The Minister, at the present time, has become something of a menace in the province of Ontario in terms of orderly planning of this province. The leader of the Opposition has just reminded us of the fact that, while people who had proven their interest in genuine planning in Waterloo county, had, with the assistance of this government, hired an expert to make a study for genuine planning.

At the stage where they were going to make a report, this Minister suddenly, apparently without the knowledge of any other department, made an announcement that threw all of the plans and the prospective report into chaos. So they had to go back and review the whole situation.

But this is only characteristic of the Minister. This is only one example of many. We have reviewed it already with regard to the whole EIO programme, what it will cost the province in distributing money in terms of industrial development that has no relationship either to existing or prospective regional development.

Hon. Mr. Randall: And keeping you right over there.

Mr. MacDonald: Never mind. In Middlesex South we showed you what is going to happen in the future and I just want to remind you why it is going to happen.

Hon. Mr. Randall: One by-election every four years. You have 268 years to go.

Mr. MacDonald: Let me illustrate, Mr. Chairman, with another case that hon. member for Downsview has already dealt with at some length.

Mr. C. G. Pilkey (Oshawa): And we will live long enough to see it.

Mr. MacDonald: The sudden announcement of this Minister, with regard to Harbour City, came without any consideration of the myriad of other services that will have to be developed if you are going to put 50,000 to 70,000 people in there.

Now, by strange coincidence, four or five days prior to that announcement of the Minister, I asked the Prime Minister when he

was going to move and accede to a long-standing request of all the municipal authorities in this area, a full year or more ago by the Toronto Board of Trade, for the establishment of an appropriate co-ordinating central organization to direct all the waterfront development.

Perhaps I can just remind the House of how painfully long this has been, and how inactive this government is in terms of coming to grips with problems. I have here an article carried in the October 1968 issue of the *Board of Trade Journal*, and in it they quote from an editorial of the Toronto *Telegram*, as follows:

> The greater Toronto branch of the community planning association of Canada submitted its briefs in 1959. And that year the official plan of the metropolitan Toronto planning board showed a general scheme for a lakefront development. In 1961 the same board adopted a report entitled "Toward a Waterfront Plan." In 1962, the city planning board presented proposals for the development of the core of the central waterfront. They lie under years of dust. The same burial awaits this latest plan of metro Chairman Allen and Mayor Dennison, the leaders in the two largest municipalities in this area, fail to apply thrust and drive and imagination and initiative to mobilize support, not only from the available public spirited citizens, but also from the inert MPP's and MP'S who lackadaisically represent this area.

Well, the latter part of that is simply wrong. The MPP's are not inert, the problem is this government. And when I asked the Prime Minister when he was going to set up the co-ordinating agency for the direction of this whole waterfront development, the Prime Minister said there are difficulties involved, that there are a lot of organizations that have to be co-ordinated.

Well, that may be true, but this has been going on for nigh on ten years, and what I draw to your attention, Mr. Chairman, is that in the midst of the problems involved in setting up an agency to co-ordinate them, this Minister suddenly bulldozes in like the bull in the china shop with announcements from the blue, handed down as edicts from on high—with no consultation at all with the municipalities involved.

It was done with the Ontario Place development, and we had after that a jockeying that went on between metropolitan Toronto and Toronto and this government, that was really laughable—the kind of thing that brings public life into disrepute, when people who are responsible elected officials have to engage in that kind of jockeying.

But the Minister barges in, makes an announcement, with no prior consultation. "Big Daddy"—why, he has Gardiner trimmed five different ways in terms of the name "Big Daddy"; unilateral action!

I say to this Minister, and over him to the Prime Minister, that if the Prime Minister wants to stop the kind of thing that the Minister did in Ontario Place, and has now repeated in this unilateral announcement, wthout any consultation with officials involved, then he should respond to the request that has come from metropolitan Toronto, from Toronto, and the community development association, from the Harbour Commission, from everybody, for the establishment of some sort of agency so that there will be consultation; and therefore these people will be protected from the unilateral bulldozing tactics or announcements of this Minister.

Hon. Mr. Randall: May I ask the member one question? He said to stop Ontario Place. Do I understand he is against it?

Mr. MacDonald: That is irrelevant.

Hon. Mr. Randall: Oh no, it is not.

Mr. MacDonald: I am not talking about Ontario Place at the moment—

Hon. Mr. Randall: I want it on the record. The member is against Ontario Place?

Mr. MacDonald: The Minister as usual is off on one of his diversionary tactics—

Hon. Mr. Randall: Is the member against it?

Mr. MacDonald: I am dealing with a topic, and I am not going to be sidetracked by this Minister for his particular purposes.

Hon. Mr. Randall: Is the member against Ontario Place? That is all I want to know.

Mr. MacDonald: The problem, Mr. Chairman, is that this Minister has become a menace. I do not know if the Prime Minister recognizes this, but he is a menace to this government. He goes out and makes announcements that wreck the plans of The Department of Municipal Affairs, who were engaged in trying to get some logical rational planning in Waterloo county. He barges in—

Mr. J. B. Trotter (Parkdale): And the Treasurer, too.

Mr. MacDonald: Yes, with the Treasurer —in the whole regional development. But that is not the matter. We will get to that a little later on the Water Resources Commission. In short, this Minister has become a misfit in the position.

I have one objection to the motion—I am still going to support it, but I have one objection—to reduce the estimates by $12,000 for the Minister of Housing, is a bit wrong. It should be $50 as far as the housing is concerned, because that is all the time he puts in on housing. And this is part of our problem.

On stops between Tokyo and Timbuctoo, he makes another pronouncement with regard to housing—not co-ordinated, either with other government departments or with the municipalities in the area involved. What we need from this province to deal with the biggest single social problem facing the province, is a Minister of housing. And conceivably it will assist the Prime Minister if this Legislature sees fit—and I hope they have placed the interests of housing as a top priority—that on the government side of the House they will support the motion, too.

It will assist the Prime Minister in relieving this Minister of the responsibilities for housing, and making an opportunity for any of these aspiring, ambitious, capable backbenchers who would like to get into—

Hon. Mr. Randall: They will not vote for you.

Mr. MacDonald: It just goes to show whether they put the needs of the people, or partisan considerations, in the top priority. We are going to wait and see, because the social problem is a top priority, and they will be voting for this motion. If they do not, then what happens in Middlesex South and the urban areas where 19 per cent of the vote went to the Tories will happen in every urban area across this province. You are on the way out—and the Minister is leading the pack.

Mr. E. A. Winkler (Grey South): You do not get much support.

Mr. MacDonald: A lot more than the Minister is getting.

Hon. Mr. Randall: Put your blood pressure down, Donald.

Mr. L. A. Braithwaite (Etobicoke): Mr. Chairman, I would like to narrow down this debate and make a few comments about the fate of a housing project in my own riding. This housing project is located in the northwest portion of Etobicoke, it is known as the Thistletown project.

Now, Mr. Chairman, when this project was originally planned, Henry Fleiss, the architect, had great ideas, and I think everybody was quite pleased that this Minister, or the Minister in charge at the time of the department, and all three levels of government, were going to try something new. They were going to try to integrate public and private housing. This is a very good idea, Mr. Chairman. But when we look at the situation as we see it now, we wonder what has happened.

We wonder if this housing project is failing; if the grant ideas are turning to dust; we wonder does this particular Minister not care; does he worry? Is he not at all concerned about the fact that public housing and housing generally are most important to the people who live in the province of Ontario?

If you were to drive up Islington Avenue, or up Kipling Avenue, up Martingrove Avenue in my particular constituency, as you approach the road called Albion Road, you would find that there are many houses that are empty. Some of these are houses that are well built, brand new, but they have never been sold.

You talk to people who have bought houses and who wish their children to grow up and have an opportunity to mix with other children of all sorts. You talk to them and you ask: "How is it that houses are not selling up here?" San Francisco Village, it is known as. You are told that we have the public housing where we live. You are told that this Minister is allowing thousands of people to be jammed into an area that could have, or should have, no more than hundreds. You are told that as far as this project is concerned, no effort is being made to help it succeed. Then you wonder, Mr. Chairman, why things are as they are.

I have talked to some of these people. They tell me that when they approached the Minister, when they approach people on all levels of government, in an effort to stop even temporarily the creating of more row-housing in the general area, until there is some provision made for social agencies, they are told that nothing can be done.

Mr. Chairman, I think this is an appropriate time for me to bring it to the attention of the Minister that the people who live in this particular part of Etobicoke—and I

mean the people who live in the public housing, as well as those who own their own homes—are concerned. If you drive, as I said Mr. Chairman, in the general area you will find that not only are there private houses unsold but, along Albion Road, down Martingrove and generally in that area, row-housing is being put up without any thought given to where these children are going to go to school. Without any thought as to what is going to happen in the area of provision for social needs.

I do feel that this Minister, if he is not aware of the problem now, should give some thought to stopping, if only temporarily, as I say, the construction of row housing in this particular area until the whole problem has been studied. And until some provision is made for the provision of social agencies for recreation, health and public buildings.

The Minister has no doubt received a communication from a Sandy Kantymir, who lives at 38 Orpington Crescent in the general area. This lady, and a group of people who live in and out of public housing, have got together because they are concerned that the school where their children go, Greenholme public school, has to be enlarged. And enlarged to the point now where it is so big and unwieldy that the children are not receiving the level of education that they should.

Many of the parents are worried about this particular problem, Mr. Chairman. And you wonder why, if this Minister had seen that planning was carried forward, at least proper schooling could not have been provided.

There is a ten acre parcel of land, Mr. Chairman, that lies at the intersection of John Garland Boulevard and Martingrove Road, apparently no one seems to know what this land is going to be used for. I suggest to the Minister at this time that perhaps a school could go in these? That is, a primary school.

There is a population explosion in this particular part of my riding and as I said, houses are being built row upon row, along Albion Road, down Martingrove and generally in the area. And nothing is being done as far as making certain that, when these families move in—and I am certain that some of these units, and many of them are, Ontario Housing units—that children have a proper school to go to.

I do not have to make any reference to the fact that it is difficult enough to live in an area where the population is squeezed, where there are not sufficient public facilities. In this particular case, at this particular time, Mr. Chairman, I want to bring it to the Minister's attention that the problem is urgent.

I was reading in the Etobicoke *Guardian* of Thursday, October 2, that the question of the ten acres that I referred to was brought up before the Etobicoke Planning Board. The comments made by some of the members of the planning board, Mr. Chairman, are quite appropriate. The planning board director, Mr. George Muirhead, said: "The matter of social needs in Greenholme keeps popping up all the time."

And he is just echoing what many, many people have said.

The fact that there is a library, fire hall, a swimming pool, and so on, on Albion Road—or there will be these facilities on Albion Road—is really not a solution. I do not think that anything has been done on the part of this Minister, or any other department of the government, to sit down and study and plan for the effects of putting so many people in one little area, and what the effects will be on the general economy.

Mrs. M. Renwick: They do not believe in social schemes.

Hon. Mr. Randall: Leave him alone. He is speaking, do not interfere.

Mr. Braithwaite: Mr. Chairman, I wish at this time to make it quite clear to the Minister that the matter is urgent. Somebody in his staff should go up into that area, and take cognizance of the fact that these row-housings will bring more children that will make a problem—that is presently bad—ultimately much worse.

Now perhaps the Minister might tell me, Mr. Chairman, and in his reply he might let the House know what plans his department has for the vacant 10 acres, if it is not to be used for a school. Now I know that this is not the Minister of Education, but the fact that a school is necessary—or another school will be necessary—is the direct result of the unplanned expansion of housing in this particular area. I think that this Minister should have some idea of what plans there are afoot in the government for this area.

I also would like to know, Mr. Chairman, if this Minister was consulted when the Minister of Municipal Affairs made, or before he made, this report of his on aircraft noise at Toronto International Airport.

As I said earlier in the day, this particular report on aircraft noise at Toronto International Airport, directly affects the riding of Etobicoke. It directly affects many people who are living in Ontario Housing right now. It affects people who live in the Thistletown area, it is definitely going to affect people who live in Tanaridge and other projects in north Rexdale. I would like to know if the Minister was consulted, or if he did anything, or is doing anything to alleviate the noise problem that the people who live in these houses are enduring right now. The report is great, but it says nothing about what will be done to alleviate the noise problem. We are not worried about 1976; I am worried about what the government proposes to do about the people who are living in houses and apartments in the Etobicoke area, and who are suffering from aircraft noise at this time.

I would like to move on to another point. I would like to know what asistance this Minister is giving to the people, the kind-hearted NECA people who are attempting to set up thrift stores in the various Ontario Housing developments in North Rexdale.

The Minister knows about this problem; I have consulted with him. The people from NECA who are involved in this consulted with him. But what they find, Mr. Chairman, is this. They talk with the Minister and his staff, and they get a wonderful response, but eventually when they look for a spot in Ontario Housing to set up a thrift store they are told that there is no land, or there is no building or space available. I would ask the Minister at this time, if he could not do whatever is necessary to see that space is provided so that more than one thrift store can be set up in the North Rexdale area.

I have the greatest of delight in supporting the motion of the member for Downsview. As far as I can see, speaking for the people who live in my own riding—the fact that Ontario Housing is proceeding at a breakneck pace without any idea of planning for social services, schools, recreation facilities and so forth, is sufficient for me to state that this Minister is not doing a proper job, that a Minister who is concerned with the people of Ontario would be doing.

Mr. Chairman: The hon. member for Middlesex South.

Mr. K. C. Bolton (Middlesex South): Mr. Chairman, I would like to address a question or two and a comment or two to the Minister of Trade and Development. Before I do so, may I have the privilege of saying a personal word of appreciation to this House for the kindly way you have received me in your midst. It was very thoroughly appreciated, and I want you to know that that is so.

The hon. Minister, in an exchange of pleasantries a moment or two ago, said I would live to regret—I am not quite sure I am quoting accurately—I might live to regret the day that I came here. This I could take as a friendly warning, in which case my thanks; I could take it as a prophecy, in which case I must say I draw my prophetic inspiration from other sources. I am quite sure it is not intended as intimidation, because it would not be in the style of the hon. Minister, nor would it be any use at all because I do not intimidate worth a hoot.

The hon. Minister spoke the other day of dressing for the occasion, and I—if I may be permitted this observation before I enter the question of housing—may say that I do the same within the limits of my wardrobe. Last summer I was engaged in a course in urban training involving systems analysis and involvement in housing problems. As part of the course, I dressed in old clothes and I spent an entire weekend in skid row in Toronto. I had five dollars on which to exist, and we were forbidden to identify ourselves, ask any help from friends, or use a credit card. We had to exist on the five dollars. In passing, not that I am looking for a job in the budget, may I say I ended the weekend with $3.80 of my $5 left.

Mr. Pilkey: The Minister of Revenue (Mr. White) gives bigger tips than that away.

An hon. member: Did you lose weight?

Mr. Bolton: I had no wage to lose. But in the course of this, I was able to talk to people on skid row, and I learned things about them I had not realized before. They are not all idlers and drifters. The ones I want to refer to this afternoon specifically are some elderly men, with a fair amount of dignity, who are on skid row three or four days every month. Their reason is this: Their pension cheque does not stretch far enough for them to pay their rent and buy their food, so for four days of every month this particular group of men have to go on skid row.

This is just one small example of people who find it hard either to find shelter, or to pay for the shelter which is provided. I have been interested in the debate in this House—at times amused, at times bewildered, at times

even so early in my career here, frustrated—because I fail to see a sufficient sense of urgency. I think that there are many people who do not yet realize the mood of the people in Ontario. There is a real deep dissatisfaction, and I know people who might sit in this House as visitors who would be horrified at the sort of exchange which suggests that we are taking lightly those problems which exercise our people.

There is no area of life of more urgent concern for this nation than housing. A man's dignity is inherent in his ability to provide shelter for his wife and his children. A man loses his dignity if he has to go into debt to provide that shelter, and most of our housing does not take into account the average earnings of our people. We legislate for the middle-class, we forget the poor—the difference between a house and a home. Many people are able to buy a house but they cannot make it a home because they are forced by economic circumstances to go out of the home, both father and mother. This is a serious problem. If we are to have a nation that is founded on good homes, there must be serious, deep, earnest, real consideration of the problems of living, not just pleasantries and exchanges, not just name-calling and party comment.

I would like to ask a question or two. I want to bring into the debate a question asked on May 12, 1969. A question addressed by the New Democratic Party to the Ontario Housing Corporation before the standing committee to which a reply has not yet been received:

Do local housing authorities have autonomy to set their own policies regarding eligibility criteria and points systems?

The reason I ask this question is because on Monday of this week, I was visited by one of my constitutents, a young woman, an excellent young woman who has four children. She is separated from her husband, her income is $320 per month which she receives through Manpower. She is on a retraining programme. She is paying $150 a month for her accommodation at the moment which is being increased on November 1 to $160. In other words, half of her income is required if she is to maintain the house she is in at the moment.

She saw an advertisement in the London *Free Presss* advertising housing units at $80 a month. She applied to London Housing Authority and was told she is not eligible. When I asked why, she had apparently misunderstood the reason, it was not because she is a student. I phoned the housing authority and was told the reason was that she belonged to a "single-led family," a family with only one parent. They have a regulation that only 20 per cent of their units are available in such circumstances.

But, if she were to continue her application to London housing authority, and she got on a list. I was told that they have a two-year waiting list—a two-year waiting list.

The question I ask is this: Is this category a general thing throughout the province or a local regulation? If it is general, or even if it only local, does this help in the realistic approach to a real housing problem? Should there be some relaxation of this kind of discrimination?

Mrs. M. Renwick: Mr. Chairman, I would like to ask the Minister some questions about Chapel Glen, the adjacent development to Flemingdon Park and in speaking in support of this motion I would like to say that my pursuit of the Minister—although I suppose, Mr. Chairman, those headlines were bound to catch up with the Minister one day, and be very powerfully used against him.

My purpose was trying to tie the Minister to some facts, and all through most of the comments I make were exactly what I started out with to pursue—pinning the Minister down to actual, factual statements.

Now the Minister referred in the original news releases about Chapel Glen about skating rinks, tennis courts, and recreation facilities. I did not see anything in any of these releases which was beautiful. People were all very happy. Everybody is happy with a planned metro habitat.

I would like to ask the Minister, what are they planning to do to offset the fact—and the Minister can correct me if I am wrong—that the density in Flemingdon Park originally was fixed at 5,000, and I believe it has been increased to 6,800? Under this new density, one of the things I would like to know is with what does the Minister plan to offset it?

Flemingdon Park has no recreation facilities to speak of at the present time for the Ontario Housing Corporation's 584 units, except two swimming pools which it inherited in its purchase.

Much has been done by the citizens of Flemingdon to try and acquire some activity by the provincial-municipal governments in recreational facilities for the people who are already there.

The schools are over-crowded. There are many portables in the one school. Now we have a second school. I wonder if the Minister could tell us what he plans about schools, recreation, its high density increase, before we go on to a number of other questions?

Hon. Mr. Randall: I would say to the hon. member that the density was approved by the borough of North York, as you well recognize, or we would not be putting—

Mrs. M. Renwick: Requested for this government's building?

Hon. Mr. Randall: No. The area zoned by the borough of North York. And they decide how many families can dwell on that acreage. They have approved the density. Whether they go up or sideways, it does not make any difference. They have approved the number of dwellings that will go on the land. The last advice we get, and I think it is accurate, schools are quite adequate to take care of the people who are going in—the 3,400 families who are going in—the schools, according to the borough of North York, are adequate.

Mrs. M. Renwick: The schools? Mr. Chairman, may I ask a question on a point of clarification?

The two schools that are already in Flemingdon Park are adequate to take in the children from these new units?

Hon. Mr. Randall: My understanding is that the schools that are there now—I think one has already been enlarged upon this year. The assurance we received from Metro school board today is that there will be adequate school facilities there. I think the only school that is to be built at the present time is a separate school.

Now with reference to the other facilities, you can look at your federal member and see the community hall that cost half a million dollars just there. It is there. You can walk down and touch it.

Mr. E. Dunlop (York-Forest Hill): Mr. Chairman, a point of order if I may. Is the hon. member speaking to the motion? Or is she seeking further information, perhaps with a view to deciding not to support the motion?

Mr. Chairman: I might say that the committee does have a motion for consideration. The motion, of course, is to reduce this vote by a certain sum of money. That motion is debatable. In order to properly debate that motion, I fail to see how it is possible to avoid reference to the vote upon which the motion has been made. So the debates at the present time, on this motion, necessarily may refer to vote 2208, and in my opinion the type of debate is quite in order.

Hon. Mr. Randall: Well, Mr. Chairman, to proceed with my comments insofar as the community hall is concerned, it is there. It has been turned over to Flemingdon Park people—it is now in use and can be used as people recognize that the facility is available.

Insofar as the other community activities are concerned, it is our understanding that the rights of way under the Hydro lines will provide the playing fields, and the other community activities that the people, not only at Flemingdon Park have, but people who are going to move there will be able to utilize insofar as I am concerned.

I just suggest to my hon. friend that I have never made a statement about Flemingdon Park that I have not kept. At the moment Flemingdon Park is under way—it may have been delayed through no fault of mine. But at Flemingdon Park—and I made a promise to the people of Flemingdon Park, and I have lived up to that promise—the very fact that that community centre is there, that the building consortium is about to start, that servicing has taken place on the east side of Flemingdon Park, indicates that I have not kidded anybody.

Mrs. M. Renwick: Mr. Chairman, I do not think that this debate was trying to say that the Minister was kidding people. We were saying that, without a plan, he pursued what was obviously political advantage.

I would like to ask the Minister where the community centre is that he is speaking about? I would like to ask him how many people are employed at it? Approximately how many children are using it? What is it doing? Does the Minister know how many children are in Flemingdon Park?

Hon. Mr. Randall: I think the hon. member is well aware the community centre was built and handed over to the municipality. They have all those figures.

Mrs. M. Renwick: The community centre was built and handed over to the municipality?

Hon. Mr. Randall: The borough of North York, it is my understanding. It was built by Olympia York, with shared costs between Olympia York and ourselves, and turned over

to the borough of North York. That is the last report I received from them.

Mrs. M. Renwick: Mr. Chairman, I would like to ask the Minister where the community centre is? You are not referring to St. Christopher's house which was brought in by the Anglican Church?

Hon. Mr. Randall: I understand from Mr. Suters it is a brand new facility finished and built in Flemingdon Park.

Mrs. M. Renwick: St. Christopher's?

Hon. Mr. Randall: No, not that I know of.

Mrs. M. Renwick: Mr. Chairman, for clarification: the Minister is not speaking about St. Christophers-St. George's House, which is adjacent to the school in Flemingdon Park?

Hon. Mr. Randall: I will get that information for you.

Mrs. M. Renwick: The Minister will be able to tell me the location of the community centre and what activities are taking place in it?

Hon. Mr. Randall: I have asked my associates to find out.

Mrs. M. Renwick: I have not seen it, Mr. Chairman, but I would like to know where it is.

Mr. Chairman: I wonder if the hon. member would please turn her microphone more in direct line with her. It is difficult to hear her sometimes.

Hon. Mr. Randall: Mr. Chairman, for the hon. member's information I understand that it is west of the Parkway on Grenoble Drive.

Mr. Chairman: The hon. member for Waterloo North.

Mrs. M. Renwick: No, Mr. Chairman, no, no, no. I was trying to picture west of the Parkway on Grenoble Drive. Grenoble Drive, Mr. Chairman; 58 Grenoble is totally housing units; 62 Grenoble is totally housing units. At what number Grenoble Drive is the recreation centre?

Hon. Mr. Randall: It is built on Grenoble Drive, and all I can tell you is that is where it is. I do not know what the actual number is, but it has been built, it has been turned over to the borough of North York. If you have not seen it, you have got company, I have not seen it yet.

Mr. Lewis: Are you sure it is there?

Hon. Mr. Randall: I can only go by what my associates tell me. I checked this morning and they assured me the community centre had been built and had been turned over to North York.

Mr. Lewis: Well, you announced it, so it may not be there.

Hon. Mr. Randall: Oh it could be.

Mrs. M. Renwick: Mr. Chairman, the intricacies of the operation of a small community centre cost $70,000. And, I believe, $130,000 or something like that to build. A good community centre for the development, as it is there now, has been built. It was brought into the community under the auspices of Mr. Richard Rohmer, a well-known Conservative supporter, candidate, member of the Anglican church in Don Mills, and it was brought in as a community activity.

I understand it does have one person, a Mr. Baker in there, as a counsellor operating some sort of activities. Now in the summer time there were a group of young people there under the sponsorship of the SOS and they started a teenage association in this particular building—which the Minister may not be aware of—and I have been asked by one of those workers to show you how this building is operating and then I will proceed to some other facts about the development.

Mr. Lewis: Is it not a government building?

Mrs. M. Renwick: My colleague asks is it not a government building. The building, as I understood it, was put up because there were no churches in Flemingdon Park, Mr. Chairman. And a church of just one denomination might not be too popular in Flemingdon Park because there were no other churches. As I understood at first, indeed, church services were held in it for some time and were not too well attended.

Then it evolved into what the church had intended it to be from Monday to Friday, a place of community activity. But, I say again, Mr. Chairman, that for over 1,000 children that are in schools in Flemingdon Park, this is not a large activity. I must say they are having movies on Sunday afternoons and they are doing some things but I am very concerned about the politics of this particular community centre, Mr. Chairman, because this community centre had some activities in it during the summer, the SOS group, who were doing teenage work in the community.

We need work done of this kind in the community, and they were indeed the only

people doing work with the teenagers in Flemingdon. There is no social worker there, there is no one to create some sort of activity for teenagers except the dances which the schools were kind enough to have.

My understanding is that when this group was going back to school this fall their talks about trying to get a local community established of teenagers to have a certain night or a certain day reserved in that particular building for themselves, ended up in great disappointment.

They were idealistic young people who had managed to get from a private developer —from whom we rented in Flemingdon Park ourselves—two suites for offices and accommodations. They were now after a commitment from this community house that the teenage work would be carried on after they dispersed in the province and went to their homes to go to their schools. One teenager came to my door one day to tell me that when she talked to a planner in one of the tall complexes, the IOF building or the one adjacent to it, about the fact that she was so disappointed she contributed a whole summer to teenage work in Flemingdon, and it was not going to be carried on, this centre did not want teenagers in it, it said the schools have teenage dances and that is it. She was told, she tells me: Look as long as Flemingdon votes New Democrat they are not going to get anything.

I would say, Mr. Chairman, the Minister should take a good look at that activity in the community centre and see how small it is by the Minister's own grandiose standards of activity. He can never, Mr. Chairman, put another 1,200 units in Flemingdon Park without a recreational plan. Now the original plan, Mr. Chairman, was quoted in the newspaper as having three schools.

There are something like 500 or 800 children in each of the schools there. The schools are doing a very good job in Flemingdon. They are not going to be able to do as good a job, Mr. Chairman, if they are crowded in their classrooms. They have at least five to six portables in Grenoble Drive school now. Granted, Gateway school is a model school. It is the new concept of no classrooms and it is a model school, but Gateway is a long ways, surely, from the properties the Minister is considering developing in Chapel Glen.

I would like to ask the Minister how many acres Ontario Housing Corporation has in Chapel Glen? And, if when he was quoted in 1967 as saying the land can be amortized over 35 years at 7¼ per cent, does that still exist?

Mr. Chairman: Before the hon. Minister replies, may I just say that there seem to be several private debates taking place in the Chamber which makes it very difficult to follow the speakers. I would ask the hon. members to please be a little quieter in their private discussions. The hon. Minister.

Hon. Mr. Randall: Mr. Chairman, to comment on the amount of acreage, it is 59 point something total. On the east side where the 1,400 units will go up it is roughly about 24 acres. Then, in the provision of that roughly 59 acres, of course, are some of the facilities we talked about—your gardens, some of the recreational centres—but the useable acreage as approved by North York. And I think those latest figures were 3,200 dwellings on the acreage that we have and what we will have when the east side is serviced.

While I am on my feet may I just comment that in Grenoble public school as you have suggested there are a great many activities going on and also in the St. George's Community Centre, and that again is in addition to the new facilities we talked about a few moments ago on Grenoble Drive. I understand there is a major skating rink in there, or associated with it.

Mrs. M. Renwick: Mr. Chairman, I did not hear the Minister's last remark.

Mr. Chairman, I have a number of questions to ask the Minister. I have waited a long time. In fact, Mr. Chairman, I listed my name with the previous Chairman, after the hon. member for Downsview raised his motion, and there have been many speakers since. Now I do have the floor, Mr. Chairman, and I would appreciate the understanding that I have waited a long time to have it. I have several questions of the Minister, on several counts.

Mr. Chairman: Well, may I just say to the hon. member that certainly there is no rule by which the Chairman may limit the time that any hon. member takes in this debate on supply.

I would point out to her, as I have pointed out to other hon. members in the past, that usually there is no limit to the number of times an hon. member may speak, and all members want to enter the debate—there are several others want to—and I just point out to the hon. member that there are other

hon. members waiting to enter this debate and I assure her I will not cut her off. She will have ample and full opportunity as long as she wishes in order to continue all of her questions in this debate.

I simply say that there are other members who have been attempting to get the floor, if she wishes to defer to them, all right. If she does not there is no rule by which I can prevent her from carrying on.

Mrs. M. Renwick: Thank you, Mr. Chairman. You appreciate I have now waited through the hon. leader of the Opposition, through the member for Etobicoke, through the member for Middlesex South, and through the hon. leader of the New Democratic Party, and whoever the previous speaker was.

Mr. Lewis: We have weeks and weeks for this debate. We have all the rest of October and November. Time, infinite time for this vote.

Hon. Mr. Randall: You have right until Christmas; do not rush it.

Mr. Chairman: Order.

Mrs. M. Renwick: You see, Mr. Chairman, what we are trying to create with the Minister of Trade and Development is a real cohesion with the needs of the people on a first hand basis.

Now, I realize the Minister is a busy man, and as members have said today, he is busy in many countries. But this particular development is in his own riding, and I do live in it and am sensitive to the pulse of it. But I say, Mr. Chairman, that the Minister, as their member, should be sensitive to the pulse of it too. And many of the people who are in there now have many, many questions of the Minister which I hope will be put to rest so that those people can live there with some feeling of cohesion and relationship to the ministry of housing and with The Department of Trade and Development.

These people, unfortunately, do not have a department of housing to refer to.

The Prime Minister saw fit to say that he had to vote against my motion in the second session of the 28th Parliament to bring in a housing committee in the House, so that much of this could have been discussed in committee, and yet the Conservative Party sees fit to have a tea party, I gather, at—what is the club where they meet all the time?—the Albany Club, or the Board of Trade on Adelaide Street, and they have their own housing caucus, which we have not been privy to. But I think the Toronto *Daily Star*, carrying the headline in red, saying: "Realtors say 93 per cent of Metro Families Can't Buy New NHA Homes" would be enough to make any housing Minister absolutely sick.

Mr. Chairman, we are trying very hard on this side of the House to bring the facts of life, the reality, to the doorstep of a busy, world travelling, global Minister of housing, and the problems are right here in Ontario at his feet and at his fingertips. And he is an able Minister; if he really had the freedom of the Cabinet to embrace public housing the way it should be embraced we would have good public housing in Ontario in my view.

Mr. Chairman, compare the Edgeley project, if you will, to the Flemingdon Park project. I have been speaking to the Minister about what I call a pitifully small recreation centre that like Topsy, just grew, but was not put in there by the Minister of housing, nor by the Ontario government. If Richard Rohmer were not a warden of the Anglican Church in Don Mills I doubt very much that this would be a public building.

Mr. Lewis: A good point, too.

Mrs. M. Renwick: It is the point of the whole thing. It is the thread by which this building expanded into community service instead of being a church building that went defunct and went on sale.

Mr. Lewis: Right. Another deceptive announcement.

Mrs. M. Renwick: You see, Toronto before it exploded, Mr. Chairman, was a small town. I grew up in Toronto and it was seven miles wide and seven miles long. It was the biggest small town in Ontario, and people like Richard Rohmer, manoeuvring around with government and so on, cannot go unnoticed.

The housing development in the hon. Minister's riding did not make the recreation centre and it has got to make a recreation centre before it goes ahead with the Chapel Glen project.

Mr. Lewis: That is the point.

Mrs. M. Renwick: And Mr. Chairman, I have worked in children's day nurseries, and I have never heard of a play area under a Hydro right-of-way. I presume this Hydro right-of-way, if it is not developed into Hydro lines now, always stands to chance that it might be. And if it is the main Hydro right-of-way just south of Flemingdon, under

which right now market gardening grows, I doubt very much that this is a normal habitat for children's play. What if anything ever happens with that wiring and children are playing in that area?

The Minister is not an unintelligent Minister about problems, Mr. Chairman, and we are saying to him: If you do not want to get with housing, please give the people of Ontario someone who will. Housing, right down to playgrounds that are not cement, but wood chip. Wood chip, like they are in High Park, for children. You give a concrete playground to children in between two rows of houses, like you have in Kingston Road, in my riding, you get nothing but handball, broken windows, irate tenants and an overworked member of parliament on the problems of Ontario housing in Scarborough Centre.

And I say, Mr. Chairman, to the Minister, that I know about this because I have not been globe trotting, I have been in touch. The Minister said today: Why do I not go into a housing project? Where do you think I was last Saturday? I would like to take the Minister of Financial and Commercial Affairs with me to apartment projects in my riding, private or public. They are an atrocity in many ways. They have not been run as good businesses, the Ontario Housing Corporation's developments have not been run as good businesses.

The Minister has shelved the running of the building, he has shelved it to The Montreal Trust Company. Without tender. How do we know how many trust companies were invited to bid or present any sort of liaison? What is Mr. Carver's position with the Ontario Housing Corporation? He happens to come, I am told, from The Montreal Trust Company, and a few months after he was there, the corporation is handed over to the care of that company. Was this, perhaps, a man who saw that this could be handled other than the way it was being handled? Fine, but let us get the best trust company in the city to do it. Let us not just sell the operation of these units now that we have got them. Let us not, when we are making new ones, Mr. Chairman, fail to plan the facilities around them before they go in.

The Minister has held up to us today about the Scandinavian countries with their waiting lists. Scandinavian countries get from their planners and developers social schemes as an integral part of high-density dwellings. It is a fact of life.

Now, the Minister, if he wants to continue as a Minister of housing under Trade and Development, simply has to embrace the modern concept of public housing, or suffer the disgrace which I consider was a disgrace to the Ontario government and the people of Ontario when the Minister of Transport (Mr. Haskett) could come here and in effect say: "You have made such a botch of what we have given you we are going to freeze it". All the Minister had to do here, Mr. Chairman, was change to the sort of experiment that he has finally produced in Edgeley. I am speaking about over-crowded schools. Not over-crowded now, Mr. Chairman, but that will be if these Chapel Glen units go in without schools. I am speaking about a unit of operation, Flemingdon Park, Chapel Glen, that have no high school built there now for children in that area. There is an East York high school going up across the street—I presume these children will not be allowed to attend. They go up now to the Don Mills Collegiate. If you look at the Edgeley project —I quote from staff writer, Mack Parliament's work on September 13, 1966, in the Toronto *Daily Star*:

> A planned educational complex of a day nursery, elementary and high schools side by side, a walk across a bridge that will take students in the campus of York University. A close-to-nature environment. An active community core, pedestrian malls—

I presume this can be incorporated very easily because the walks are incorporated now in that development of Flemingdon Park. The catchline of this, which I think is just wicked, Mr. Chairman, is that all this is available to the public housing tenants for as little as $32 per month for a five-bedroom town house. What is frightening to people is, what is really happening in the financing of these units? While it is available to $32-a-month tenants, there are also many tenants of the Ontario Housing Corporation who pay above an economic rent, who pay $170, $185, $190 per month and I have talked to tenants paying $190 per month right in Flemingdon Park in years past.

There are many of the original tenants still on lease in Flemingdon Park that would like to move into Chapel Glen, Mr. Chairman, and they watch this sort of activity very closely. They presume, when they move to Chapel Glen and buy a home from the government under HOME-ownership-made-easy, they will be buying a modern development such as Edgeley. They do not really have the patience to go through another development

that just grew like Topsy, because a lot of these people have been in Flemingdon Park since the early 1960's when it was first planned under the Webb and Knapp Development before it went defunct. The original plan, Mr. Chairman, included inviting in the YWCA's, the YMCA's, giving them free land; it included churches and schools, and it was copied in part on Scandinavian operations in Copenhagen and in London. However, this never came to fruit. When they went bankrupt, it changed hands and then was purchased, thank heavens, by the Ontario Housing Corporation.

That was a very enlightened step for the corporation to have taken, that set a type of housing for public housing. But we cannot now, as the Minister says, build units with roofs on and expect that to be the answer to housing—it just simply is not. If the Minister plans to go ahead with Chapel Glen, like Edgeley, he is to be commended to a degree. But if he is not, if he has not come to grips with the modern concept in all those travels to see how a high density community does not have to be a stagnant barren community that some of the OHC communities are, then we have a housing Minister who simply has to say "Trade and Development is my 'bag' and someone else can take the burden of the Ontario Housing Corporation."

You see, Flemingdon was the hope of many HOME aspirants, at least they could now rent good, clean accommodation. It is not luxury accommodation, Mr. Chairman. The desire to purchase homes on top of this is even stronger, and those people are looking at the Minister in his own riding, to say nothing of the hundreds throughout Ontario who are looking for the Minister to lead them to a planned development.

There is a nursery school in Flemingdon Park, Mr. Chairman, only by virtue of the fact that the private tenants before OHC ever came to Flemingdon. And I was one of them who was interested in day nursery work and founded a day nursery. It was when I looked at that legislation that I saw where the real activity for people concerned with where this province was going; it lay right here in this Chamber, because it was a loose piece of legislation—to say the least. This little nursery school is now in this community centre, but what the Minister has to say about Flemingdon—when one out of three women work and half of those women have children under 15 years of age—we will take the capital costs of a day nursery. Because the Minister collects very good rents from tenants, the subsidy last year, if I recall correctly from our commission hearings, was only $11 per unit per month in subsidy. That is no vast housing scheme.

Mr. Chloe, the then chairman of the board, was bragging that they had operated on $1 million. But that is not vast public housing operation, Mr. Chairman. And if the Minister, with his business acumen and his salesmanship and his abilities in that regard, was able to put the Ontario Housing Corporation into some semblance of a paying operation—which is almost what he has done in my view in Ontario—then he should also say, because it is working so well financially: We have to provide the facilities for the people who are living there.

We have asked about the financing of the people coming in there. I would ask the Minister: What does he have to say about this Conservative meeting yesterday—I believe it was yesterday. I brought down some information to speak to the Minister about from the Toronto Real Estate Board in the spring and the fall of this year, until I saw the headline in today's *Star* this morning. It certainly shows that this is even more updated information from the research man, Mr. Kirkup, of the Toronto Real Estate Board.

I would ask the Minister if he wants to disagree with Mr. Kirkup the way he disagreed with the economic council in their report of this year on housing. Would he either agree or disagree with Mr. Kirkup's information given to the Progressive Conservative Association meeting in Toronto?

Mr. Lewis: The PC Party, at their meeting.

Hon. Mr. Randall: That was the home for blind mice, they were—

Mrs. M. Renwick: My idea of a nightmare, Mr. Chairman, would be to be a Minister of Housing and have a headline like that come out of a newspaper at 11 o'clock in the morning. I would ask the Minister if he could refute it or he can enlarge upon it or explain it. In the light of the fact the Minister intends to go ahead with HOME ownership, what about the facts of Mr. Kirkup of the Toronto Real Estate Board, who says, first of all, 93 per cent of Toronto area families cannot qualify under the National Housing Act to buy new homes at current prices.

The average income of these people, out of 663,576 wage earners in Toronto, the average income is $6,400. He says the annual income of $10,011 is required to qualify for

the maximum $25,000 NHA mortgage loan. He says that the average cost of a standard single-family dwelling site—and this is just the site, Mr. Chairman—in one of Metro's suburbs has reached the incredible figure of $18,000. This means it does not pay to build a house under $40,000.

Now, Mr. Kirkup said that even if the would-be buyers had the necessary $10,000 or $12,000 down payment, 93.1 per cent of the families cannot afford to qualify for new homes. Yet the Minister is telling us that public housing is not the answer. This would mean that private development must be the answer, surely; $18,000 a site or a lot will double in five years if the federal government does not step in, Mr. Kirkup said. And the federal government, Mr. Chairman, is as much to blame for the housing crisis and hassle now in Ontario as the Tory government right here in this province.

When Mr. Hellyer came to Toronto and shot down the hon. Minister in flames by a freeze on funds when 90 per cent of the money came from the federal government for the programme of the hon. Minister, Mr. Hellyer had only to say to the Minister: We will free public funds for public use for recreation, for day nurseries, for social centres in these developments which we think are deplorable because these people have not got any amenities.

If the Minister from Ottawa had said this and they had each gone ahead and rectified the problems, even high rise can be more amenable if it has the facilities and the children are not just 14 floors down and out on a sidewalk. Mr. Kirkup said that there were twice the houses being built 10 years ago with 70 per cent of the present population. Yet the Minister of Trade and Development says that he is going to have houses with an average of $15,000, while Mr. Kirkup says land sites are $18,000. I realize they are talking about two different kinds of housing, Mr. Chairman, but still there should not be the variance that there is.

The average annual income, Mr. Kirkup said, of those who did qualify under the Central Mortgage and Housing formula, was $8,826. Will the Minister of Trade and Development pinpoint now what the average income will have to be for the tenants purchasing homes in Chapel Glen or any other condominium plan that the Minister has? Does the Minister wish to answer now, Mr. Chairman?

Hon. Mr. Randall: Go ahead, I will answer it later.

Mrs. M. Renwick: I think I have got four questions on there. I think if we should, we should answer it—

Hon. Mr. Randall: Why do you not finish and I will answer afterward?

Mrs. M. Renwick: Mr. Kirkup said at the tea party that National Housing Association mortgages have increased 52 per cent since the end of 1965 and new home prices have increased 47 per cent since 1961, and resale houses have increased by 52 per cent, which brings me to ask the Minister: How much has the cost increased in Chapel Glen now, since the Minister announced it two years ago? How much is the difference that it is going to cost the Ontario government to provide housing in Chapel Glen in 1969 than it would have cost in 1967?

Mr. Chairman, Flemingdon Park originally sold at a very low price and I would like to ask the Minister to answer, if he will, the cost of the land to this government, which he must have at his fingertips—the cost of the land to this government from the private developer in the Chapel Glen area? The original land at Flemingdon Park sold unserviced to the Zeckendorf Corporation, which was Webb & Knapp in Toronto, for $14,000 an acre unserviced. That in itself was a political plum, engineered by the same Mr. Richard Rohmer with the board of North York, who saw fit to see a first class development like Flemingdon Park go ahead in its community, and they are to be applauded for the fact that they could embrace the quality of the original plan of Flemingdon Park.

So they got the land at $14,000 an acre, I am told, unserviced, and they did not sell any piece of it, I am told by the people who were deeply involved at that time, for less than anywhere from $40 to $60 thousand an acre for industrial development in the community.

I think the Minister made a very good purchase when he purchased the units in Flemingdon Park at what I figured out to be approximately $14,000 a unit. It was still a little bit higher than the square foot price of homes at that time, mind you, because it had changed hands twice since the original owner, but does the Minister see the fact that 10 years ago this government could have had the Flemingdon land from the Flemingdon estate; could have purchased it, could have built anything in there they wished, adjacent to the downtown community, promote the parkway, and not have

to go through the hassle that it is going through now. We are not talking about 40 years ago, we are only talking, Mr. Chairman, about roughly 10 years ago, give or take a year, 1959, 1958. In any event in 1960-1961 the housing was in Flemingdon. That land was available to the government. Surely, if a private developer could convince the board of North York that they were going to put in such a model community, they could get the land at $14,000 an acre. I think the Minister, if he wants to be a good housing Minister, has to devote the same sort of interest to it that we as legislators are forced to, or give up the housing portfolio to someone, almost happily, I would think, because we have not got down, Mr. Chairman, to the nitty-gritty of the Ministers' problems in housing—the nitty-gritty is not the Ministers cup-a-tea, but I think the Minister does have to answer where he is going.

The member for Eglinton has said that public housing is not a government responsibility; the member for London South has said, "But Margaret—I do not believe in public housing." And I say, Mr. Chairman, this government does not believe in public housing; they are forced into it; now they are left with it by the federal government like an unwanted pregnancy, and do not know what to do with it, and they are going to shelve it somehow. It would appear that they are shelving the care of it; they are shelving the administration, they contract out, even above onsite superintendents—all these questions have to be answered—to whom are these people responsible?

Mr. Chairman I have further remarks, but it being six of the clock—

Mr. Chairman: There are two minutes left, the hon. member may continue.

Mrs. M. Renwick: Thank you.

Interjections by hon. members.

Mrs. M. Renwick: Mr. Chairman, the Minister was lured into public housing by the demands of the people. It was an easy seduction because of the high financing from the federal government—90 per cent, and now the villains have come to town, Mr. Hellyer and his task-force, and he has left the province of Ontario with the unwanted baby. The province of Ontario put the baby out to a foster home, The Montreal Trust Company, and it is not working well, Mr. Chairman, and Mr. Randall said today he would sell the baby tomorrow if he got the chance, he said he would sell the public housing units tomorrow if he got the chance.

I say Mr. Chairman, these are the facts of life, and if the Minister wants to shelve public housing, his best out, politically—and why we should help him Mr. Chairman, I do not know—but his best out politically would be to hand it to another Minister.

Hon. Mr. Randall: May I ask one question? Were you against the sale of public housing in Guelph?

Mrs. M. Renwick: You raised Guelph—Mr. Chairman make a note please the hon. Minister raised Guelph. We will have to speak about Guelph at some time before this vote is passed. I am not against the sale of public housing, Mr. Chairman—

Interjections by hon. members.

Mrs. M. Renwick: That is ridiculous we said this at the beginning of the debate today.

Interjections by hon. members.

Mrs. M. Renwick: Mr. Chairman, you cannot, with any good conscience, have 20,000 families in Ontario in public housing. Many have spoken to me in the last few days. They tell me: The units may be for sale. We have not the $750. We have three children. My husband is on retraining. I am trying to do this, I am trying to do that. What is going to happen to me.

The Minister knows we are not against the sale of the units. We are against the shelving of the problem, Mr. Chairman; we will leave it with the Minister, that he should shelve it with another member of the Cabinet along with the Prime Minister's approval, which I am sure after he reads *Hansard* today, we are bound to get. I think that it is inevitable. Because with a $4 million subsidy on public housing, and a $30 million EIO programme, we cannot say that the tail is wagging on the dog. The dog is there, but he is so big we cannot even find Ontario Housing in the $30 million. It is a programme, with $4 million subsidy on housing.

Mr. Chairman: Perhaps the hon. member now would find this an appropriate time to break her remarks.

It being 6.01 o'clock p.m. the House took recess.

No. 178

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 9, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto

CONTENTS

Thursday, October 9, 1969

Estimates, Department of Trade and Development, Mr. Randall, continued 6911

Motion to adjourn, Mr. Grossman, agreed to 6946

LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, OCTOBER 9, 1969

The House resumed at 8 o'clock, p.m.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

On vote 2208.

Mr. Chairman: The hon. member for Scarborough Centre.

Mrs. M. Renwick (Scarborough Centre): Thank you, Mr. Chairman. When we get a seat for Scarborough East I will sit in Scarborough Centre and you will know which one I am.

I would like, Mr. Chairman, to break down the things I wish to discuss under these estimates. I would like to break down my remarks to the questions I had before the Minister so that they get answered. I have them broken down now to, I think, quite a simple way of dealing with them. I would like to discuss with him the Malvern project, some of the policies of the Ontario Housing Corporation; and then Mr. Chairman, I would be totally remiss if I were to speak here today about housing without isolating some of the problems in my own riding of Scarborough Centre. And lastly, we are all totally remiss if, when we get into the housing estimates, we do not recognize that the real guts of the operation of the Ontario Housing Corporation are tenant relations and the tenant placement.

So I have some questions of the Minister, Mr. Chairman, and I would like to sort of sit down in between when the Minister is answering, if I may—but do not think for a moment that I have relinquished the floor, Mr. Chairman. Will the chair affirm that I was heard—that I will be sitting down if the Minister is answering, or answering at any length, but that I have questions to continue?

Mr. Chairman: May I just say that there is no rule which says a member may retain the floor when she has taken her seat. Even if the other members wish to extend the courtesy of possibly relinquishing their turn at bat that is fine, but I must point out to the hon. member she may direct her questions and when she has had a reasonable opportunity, if she resumes her seat and if another member gains the floor, why—

Mr. M. Shulman (High Park): Surely a member is allowed to ask a question, Mr. Chairman?

Mr. Chairman: Why certainly.

Mr. Shulman: If you are asking a question—

Mr. Chairman: The hon. member has the floor, she may proceed.

Mr. Shulman: On a point of order, Mr. Chairman, surely a member on the floor is allowed to ask a question and wait for a reply and does not lose the floor as a result of that?

Mr. Chairman: Oh no, I do not mean she would lose the floor on that basis. If she turned to another topic she could well lose the floor, but if she speaks just in connection with the answers given by the hon. Minister she may pursue those questions.

Mrs. M. Renwick: Very well!

Hon. J. R. Simonett (Minister of Public Works): Why does she not stack them?

Mrs. M. Renwick: Mr. Chairman, to save time, I am sure that the Minister of Public Works would like to have all the questions at one time and get all the answers at once; or some of them, otherwise most of them would be lost in the shuffle. Mr. Chairman, we are not here to save time, we are here to try to sort out the problems of the Ontario—

Mr. Chairman: The chairman is fully aware of the reason for which we are all occupying seats in this Chamber. The hon. member may proceed.

Mrs. M. Renwick: There is a motion on the floor, Mr. Chairman, am I restricted to speaking but once?

Mr. Chairman: No, there is no restriction in that respect. I know of no precedent

which, in committee, stipulates that the member under the circumstances may speak only once.

Mrs. M. Renwick: They are not here for a marathon, Mr. Chairman, only to sort out some of the things which I am sure could be sorted out by the Ontario Housing Corporation themselves if they would take the steps necessary to do it.

The Progressive Conservative forum, in their second report spoke about an improvement fund, a federal and provincial fund. I would like to ask the Minister if there is any chance of him bargaining, or has he even considered or would he consider, that a federal-provincial fund might be funnelled into the housing units that the federal Transport Minister marked off in his black book, making them active again as far as the federal government financing is concerned. Because they are no longer simply buildings with roofs on; under additional financing, they could be made into viable areas with recreation and the facilities that they simply do not have. Does the Minister think that maybe money could go for that purpose?

Hon. S. J. Randall (Minister of Trade and Development): I really do not know what Mr. Hellyer may be referring to, I do not catch the presentation. Can you tell me what houses you are referring to that do not have roofs on? I really do not understand.

Mrs. M. Renwick: Mr. Chairman, I do not think the Minister is trying to be facetious!

I did not say the houses did not have roofs on, I said this was just about all they had for the people was a roof over their heads; that was what Mr. Hellyer was talking about when he said there were no more funds for this type of housing. He was referring to the housing developments that are in Ontario that have not the facilities, the high rise units, to make them work. I contend that they could be made workable, in spite of what Mr. Hellyer says, if the funds were there to make recreation facilities, to make a community out of a high rise instead of having it sit by itself, as so many of the corporation high rises do.

I have one on McCowan Road, Mr. Chairman, with which the Minister is probably quite familiar. The problems there are severe. If what I am told is true it is a social problem, and it is multiplied in another Ontario housing highrise at Eglinton and Markham Road; and it is multiplied again in other areas.

I feel that if money could go into those developments to put some activity in them; not the type of activity that—it was a shame, really, to have the Minister speak so proudly of, in the little community centre in Flemingdon Park.

I would like to ask the Minister who owns that, who is running it? Because it is not the sort of community centre that will make a community work, it is a very small effort. I think if the Minister could get funds for the existing Ontario housing complexes they could be taken out of the class of operation that they are in and put into a better social operation in the community. Are there funds to do it?

Hon. Mr. Randall: I think that I follow the hon. member now. Under the federal-provincial partnership arrangement, as the hon. member rightly said, there was no provision in the Act to eliminate housing accommodation and provide the kind of facilities she is referring to.

This is one of the things we have discussed with the CMHC people in Ottawa prior to Mr. Hellyer taking responsibility for housing.

And then, when he stopped housing of all kinds for the five months, that compensation stopped right there too, although I might suggest to you that we have discussed that with Mr. Andras. I might say that when we made the deal over in St. James Town to take over those units over there, we, in a way, provided some of the facilities you are talking about.

I would hope that with any federal-provincial funds that are available in the future we could build in the kind of accommodation you are talking about, but it is not covered by the Act.

I would imagine that central mortgage would have to change the Act and I do not suppose it is going to be difficult to get them to do it because one thing that maybe Mr. Hellyer did do is to state the fact that as far as he was concerned, at any rate, he was not going to build any more high rise apartments. He used the phrase that he wanted everybody to have a back and a front door, well, I do not know how you do that in the city of Toronto and I do not think anybody else know how to do it and that was the reason they were at such an impasse. The idea is all right, but how do you house people in the city of Toronto if you do not go vertical. And recognizing that, I think

what he was searching for, and I will give him credit for it, is the same as we have been looking for. How can you take some of the facilities, eliminate the housing in that unit and make the facilities available to such as you refer. I would say that, yes, we will continue to work with the housing people in Ottawa, and see if that can be incorporated in the Act.

Mrs. M. Renwick: Mr. Chairman, I am delighted to hear that, because I again reiterate my compliments to the Minister on Edgeley as an experiment. I believe everyone was asking for a pilot project of this kind to show what could be done, and perhaps, Mr. Chairman, the additional cost could be weighed and the additional values, sociologically, could very well be justified. It would seem more possible to justify it with a ministry in Ottawa that came down vehemently about things the way they are. They want to put their money where their mouth is, as the hon. Minister would say.

Hon. Mr. Randall: They do not always listen, though.

Mrs. M. Renwick: I would think that, Mr. Chairman, if anybody could be an ambassador from this government, the hon. Minister could. Could I please ask if the financing that was spoken of two years ago of 7.5 per cent for land financing for 35 years for Chapel Glen is a *fait accompli*? Is it solidified or is it something that now has to be changed under the new interest rates, which will, therefore, put up the cost?

Hon. Mr. Randall: We would have to use the current rate on leasing. I think the last rate was around 8.25 per cent, or 8.5 per cent.

Mrs. M. Renwick: When inviting proposals for Chapel Glen, the Minister had a release date of May 7 for builders to submit their project designs and prices to managing director H. W. Suters, by 2.00 p.m., eastern daylight saving time on July 8, 1969. Am I to understand, Mr. Chairman, of the Minister that these submissions have not really been finalized, or have some of them been finalized, and if so, to whom?

Hon. Mr. Randall: We have chosen the design that we are going to go with in Flemingdon Park. The design has been frozen as of the present time. This will be the first time the systems approach has been used to build housing of this type.

You may have some other questions. I have a number of questions I am prepared to answer for you, if you would sooner I answer these questions, but if you want to continue I will give you the floor.

Mrs. M. Renwick: There is a system plan that has been accepted; the contracts have not been let.

Hon. Mr. Randall: That could be signed, I would think, in the next ten days.

Mrs. M. Renwick: Pardon?

Hon. Mr. Randall: We have accepted the design.

Mrs. M. Renwick: Would the Minister like to give me what information he has on Edgeley and it may cover a number of these questions?

Hon. Mr. Randall: On Edgeley?

Mrs. M. Renwick: No, sorry, on Chapel Glen—on the position it is in right now, for those people who want to purchase housing in that area.

Hon. Mr. Randall: Well I read the statement this afternoon.

Mrs. M. Renwick: How much income; how much will they pay for them?

Hon. Mr. Randall: I will cover some of the things you asked this afternoon, if I may. You asked about the recreation centre, and I have more details here which I would like to give to you.

The community centre that we are referring to is the 3.26 acres located on Grenoble Drive, south of the Hydro right-of-way. I understand Grenoble comes in at the south, goes around and along past the Ontario Housing buildings up there. The building is 25,000 square feet, and includes a regulation rink, 85 feet by 105, four dressing rooms, plus washrooms—

Mrs. M. Renwick: Plus a little theatre.

Hon. Mr. Randall: —a snack bar, an office, skate sharpening facilities and a big lobby. Outside the building are tennis courts plus parking for 50 cars. Two of these tennis courts are constructed in such a way—

Mrs. M. Renwick: Is that 15 or 50?

Hon. Mr. Randall: I said 50. They are constructed so that artificial rinks can be put on them in the winter time and the size of the equipment is such that it will accommodate

these two extra rinks. In other words, the compressor will not only do the freezing inside but also on the rinks outside.

Mr. E. Sargent (Grey-Bruce): We do not get those things in housing in Owen Sound.

Hon. Mr. Randall: You just have to ask for them. Put your order in.

Interjection by an hon. member.

Mr. J. Renwick (Riverdale): It is not in her riding, it is in the Minister's riding.

Hon. Mr. Randall: No, it is the Renwicks' riding, that is why it has been given so much attention.

Mrs. M. Renwick: Wait until I move into Chapel Glen.

Hon. Mr. Randall: The next thing you know, they are going to complain I have put a building up and blocked their view, then I will really be in trouble.

Hon. J. Yaremko (Minister of Social and Family Services): Are you in subsidized housing?

Mrs. M. Renwick: No, we are across the street.

Mr. J. Renwick: We used to be.

Hon. Mr. Yaremko: On an income of $50,000?

Mrs. M. Renwick: We were happily ejected, Mr. Minister.

Hon. Mr. Randall: They were not ejected; they just wanted to move across the road into high rise, is that not right?

Mrs. M. Renwick: On the ground floor!

Hon. Mr. Randall: On the price of Flemingdon land; you were asking would the price be the same as it was in 1967. The answer is yes.

Mrs. M. Renwick: Which is how much?

Hon. Mr. Randall: The same as it was in 1967. The price held; there was no change in the price when we completed the deal after the legal problems were out of the way.

Mrs. M. Renwick: Mr. Chairman, the price?

Hon. Mr. Randall: The price of the land I am referring to? You asked about the price of the land today, and did we pay more for it two years later. The answer is no. We paid the same price for it as in 1967.

Mrs. M. Renwick: How much was that?

Hon. Mr. Randall: I will give you the figures. What it was ten years ago I do not know. I was not in government then and I do not know what the price would be then, and I do not know who had it for sale, so if the government did not pick it up then, I cannot accept that responsibility and I think you can understand.

I might say, also, that the prices we established in 1967 will remain the same. The only thing I cannot answer for is, of course, what the interest rates will be; and as you know the NHA rate now is 9.5 per cent. Some of the economists feel that it will go down; I do not share that optimism, but at the present time that is the only thing I can suggest that may alter when the people move in to the first 1,400 units.

As far as the price of units is concerned, and as far as the price of land is concerned, it is all within the HOME formula.

The other question was about a day-care centre in Flemingdon. As you know, this is going to be condominium and the common facilities are for all the tenants. It it my understanding that these day-care centres and recreational facilities are going to be provided for by the condominium corporation, and they will look after these facilities, they will provide these facilities. But I presume they will get the borough of North York to run some of them as they are running the community centre.

Mrs. M. Renwick: The borough of North York runs the community centre?

Hon. Mr. Randall. We have to provide the recreational centre if it goes ahead. The answer is yes. We have provided it, as I have already said, and North York has agreed to operate it.

Mr. Hellyer said we had made such a mess of public housing he was going to freeze it. I do not know what Mr. Hellyer had in mind; all I say is that if he was referring to public housing in this city when he criticized it, he was not referring to anything that I had built, or the agency has built; he was referring to what his own organizing Central Mortgage and Housing built down in Regent Park. This is the unit that got most of the publicity, and this is where he toured. He was upset about Regent Park, and I do have to reiterate the comments he made, but this is what he was referring to. I am certain he did not go into some of the other

high-rise public housing units we have, and he was not passing comments on those, although as I said earlier I think he wanted to make sure that we could build everything one one floor so that people could have a front and a back yard; that would be Utopia. I would like to do the same thing, but if land is $500,000 an acre in Toronto, and in most urban centres it is very high, I do not know how you can achieve that.

As far as the school situation is concerned, I think I said earlier that we had gone into this very carefully with North York Board of Education. They are the people who decided what they want in schools, and they approve the plan and the schools that were there. Whatever is going in they have approved it.

So far as the housing corporation is concerned, we have to abide by their needs. They made the decision, not us. And I would suggest to the hon. member that if she thinks the needs are not adequate, certainly he is privileged to go to the North York Board of Education and ask them where they got their figures from. We have had a number of discussions with them and if the member thinks they are wrong certainly I would go and see them and put them on the spot. Ask them if there are enough facilities there or going to be enough for the youngsters in that Flemingdon Park area.

Now the member made a comment she felt when we sold the 5,000 units that already some of the people are beginning to fear they are going to be pushed out and the unit is going to be sold to somebody else.

Mrs. M. Renwick: Well, is this true or otherwise?

Hon. Mr. Randall: There is absolutely no intention on our part to do that. We said we were going to sell the units to the people who were in there as we did in Guelph. Nobody will be dispossessed or evicted so we can sell their unit to somebody else. They will stay there and they will rent for as long as they want to stay and as long as they want to rent. The member may have my assurance that that will take place.

Mrs. M. Renwick: Mr. Chairman, might I interrupt the Minister then, to ask him if he would take a look in his HOME plan? Under "Purchase of homes" it states that this would be available to people who are resident in the houses for one year and that it would encourage other tenants—if I can just find the correct page—will encourage other tenants to aim for this type of home ownership.

And that is open to wide interpretation because it could certainly conceivably be interpreted that it was open to other tenants with $750 to come in.

Could I ask the Minister about the land in Chapel Glen? Is some of it classified as industrial and some of it classified as commercial, as well as the housing land that is in there?

Hon. Mr. Randall: No, none that we own at Chapel Glen. It is all residential, green belt and recreational areas.

Mrs. M. Renwick: So the nearest commercial activity such as stores and so on will be Don Mills Road?

Hon. Mr. Randall: Or across Leaside.

Mrs. M. Renwick: Or where?

Hon. Mr. Randall: Across Leaside, across the bridge.

Mrs. M. Renwick: Yes. Which, of course, is even farther, Mr. Chairman.

I certainly will look into the school situation, Mr. Chairman, as the Minister has suggested. I do know some of the classes. While they have portables at the school and have a number of them, overnight practically, they do have some small classes of 21 to 25 children, and perhaps that is what part of this is being based on.

In the developing of Chapel Glen, is the private home ownership plan separated from the rental units? Because if it is, Mr. Chairman, I would like to express to the Minister that that is the sort of division that he is aiming to blot out in Edgeley and probably doing quite well by having home ownership and rental units and senior citizens all intermingled, I believe.

If they become a community of home owners in Chapel Glen and a community of public housing tenants, I say, Mr. Chairman, that the Minister will have the same problem that he has espoused today that he detests happening to our social structure of alloting people together.

I was wondering if the units will be interspersed and if they are not before they are begun perhaps the Minister can influence the change, that they will be interspersed.

I feel, Mr. Chairman, that the Minister might end up with a community like Moosonee, if I might do a little plagiarism

from the member for Riverdale, where the Indian community is on one side and the white community is on the other. I believe a creek separates them, and as the member for Riverdale said, on his return from Moosonee the only thing that will ever put them together will be to tunnel the creek and fill in the land on the top and make it so it has to be a come and go community.

In those Chapel Glen lots, I believe there are ravines and if there is a ravine or anything like that between the two communities, I say that the problem will be a serious sociological problem for the children who live in one instead of the other.

We see this already in Flemingdon. Fortunately there is a certain intermingling because a lot of the tenants who were first in are still there so the sociological mix is even a little better than it would be in most.

I hope this perhaps inspired the body to go into Edgeley the way it did because it certainly is working better than an isolated unit, and I have in my riding many OHC isolated units.

Hon. Mr. Randall: First let me say we have no intentions of putting public housing in the Glen Echo area because this is going to be condominium for sale to people of modest income who already have some 525 public housing units in Flemingdon Park. We think it would be a massive mistake to put any public housing in there. Insofar as the mixture of youngsters is concerned I do not think that the two phases of housing are so far away that it would make that much difference, but our intentions of course in there is to have condominium for sale.

Mrs. M. Renwick: Mr. Chairman, that is quite a different community than Edgeley. I was wondering if Edgeley is an experiment of mixing housing, private ownership, senior citizens, what has it taught us about such a community? Has it taught us that it will not work, and that is why the government is going ahead with a private home grouping again? Or is this just sort of part of an extension of the original plan of Flemingdon to have the 500-and-something units and the condominium units? Might it ever come to a point where the senior citizens units will be incorporated also, coming out more like Edgeley? Has Edgeley taught us something good, Mr. Chairman, is what I would like to know. Have we got some results from that?

Hon. Mr. Randall: Yes, I would say we are happy with the results at Edgeley, and with the mixture of people in there. I would hope that from our experience there if we are going to build any other development similar to that, and it is a different basis to what we are building on Flemingdon Park, that we would be able to get the same kind of integration, the same kind of mix.

I might say there was a housing deal we sent up to Ottawa which was for public housing. Mr. Hellyer at that time said the density was too great—he did not want to see it. He changed the plans unbeknowing to us, and then he came and said he would like to sell this side of the street and he would like to rent this side in public housing. And then we checked up what had been done to the plans; they had more people than we had agreed on; they were the ones that upped the density, and he was worried about it, and we suggested to him at the time that it would be a mistake to sell the houses on the north side of the street to one class of tenant and leave the others on the other side of the street as public housing units. He suggested that perhaps they could be mixed —it would not make any difference where the people lived down the street as long as they were integrated. And this, I think, will be the possible way that we will follow any housing deals on a large scale from here on in.

Mrs. M. Renwick: Mr. Chairman, is the Minister contemplating, as he spoke a little earlier, rather lightly, of no-downpayment houses?

Hon. Mr. Randall: I said we were searching for a way to get some of the low-income people in. Again I might say this has emanated, as you know, from Ottawa some time ago; so how can we find a way to put people in without a downpayment?

Now, I do not think paying $450 apiece up in Guelph to go into an ownership position is a major hurdle insofar as getting people housed is concerned.

I think we may be able to solve this. I would not want to be quoted today as saying we are going to put housing up with no downpayment, because I do not know yet whether that could be worked. But if we can get as low as $450 it seems to me that there is not much more to worry about between that and nothing.

Mrs. M. Renwick: Well Mr. Chairman, I cannot tell you how happy it makes me feel personally just to hear the Minister say that. I am sure that a lot of the families, especially

the larger families, simply never have $500, and they will never have a home if they have to provide even such a small downpayment, and I am glad that the Minister is modern enough in his thinking that the $450 does not really mean very much, does it, as a downpayment for a dwelling with such a long-term mortgage?

Mr. J. B. Trotter (Parkdale): Only half have taken advantage of the opportunity to buy their homes.

Hon. Mr. Randall: About 26, and I think there are five dickering right now.

Mr. Trotter: Out of 70?

Hon. Mr. Randall: Yes.

Mr. Trotter: So less than half have been able to take advantage of your offer?

Hon. Mr. Randall: Economic circumstances were such that the 26 could do something about the $450. Whether the others want to buy or not we do not know. We do not know what the reasons were for turning it down as yet.

Mrs. M. Renwick: Mr. Chairman, the Minister spoke about the families already in Ontario Housing that, up until any change of plan, have to gather together a downpayment. Does it sound feasible at all to the Minister that the people in units paying above an economic rent, be it only $10 a month—I think in Flemingdon the economic rent is $160 maybe—but the payment above the economic breakthrough, could that possibly be accrued in some way, or could tenure of residency be considered a form of meeting the requirements to be able to purchase a house with no downpayment?

Do you recall, Mr. Chairman, that when the Ontario Housing Corporation first did its publicity, they said this was a temporary place for people to go in transit to their homes, by which they hoped to be able to save enough money in the Ontario Housing Corporation units. We all know now that with the increased cost of living, which is staring us in the face every month, those persons have not been able to accumulate in most cases a bank account for that downpayment.

Now where people are paying just above the economic rent—supposing the government were to say, Mr. Chairman, that they were going to subsidize those people who cannot meet the economic rent, any persons renting from OHC at $5, $10, $15, $20 above the economic brink.

I notice there is quite a variance in the economic brink sometimes, Mr. Chairman. Around Barrie it is surprisingly high, and then it comes down low again in some other areas; and in some other areas the people are paying well over the economic rate. For instance, Green Meadows must have been paying over the economic rent when they first went on rent-geared-to-income because of the age of their housing, and because of the local rental scales applicable in surrounding rental units. Could the Minister contemplate some way that these families paying above that economic rate could accrue that money? Is that feasible?

Hon. Mr. Randall: We are looking at the economics of those who are paying rent, I think this is one of the things that could be looked at on a basis of housing people in their own accommodation. There are many angles that you can appreciate because I think somebody mentioned today $32 for a five-bedroom unit.

Well if somebody has a big enough family—say a deserted mother with six or seven youngsters—and the income is such that she pays $32 and gets a five-bedroom unit for $32, that is what it is, that is the scale.

These are the things that I think in time we will find an answer to it. I do not have an answer to all of the rental problems. As you know we are discussing with the federal authorities now the rent scale and hoping that they can come up with some kind of a solution. We have suggested a few things that perhaps they will buy, but I will know better in, I would say, the next month when I have a chance to talk to the federal authorities.

Mrs. M. Renwick: Mr. Chairman, does the Minister's Ontario Corporation have a policy, be it written or rule of thumb? Speaking of mothers with children, I understand there are well over 100,000 one-parent families in Ontario, most of them not earning a great deal of money. If they are having to support children on their own, what is the policy and the criteria for what percentage of these persons be allocated a number of units in each project?

Hon. Mr. Randall: In answer to your question we have an article or a page here on single-parent families:

> In Metropolitan Toronto, 66.1 of the tenants are in fact families, while the remaining 33.9 are headed by a single parent. Of course in the large majority this is the mother.

In comparable figures across the rest of the province, 78.4 per cent are completed families and 21.6 respectively are the mother led.

In most cases where mothers come to the housing corporation with small families we bend over backwards. I think last year—if I remember the figures correctly—out of all the families we housed in Toronto, over 1,000 were people who were evicted for some problems. They had lost the home because the home had been taken over to be torn down or some other reason.

There was a rather large majority of people in this category, and as you can appreciate they do get assistance and we move them in as fast as we can because they have a problem more so than anybody else.

Mrs. M. Renwick: Mr. Chairman, does the Minister see the local housing authority then in some cases saying to a mother with children that they have already met their quota of one-parent families and therefore cannot place her?

Is the rule that rigid, or is that what that rule is for, Mr. Chairman, to keep it that rigid? I realize that this could vary depending on whether it is a local housing authority dealing with the case, or whether it is the University Avenue placement depot.

Hon. Mr. Randall: I think that was the question asked me by the hon. member for Middlesex South (Mr. Bolton) this afternoon. We give them guidelines, but we do not give them any hard and fast rule. We expect them to use their own common sense when they run into a situation like the hon. member brought up this afternoon.

I do not know the details of this case. I would suggest that if he would write us, send a copy to me, we will look into it and find out what the circumstances are.

Mrs. M. Renwick: Does the Minister see any variance with people being handled at the housing authority level outside of Toronto? Am I correct, Mr. Minister, in saying that the Toronto Housing Authority now no longer acts?

Mr. Chairman, it must be very difficult for the Minister to listen to me and listen to Mr. Suters at the same time, but I do not want to confuse the Minister—

Hon. Mr. Randall: Let me just say you are not coming through too clearly.

Mrs. M. Renwick: I will step over here a little bit and see if that helps, Mr. Minister. Is that better? That corner is always bad, you should see me when I am having a dialogue with the Minister of Social and Family Services sometimes, until he moves up a few seats.

What I am concerend with, Mr. Chairman, is to be sure that we are establishing in a public housing organization the same criteria of service at the municipal levels, especially in particular areas of housing.

I am questioning the Toronto housing authorities. It is my understanding they no longer have anything to do with dealing with tenants, but that in Guelph, as an example, the Guelph Housing Authority still does.

Could I ask the Minister, Mr. Chairman, since there seem to be very many unhappy tenants in that area from the dealings from the local authority, is that authority paid by the province to look after the housing in its area? Whose payroll would Mr. Lottridge be on when he is dealing with the tenants in Ontario housing in Guelph?

Hon. Mr. Randall: Let me say this when it comes to housing authorities—and I am not trying to be facetious—I just say there is your side and my side and the truth, and sometimes we have a hard job finding out what the truth is.

Most of our housing authorities have a very good relationship with the tenants, but we run into situations where you have some housing authorities that have more difficulty than others. It is not always the fault of the housing authority, it is not always the fault of the tenant. If there has been some aggravation on both sides—and we have had a number of visits up to Guelph, now you have mentioned it and we have had them down here—we have discussed some of the problems with them.

I think there is justification for some of the complaints that tenants have made against the housing authority. At the same time I think there has been some frustration on their part.

We are, at the present time, looking at the situation in Guelph and trying to decide what is best for both the housing authority and the tenant. But let me point out that the housing authority as a rule is appointed from the provincial government, the federal government and the municipal government, and in this way the municipal government has an

opportunity of keeping that control at their level.

We keep talking about taking control away from the municipalities. This is one area that we tried to give it back to them, and in most cases it works all right. Where we do have an upsetting circumstance we have to do something about it.

In the case of the gentleman you mentioned he is paid by the municipality of Guelph.

Mrs. M. Renwick: Mr. Chairman, might I ask is Mr. Lottridge then responsible under the jurisdiction to report to the Guelph council? Is that who pays his salary? Who is Mr. Lottridge's boss? In other words, Mr. Chairman, if Mr. Lottridge is the problem in Guelph, rather than some of the tenants, who would be concerned?

Hon. Mr. Randall: The housing authority reports to us and Mr. Lottridge reports to the Guelph housing authority. They are his boss. He is employed by them to do this job.

Mrs. M. Renwick: Paid by the municipality?

Hon. Mr. Randall: By the housing authority, who in turn will get some of their money out of the municipality.

Mrs. M. Renwick: He is not paid by the Ontario Housing Corporation in any way? The Minister is shaking his head, does that mean no?

Hon. Mr. Randall: I will just check. I am informed he is paid by the Guelph housing authority who get their money from the municipality.

Mrs. M. Renwick: Is it correct, Mr. Chairman, that when the Minister had placed a rent freeze on rental units of the Ontario Housing Corporation, that under Mr. Lottridge's jurisdiction the Guelph housing authority was endeavouring to collect rent on other than the rent-freeze basis? That where a family had an increase in income, that Mr. Lottridge was not going to go along with what the Ontario Housing Corporation had done in freezing the rents, but he was going to run his own authority? Was he in fact endeavouring to get from, I believe Mr. Methi —who finally did leave because he was an Egyptian man and was quoted as apparently being afraid of the authority—to get from him not the rent freeze but the increased rent? Is the Minister aware that that is what was happening?

Hon. Mr. Randall: I am not aware of it. I have heard a number of stories and, as I said, we are checking it out now. I will have the details, I hope, in the next week or so, and I will get into it.

Mrs. M. Renwick: Of course that was last February, Mr. Chairman, but it is to be checked into now?

I believe you have an eviction for the end of this month for the Kruskey family.

You see the Tory mind! You see the members to my left over here groan because they do not want to hear about someone being evicted.

Mr. Sargent: Time, Mr. Chairman, time!

Mrs. M. Renwick: The member for Grey-Bruce is asking for trouble—speak well of me though he will. You know what the books say, Mr. Chairman, about a woman scorned. I say that facetiously, of course.

Interjections by hon. members.

Mrs. M. Renwick: Mr. Chairman, I would ask the Minister his indulgence for the two minutes I would like to spend to assess this case.

In April, 1968, Mrs. Kruskey wrote what I consider a short letter for the sort of problem that was there. It concerned the fact that Mr. Kruskey was unemployed for a short period of time for the first time in seven years. He was unemployed for three months.

Now under the rent-geared-to-income system my understanding is, Mr. Chairman, that when a family's income is cut their rent is reduced. I found, being a neighbour of people in Flemingdon Park, that a virtual battle had to be won by the tenant with the person with whom they were dealing before they could get a rent reduction.

If they were nice, gentle folk, who could not speak for themselves, they were told by the man on duty for OHC in Flemingdon Park: "Well, we won't do anything about it just now, your husband may get re-employed."

In the meantime, Mr. Chairman, two weeks has probably passed before the lady went to the authority. When they are told this they go home and another two weeks pass. Now they owe a month's rent, not at the reduced rate for having either no income or a reduced income or two weeks pay in advance! One family even had two weeks pay in advance and two weeks of welfare and their rent went on at the same high rate.

When it has gone on for two to three months the tenants then owe so much money

to OHC that they are in a box—emotionally and dollar wise. And they can be evicted. Whereas if they could have their rent reduced on the presentation of their pay slips—and we hashed this out in the last session, Mr. Chairman, and the Minister said they could be reduced that month if they went to the office.

Now, Mr. Kruskey paid $142 a month rent. In January, 1968, he earned $277.49 and he still paid the $142 because he could not get his rent reduced. That meant he made an $81 overpayment to the Ontario Housing Corporation in the month of January, 1968, on the rent-geared-to-income system.

His wages in February were $94.71. When Mrs. Kruskey wrote the Guelph housing authority she made a small error on her addition there, she had to add a pay cheque of $58.17 and a pay cheque of $36.00, so she did make a small error there. However, on an income of $94.17 for the month of February, the Kruskeys and their nine children should have paid—at any rate they paid $142.

They have not worked out an overpayment for the month—wait a minute! They paid $142 in January, February and March, Mr. Chairman, where they felt they should have paid $61 for January, and $32 either for February or March. They figure they paid $81 more in January, and $110 a month more than they should have in the other months.

I cannot tell from these figures, they slide down from February to March, but their total wages for January and February were $277.49, plus $94.17, a total of $371.66. The rent paid in the three months, Mr. Chairman, was $284.

Now they are being evicted for the back payment of rent.

Really, in all honesty, the Ontario Housing Corporation, I am sure, owes them money. But the Guelph housing authority perhaps failed to push this with the authority here in Toronto.

Now, the lady wrote a very nice little letter on April 19, 1968, and she said:

> To whom it may concern:
>
> Our family moved into 30 Mohawk Road October 2, 1967 after paying our rent of $142 in advance, plus $25 damage deposit, which seemed very high rent to pay for a family of ten people, which has now increased to eleven.
>
> At the time we were told by Mr. Lockeridge that is my husband was out of work at any time we were to notify him by written form and our rent would come down according to his income. We were also told that if he was to work extra time our rent would increase.
>
> As luck had it, for the first time in seven years my husband's work slowed down in the last week of December and part of January. During the month of January, he earned about $269.

And paid $142 rent, Mr. Chairman, I am adding that rent payment remark myself.

> In February he earned about $94.17

I reiterate again that the family were paying $142 a month rent.

> We sent Mr. Lockeridge the pay envelopes, along with a letter. The reply we received was a "please remit" notice for $142.
>
> We borrowed the money for the rent. When I took the money up I told his secretary what Mr. Lockeridge told my husband and I, when we first went to his office. She told me I was mistaken and that I had to pay the amount if he was working or not. When I asked how he expected people to pay when they did not have the money, she said to go to the welfare office.
>
> When we moved in, we paid our rent on time until my husband was out of work. We are just paying the April rent this week because when Allen went back to work he had to pay back the February rent we had borrowed. I hope I am not writing this letter at the expense of our family, as we had a very hard time getting this house. We lived in a garage for a weekend. It takes my husband's salary to pay the rent and feed the children, with nothing left over for clothing or saving to have a home of our own.
>
> Sincerely,
> Hilda Kruskey

Now I submit to the Minister, Mr. Chairman, that this could conceivably be the problem of Mr. Lockeridge not relating the facts to the housing authority. The way he would not apply the rent freeze it would appear that this was the case, from what I am told.

I would ask the Minister if he would look into this. I have receipts here: "Balance due $284 arrears zero." They paid $142, the March rent, on March 21, 1968. And I also have a receipt from Ontario Housing Corporation, the same kind of receipt, saying "Paid $142, February 5, 1968, Allen A. Kruskey." A third receipt says: "Paid $142

January rent, January 15, 1968, Allen A. Kruskey." And there is also one for the December rent, which of course was the last rent paid when the man was working.

Mr. Minister, I am sure in your corporation I have met this family, because I did go in at the very inception of Grean Meadows. I have never been back—unlike the Minister himself who went back to the celebration when the houses were sold—but I did go to the inception of the organization at the instigation of our candidate down there.

I was impressed by this family. They were very sincere in their problem. I said that I was certain the housing authority was wrong and it would be fine. Much to my sadness I have learned, all this time later, that is one of the two families slated for eviction.

I am sure the Minister will take that up.

Mr. Chairman, you have assured me that we are going to be able to have more than one opportunity to speak on this motion. I do have further material, but as you indicated there are other people waiting to speak. Perhaps I should relinquish the floor, and hopefully I might catch your eye again.

Mr. Chairman: The hon. member for Sarnia had been attempting to get the floor before.

Mr. J. E. Bullbrook (Sarnia): I will be very brief, Mr. Chairman.

I just wanted to relate to the Minister that this particular corporation, the subject of the instant debate, sometimes makes me feel insufficient.

My understanding of the make-up of the local housing authority is that there is certain representation designated by the municipality, certain representation by the federal government and certain representation by the provincial government. Now it has come to my mind that there was recently a meeting setting up, or at least making a recommendation, regarding the complement of the Sarnia Housing Authority. Attending that meeting were the mayor of Sarnia representing the municipality, my federal colleague representing the federal government, and the man I defeated in the last election.

Now I want to put it to you that you can rely on me, sir. The next time it comes around, suggest to your corporation officials that they might invite me to make some recommendations, and I see Mr. Suters is commenting to you, you might want to reply to that now.

That does not warrant any reply, I take it.

Hon. Mr. Randall: Yes. I will be glad to keep that in mind; the next time this appointment comes around I will be delighted to get in touch with you.

Mr. Bullbrook: Thank you. I want you to understand that I have absolutely no objection to the appointments eventually made, nor do I have any objection to the abilities and integrity of the man whom I defeated. But really it causes one concern when you have two levels of government represented by the elected person involved, and in the third level of government that the elected representative has not been afforded the courtesy of even being asked. I want to take up with you, if I might, a matter that I could have discussed with you, or your officials personally, but you might let me record it.

I think it does to some degree form an extension of the comments made by the hon. member for Scarborough Centre, that is in connection with the regulations involving some of the people in subsidized housing in the province.

Constituents of mine living in accommodation of this nature are just confronted with a regulation in connection with the keeping of dogs, which translated itself into an expenditure of some $200 for them to properly fence in accordance with the specific instructions sent out by the Sarnia Housing Authority, which I am told were concurrent with the policy of this corporation.

Now it ill behooves this corporation, I suggest to you, Mr. Minister, to compel people of this nature to undertake a capital obligation of $200 that the people at large in my community do not have to undertake. I would ask you, sir, to perhaps direct some comment to the Sarnia Housing Authority or the administratrix there granting some relief to these people, if it has not been done already. The council of the corporation of the city of Sarnia has said in effect that we want these people treated on the same basis and the same manner as the other citizens of our community.

Now I do want to, however, take a few moments of your time in connection with something of greater import.

Hon. Mr. Randall: Would you like me to answer that question?

Mr. Bullbrook: Oh, surely!

Hon. Mr. Randall: It is not the guidelines in housing corporation to give instructions in reference to keeping pets except I think, as you recall, seeing the letter we said that pets should not be allowed to annoy the neighbours. After all the neighbours next door

have the right to some protection and not be annoyed by pets. We advised the housing authority to use a little discretion so that matter has, I believe, been attended to.

Mr. Bullbrook: I appreciate that. But the main thrust of my remarks in effect were that you do not have to build a fence. There certainly is an obligation upon the people there and any tenant and any property owner to make sure that their pets do not offend the amenities of life of their neighbours. But I think—

Hon. Mr. Randall: They will have to keep their pet on their own property. Whether they have to put a fence or a chain on it, does not make any difference.

Mr. Bullbrook: Well, that is right.

Hon. Mr. Randall: But they cannot let them run wild.

Mr. Bullbrook: So you and I agree in this case.

Hon. Mr. Randall: Yes.

Mr. Bullbrook: Now, getting back to the question of housing financing. I had not intended to enter the debate in this connection but it brought home to me perhaps a lack of liaison between yourself and your fellow Cabinet Ministers.

Last week I was concerned during the debate on the estimates of The Department of Financial and Commercial Affairs about the blatant takeover by a large trust corporation in this province of the smaller corporations.

The response from the Minister (Mr. Rowntree)—whose estimates we were debating—part of the response was the fact that in small corporations with the undue proliferation, if that is not too exaggerated a phrase, that we had in connection with the loan and trust involvement over the past ten years, he felt that there was not adequate management. This was the rationale that he gave to me in explaining the position of his department in connection with these takeovers.

Now the next week, we have you coming into the House saying in effect that one of the attractive positions that you see in the future is federal legislation which will enable the institutions that we see in Europe, commonly called "building societies" and "savings and loans associations" as we see in the United States.

Now it seems to me that this attitude and the policy are mutually exclusive. On the one hand, last week we had a Minister of the government telling us that there is not adequate management to properly protect the public purse because he began his discussion with the difficulties of York Trust. Now this week we have another Minister who is saying in effect: "I look forward to federal legislation which will enable us to get into the building society field and the loan and savings corporations field."

It seems to me, Mr. Chairman, that these things really do not follow one or the other. There is something wrong there. There is an obvious lack of liaison.

Mr. V. M. Singer (Downsview): Right; they do not talk to each other.

Mr. Bullbrook: I would very much appreciate if you would tell the House whether you have ever discussed your attitude in connection with building societies and loan and savings corporations with the Minister of Financial and Commercial Affairs, under whose department these corporations will have to operate. That is my question.

Now the second thing is this. I would like your response as to whether you have had much liaison also with the Minister of Municipal Affairs (Mr. McKeough). I believe my colleague from York Centre (Mr. Deacon) will go into this more fully but it seems to me, in the little experience that I have had with developers, that one of the prime problems that they have in connection with development costs is delay.

Now I am not going to suggest that I can purvey to you any panacea of solution to this problem, because I cannot. But I hope you would agree that part of the problem in connection with development is the fact that there is, in my respectful opinion, too much intricacy, too much legalism.

I have yet really to accept the position taken by the hon. member for Scarborough West, that it is a field so huge in its scope that only government can handle it. I really still feel that it is a field that private enterprise should have at least some involvement—

Mr. Sargent: Well yes, of course.

Mr. Bullbrook: I have had instances, Mr. Chairman, where people have acquired land with the absolute intention of appropriate development immediately, and two or three years later they are still bound up in red tape. The fact of the matter is that it is not the developer that bears the brunt of this. If it were, I would not be on my feet now because I do not care two hoots about the

developer myself. For he just transfers his increased costs to the eventual purchaser, I think you know that.

I am wondering whether there has been an attempt on the part of the Minister, as the Minister responsible for housing—and let us just for a moment forget about interest rates—to deal with the Minister of Municipal Affairs in connection with some attempt at streamlining the procedures involved in development. Now, those are the two questions.

Hon. Mr. Randall: May I first of all deal with your last question? In the housing corporation, before we put through a project, we have people from Treasury, Education, Municipal Affairs, water resources, Hydro; and we present the project to them before we do anything about it. We suggest: "We are going to get under way with this project—what can you do to help it?" And then the project is put through the board of directors of the housing corporation, it goes through Treasury Board, and it goes through Cabinet.

Now, I can appreciate the difficulties that developers are having, and I think there is more money wasted, or lost by developers waiting to dig a hole in the ground after they have acquired the property than there is in any other thing I know of.

I can say that as a developer, because the Ontario Housing Corporation gets no breaks whatsoever anywhere when we go out to build housing. In fact there are probably more hurdles against us than there is a developer, because in most cases we are building public housing and the resistance is: "We do not want public housing." Everybody wants a bus service but not on their street.

Mr. Bullbrook: If I might, Mr. Chairman, I was not relating only to the corporation. My concern was the total industry involved.

Hon. Mr. Randall: I know. I am just saying we understand exactly what the developers' problems are because we have them ourselves.

It is my understanding that the Minister of Municipal Affairs is at the present time putting together and will have a report very shortly on zoning problems—bylaws.

There have been some preliminary discussions. I know what he is attempting to do, we have sat down at them, we have given our comments to him as a housing corporation and as a developer. I would hope shortly that we can get together with him, and perhaps through the municipalities, streamline some of the procedures so that the developers can dig a hole and get under way right away.

I can think of a dozen places where we have had the same difficulties. I know a town not too far from here where they say: "We do not want any HOME plan up there because you will depreciate the price of our houses, they are up to $40,000."

I said to the guy: "What were they when you started to build them?" He said: "$32,000."

I said: "How much did you pay for the land?" He said: "$12,000."

So I said: "What you are telling me is that a $15,000 house and a $5,000 or $7,000 piece of land is going to depreciate your $40,000 house which has appreciated." And he said, "Yes."

Well, now there is talk that they want to put in a school there, so I would think that if he was worried about the HOME plan going in there he is certainly going to be worried about a school going in there. That would probably have more effect on the price of the property than anything else.

Mr. Bullbrook: Mr. Chairman, with respect, I have not been talking about the HOME plan, really.

Hon. Mr. Randall: Listen, I am not talking about the HOME plan. I am trying to give you some idea of the difficulties we have had in trying to get streamlining for the developers with the municipalities. I am pointing out that we have had the same problems that the developers have had with the municipalities, and so I would suggest to you that my colleague, the Minister of Municipal Affairs is the man responsible for trying to streamline these difficulties because he will be working for us as well as for the developer.

Mr. Sargent: No wonder you are in trouble if he is doing it.

Hon. Mr. Randall: Well, all right. When he comes back you can tell him that.

Hon. Mr. Simonett: You are very concerned with developing.

Hon. Mr. Randall: You comment with regard to the Minister of Commercial and Financial Affairs. Yes, he had a copy of the proposed tentative legislation that we had put together for building societies last year. A copy also went to the Attorney General (Mr. Wishart). They have had a look at it, they have sent comments to me, and it is on the basis of this that we changed some of the wording in the proposed legislation.

We have also sent it along to Mr. Andras and asked him to have a look at it and come back and say whether it is feasible and say whether they can put the legislation into effect. Insofar as Benson is concerned, I am not qualified to pass judgment on whether these are good managers or not. All I would say is that there have been a lot of problems in the past and perhaps management today is a lot smarter than it was in the past but the legislation today will make them a lot smarter today than it ever did before.

If the building societies come into operation, which I hope they will, similar to the savings and loan companies in the United States, I am quite sure we can find, now, people with good management capabilities.

For instance, I know of one company that has a $50 million pension fund and I am sure if they formed a building society in that corporation they would be able to handle that $50 million very efficiently for mortgages.

Also, when you talk about building societies coming into Canada, I think the trust companies here worked almost on the basis as a savings and loan company or a building society. They gradually got away from mortgages and got into everything else so they lost sight of the fact that they were in business just to handle mortgages.

Today, I think the trust companies are caught between the insurance companies and the banks, they are neither one nor the other. So that there will have to be, as you say, very definitely a new breed of people who will take over and run building societies when it becomes possible for us to incorporate them in this province.

Now, I presume that we will have provincial legislation. I presume that we will have some policing of these societies if the federal authorities do not operate through the federal level. I would begin to believe that we will find the kind of management that we will need in order to run building societies in spite of the fact that it is an entirely new field over here.

But the mortgage field is not new. As you know, there have been mortgage companies that up to a few years ago concentrated on mortgages. But now they can get more money in other places: mortgages are secondary. So I have no fear we can find the kind of management that we need to run a good building society.

Mr. Bullbrook: Well, I do not like to take issue with your response, but the problem that I face really is the fact that, a week ago tonight I think it was, I had a contrary response from your colleague. The Minister of Financial and Commercial Affairs said, in effect, that this is the main problem, that we cannot find adequate management. But I recognize your problem, you do not have a responsibility in that connection, but in connection with the total aspect of providing mortgage funds, you hit something that has caused me some concern.

Really these companies, such as Industrial Mortgage and Trust Company in my area, Lambton Loan and Investment, as I understood it were really associations brought together to provide mortgage funds. That was their original intention, and as they grew, what has happened is that their portfolios of investments have become larger and larger outside the mortgage field.

Now have you, as the Minister responsible for housing, ever approached the Minister of Financial and Commercial Affairs, asking him for legislation which would provide for a higher maximum mortgage portfolio obligation on these companies?

Hon. Mr. Randall: No, I cannot say I have, although the Minister of Financial and Commercial Affairs appeared with me when I brought the insurance group together, the trust companies together, and the banks, on two occasions. And this difficulty, with reference to the return on investments was brought up by the mortgage companies but there was no easy solution. They were also discussing the possibility of some tax relief at the federal level.

Of course, as you can appreciate, the tax relief must come from that level, otherwise there is not very much we can do about it. However, we have had discussions; we have not come to any solutions at the present time but we have had discussions.

Mr. Bullbrook: Well, I recognize that one does not expect from a profit-making organization purely altruistic motives. But has the Minister ever thought that it might be a good idea by way of example to elevate the maximum mortgage portfolio obligation in trust companies? You know, more and more they themselves are getting into the stock market, a great deal of their investments are certainly outside the purview of trust investment. I am not talking about their trust investments themselves, one recognizes they do not get into the speculative field in that connection, but more and more of these trust companies are getting into the stock market.

I am just wondering if the Minister thinks there is any merit in his approaching the Minister of Financial and Commercial Affairs

and saying to Royal Trust: "All right, if you are going to operate here in the province of Ontario, then there must be a greater percentage of your total investment in the mortgage field." Because, really, when you talk about return on investment, what do they want, blood? They are getting 10.5 per cent and 10.75 per cent now on not necessarily guaranteed but first mortgage investments of no speculative quality at all. So I wonder what they want on their moneys. Do they want necessarily capital gain position all the time? Is that why they want to get into the common stock field? Because, really, I think perhaps there is an obligation on your part as the Minister responsible for housing and concurrently the Minister responsible for providing money, to discuss this whole aspect of what they are doing with their money. As I said last week, it is no happy time for me when I read that the Canada Permanent Trust Company's profit went up 28 per cent in the first quarter.

Mr. S. Lewis (Scarborough West): Is the member serious about the building societies?

Mr. Chairman: The member for Waterloo North.

Mr. E. R. Good (Waterloo North): Mr. Chairman, I would like to say a few words in connection with the same subject spoken on by the leader of the Liberal Party and referred to by the member for York South. That is, the Ontario Housing Corporation land grab in the Waterloo township of a year ago.

I support this motion, knowing that a lot of people in my area would not only like to have the Minister's $12,000 but also a piece of his scalp.

Mr. E. A. Winkler (Grey South): Maybe you would like to bury him.

Mr. E. W. Martel (Sudbury East): We can do that as well!

Mr. Good: This release put out a week ago by the Ontario Housing Corporation stating that it has now employed Canadian Systems/TRW Limited to do a $719,000 study on the area, is riddled with statements that are not correct in my view. This is dated September 22, 1969, released at 9:30 a.m.:

> Ontario Housing Corporation's parcel lies within the golden triangle—

that is correct:

> —formed by metropolitan areas of Kitchener, Waterloo, Galt, Preston, Hespeler and Guelph, and is part of an 800-square-mile region whose development planning will be based on the Waterloo-South Wellington area study. This operation is a combined effort of the municipalities within the 800 square miles, working with the provincial departments of Treasury and Economics, Municipal Affairs, Highways, and the Ontario Water Resources Commission. A 3,000-acre land bank is being planned to mesh with and complement the overall regional plan.

That, Mr. Chairman, is probably what they wished it would be, but it certainly is not. It is simply a matter of the Ontario Housing Corporation going into the area with, admitted by themselves, no plans for the land that they were getting, nothing particularly in mind. But it would appear that they took a land assembler off the hook by taking the land from him.

Now, I would just like to refresh the memory of the Minister and state the objection that there was to this plan at the time it was first proposed. On page 2 of the release he says:

> The land was assembled in response to municipal requests to Ontario Housing Corporation for land development.

That, in my estimation, is a complete falsehood. Let me just read a few reminders of what went on a year ago when the announcement was made:

> While all this secret land assembly has been proceeding, the provincial government has been paying lip service to a regional government study. This study must of necessity include a look at the future expansion of the area. Dr. Fyfe was making his report for our area regarding the best form of regional government to be had. In the midst of this, Ontario Housing Corporation came in and assembled this land. Literally thousands of people, scores of them professionals, have spent time and money preparing briefs for the commissioner. It is certain that not a single brief would be the same as those filed if knowledge of the land assembly had been published.
>
> At what point will the local government bodies and civic governments be consulted? How will all this affect the existing communities, primarily in the fields of taxation, administration and economic development?
>
> At the time the land-assembly scheme first burst on the public, Dr. Fyfe himself was restrained in his comments: "I have no comment to make," he said, "it is something which will have to be considered."

> He said, however: "July 12th." Later he told newsmen his only direct information came from news stories, that he had not been consulted by OHC.
>
> Anyone interested in the future of this area is entitled to be angry over the situation. No sense getting angry about the new town scheme, that is debatable; no sense getting angry about the Fyfe plan, we have not seen it yet.

And I might say this was written a year ago and we still have not seen it.

> When you get schemes like this thrown in the middle of an area which is under study, it is no wonder the commissioner has been a year overdue trying to get a report out on it. The anger should be with the muddling at a higher level that has arranged things so that the left hand of government seems to be working against the right hand. While Dr. Fyfe was making his picture of the future for our county, the Ontario Housing Corporation was secretly getting ready to pitch a rock through it.

So says an editorial of the Kitchener-Waterloo *Record*.

Well, this is entirely true, every bit of it. How you can come out and say that the municipality asked you to assemble this land, I certainly do not know.

Now, to make this more palatable in the area, you have announced a scheme for the planning of it:

> I am pleased that we can make this additional provincial investment available to the Waterloo-South Wellington study to assist in the future development of the area.

Did it ever occur to you that you people should be waiting and listening to what the Waterloo South study said is best for the area or what the regional government study says is best for the area? That is what should be in your minds. The land bank in our area which is 3,000 acres of the 11,000 which you say are in existence across the province, will probably, as you have indicated, be used as a new town or satellite city.

Only yesterday, Mr. Chairman, the Minister stated that he did not have that much faith in satellite towns or new cities, he thought it better—of course, then he was talking out of the EIO side of his mouth—to provide industries in small existing towns.

Interjections by hon. members.

Mr. Good: All right, just sit back and listen.

Now what course are you following? What course is the government following? Are they going to establish new satellite towns outside of other progressive cities or are they going to bolster small communities?

Let us assume that this land, along with the study, has cost somewhere between $4 million and $7 or $8 million. Up to now, the Minister has not seen fit or has been ashamed to admit what the price of the land was, I do not know, but let us say somewhere between $4 million and $8 million. Do you know, Mr. Chairman, that that would provide services in at least eight or ten, probably 12 or 14 communities in Waterloo county which do not have services?

If only the government were more interested in providing services than in the land speculation business in areas where private industry is doing a commendable job in developing and providing houses. At that point I would just like to say this—in the area of Waterloo county private industry has provided housing to such an extent that it now takes three to four weeks advertising in the paper—and I can say this from personal experience—to get tenants in apartments renting at $100 a month. Now what business has Ontario Housing Corporation coming in and taking 3,000 acres of land? Yes we have public housing coming into our area in small units, in small groups, not in large areas, but I cannot see what useful purpose this land speculation by OHC will do in Waterloo county. Granted it has forced up the price of land in the area. If that is good I cannot see the reason for it.

Interjections by hon. members.

Mr. Good: All right; well just listen!

Why they do not take 3,000 acres up in your area, I do not know. But my point is simply this, this money, 4 million to 8 million in my mind, could be better used in an area of providing services and this should be the function of government. You should not have to have OWRC go into an area and reply on the credit of the municipality before they can get services.

If there were services put in ten small communities in Waterloo county the existing price of lots would go down, I would say, within a year. These small communities would have serviced lots available. But no, you choose to force up the price of land in our whole area by your land grab, for which you have no use. Now you have to employ the Cana-

dian Systems Limited at a cost of $719,000 to find out what you are going to do with the land, and in the meantime those who carried out the two major studies of the area, the Fyfe commissioin report and the Waterloo-South Wellington land report, are standing around dumbfounded by such things as this.

Granted you have now brought in the chairman and the area planning board as consultants with you on this group. It looks great on paper especially now that you have consulted with one of the local area planning boards, something which was not done when the land was purchased. No one knew anythink about it, not a council or a planning board. It is very nice for Mr. Young, the former Conservative candidate who is now chairman of the area planning board, to announce that they are going to work hand in hand with OHC to develop this land.

There is one other matter that I would like to speak about briefly, and that is your bid proposal method of getting public housing built. I must say that I disagree with this system completely. I think it is expensive. When you say you need 100 units, we will say, in the city of Waterloo, or the city of Kitchener, wherever it might be, and you say here are some general specifications, now the builder has to provide the land, provide his own scheme and plans and designs for the structure.

I have argued this in the commission's committee and have received the answer that this is the way you do it, you get better design. Well I do not accept that.

It costs each builder anywhere from $3,000 to $10,000 to submit a plan. He does not know if he is going to be accepted or not. The way it looks, very often the same builders are getting the jobs, which is all right. You say, well we like their designs. But a small builder certainly cannot afford to risk anywhere from $2,000 to $10,000 on two or three or four proposals for your scheme.

Consequently, the small builder is ruled right out of ever submitting a proposal on your wishes.

I have suggested before in committee, and I cannot see why this concept cannot be put forward, that for public housing there could be a stock standard plan for so many units. You say, 'Oh, you cannot have that, right away they would recognize it".

Well, private industry has it. Many of us live in houses which are duplicated down the street with a different front elevation. Why does Ontario Housing Corporation have to be so high and mighty in their designs to say that we cannot have two designs the same, and we have to leave it to the imagination of the builder to put in a proposal that he thinks is best?

I think changes could be evidenced in that area if the Ontario Housing Corporation said, "This is the plan we want, our architects have worked it out. This is best suited for the type of housing, whether it be senior citizen housing, or family housing, condominium, or whatever it is, this is the plan we want." Then call for tenders on it, the same as any other school board or any other person does.

It was my privilege to attend a housing workshop in Stratford. The member for Perth and I were the only two members there and we listened to your builder, who built houses in the Windsor area. I would just like to quote here from your Ontario Housing Corporation 1967 annual report:

In Windsor there were 1,105 homes built on home lots under $15,000. The builder of those lots was at your workshop in Stratford and he told us how he was able to build the quality of home he could at that price and it was simply this. He said he got a standard house with seven or eight different front elevations and he went down a street and repeated it. He said, "I defy you to drive down the street and see anything monotonous."

This is how he did it and did it at a price, and you are taking credit in your book here to say what a good scheme that is. Yet on your public housing you still use the expensive big proposal method. Personally I cannot go along with that.

Hon. Mr. Randall: I would like to answer the hon. member with reference to the land grab as he calls it, which I resent, and I want to suggest that this was no land grab. We went in the same as any other developer, and we offered to buy the land with the right kind of real estate commission people doing the job for us and we went in—

Mr. I. Deans (Wentworth): That is another thing we want to talk about.

Mr. Sargent: You did not hold the land first?

Hon. Mr. Yaremko: Are you for or against land banks?

Hon. Mr. Randall: That is right. You have been kicking me around all day because you do not have enough land, and now we go out and buy the land and you are going to kick us because we bought it. Make up your mind, what do you want?

Mr. Sargent: Ottawa bought the land, not you.

Hon. Mr. Randall: Oh no, they did not buy the land. We bought the land, and Ottawa put up 75 per cent of the money which we have to pay them back. It was no gift.

Interjections by hon. members.

Hon. Mr. Randall: I have others here, do not go away. Do not leave because I have got the story for you, brother.

Mr. Singer: How come the Minister is so happy over there?

Hon. Mr. Randall: Sure I am happy, what have I got to worry about?

Now if you will just listen, very carefully, the member for Waterloo North wants to hear about the 3,000 acres, and I am sure you do. I have been very patient all night. I have listened very politely, I have not interfered and I am quite prepared to listen for two weeks. I am not going anywhere until Christmas.

In the fall of 1967, the Ontario Housing Corporation was requested by the municipalities of Kitchener, Preston and Galt to carry out land development programmes within each community. Because of the proximity of these municipalities to one another, it was decided to study the needs of the region in its entirety. The resulting survey indicated a requirement for approximately 3,000 acres of land. The area eventually selected was bounded by Waterloo, Kitchener, Preston, Hespeler and Galt.

Prior to any acquisition, Ontario Housing Corporation consulted with the The Departments of Municipal Affairs, Trade and Development and Highways, the Ontario Water Resources Commission, Central Mortgage and Housing Corporation, regional planning authorities and Dr. Stewart Fyfe, the special commissioner on the Waterloo local government. So if anybody says we did not consult they do not know what they are talking about.

Those consultations, which included discussions on site location, engineering and planning, servicing feasibilities, water supplies, transportation and local government structure, were intended to keep all interested parties informed and to seek advice and mutual satisfactory opinions on Ontario Housing Corporation's development. Following an appraisal of land prices in the area, the assembly of properties began.

In March 1968 an assembled parcel of land —comprising 345.779 acres—was offered Ontario Housing Corporation by Mr. P. Forestall, a principal of the firm of Kovacs, Forestall and Burgell—solicitors representing Renmore Developments Limited, Windsor.

The names of the corporate officers are Abel E. Renaud, president; Patrick D'Amore, vice-president; and William J. MacDonald, secretary.

During discussion with Mr. Forestall it was learned that Mr. MacDonald was a principal of another company registered as MacDonald-Sutherland Industries Limited, which had under its control an adjoining parcel consisting of 292.898 acres which could be made available also.

Officers of MacDonald - Sutherland are shown as William Joseph MacDonald, Kenneth Hunter Sutherland and Audrey Catherine MacDonald.

These lands were strategically located within the proposed boundaries of the area under consideration and would form the core of the proposed assembly.

On April 2, 1968 the board of OHC approved, in principle, the assembly of the Renmore and MacDonald-Sutherland land and the execution of contract with these two companies. Under this contract OHC acquired the land held by these two companies at very reasonable terms as outlined in appendix A, which I will get to.

The remaining land assembly acreage was bought for OHC by MacDonald-Sutherland in proper arm's length transactions with the firm of McGibbon, Harper and Haney, solicitors of Waterloo acting as independent legal counsel for the corporation. All dealings with the principals involved, therefore, followed regular legal channels.

MacDonald-Sutherland, acting on behalf of OHC in acquiring land assembly areas, were paid an agent's commission based on a sliding scale amounting to an average of 4.3 per cent. This ensured that the property would be bought at its lowest possible acquisition price. In all of its land purchases OHC has, therefore, assured itself of obtaining best possible prices for its lands.

That is why we can build $15,000 houses today, anywhere, on an average, with land and building included.

The assembly progressed during much of 1968 to December by which time 2,811.184 acres of land was acquired by Ontario Housing Corporation for a total price, after adjustments, of $4,838,227.43, being an average cost of $1,721 per acre, which was within the appraised value of between $1,500 and $1,800 per acre.

At this time five "hold out parcels" only remained and the arrangement with MacDonald-Sutherland was terminated.

In 1969, two of the "hold out parcels" were acquired by Ontario Housing Corporation's development staff for the total price of $393,875 comprising 151.229 acres, to bring the total acreage to 2,938 acres.

Appendix A shows a breakdown of the transactions by name of vendors — acreage, purchase price, and so on.

A 1967 report by the city of Waterloo Planning Board pointed out the advantages of a public development group acquiring land and developing it but commented:

> Governments are traditionally slow-moving and it is questionable whether they could quickly and efficiently make the adjustments required to keep pace with new developments. The demands of the market require that business methods must be fast-moving and flexible.

Ontario Housing Corporation has been fast-moving, and we have stated that we are quite prepared to be flexible as so the form of development that may eventually be required.

It was the consideration of services which led Ontario Housing Corporation to this particular site. An independent engineering study made the previous year outlined the feasibility of servicing this land for storm, sanitary and water facilities.

The Kitchener planning department has plans indicating that this site is either within the ultimate area considered to contribute to the Doon sewage treatment plant, or in areas within the Speed River drainage basin that could be pumped to a treatment facility on the Grand River. There are, according to the OWRC, alternative ways of treating sewage that would be acceptable to that agency.

An adequate water supply is one of the major problems in the Kitchener-Waterloo area. The lack of water will inhibit development in parts of the area unless it is piped in from the Great Lakes. One of the attractions of the land acquired by OHC is that a good portion of it could be developed and operated for a considerable number of years on available water resources.

Transportation facilities servicing the site are extremely good. If all the properties that were considered for development had as much potential as this particular site, the problems of urbanization would be reduced tremendously.

Acquisition by OHC continued in the area during much of 1968 and into 1969. By the spring months of 1969, the acquisition of the 3,000 acre requirement was substantially completed, at extremely reasonable costs.

An appraisal of the land prices in the area was made before we started to acquire the land, and while we will disclose the price we have paid, we are most pleased to say that the average price per acre paid was nicely within the appraised values I have already mentioned.

OHC's parcel lies within the "golden triangle" formed by the metropolitan areas of Kitchener-Waterloo, Galt-Preston-Hespeler, and Guelph, and is part of an 800-square mile region whose development planning is the responsibility of the Waterloo-South Wellington area study.

This operation is the combined effort of municipalities within the 800-square miles, working with the provincial Departments of Treasury, Municipal Affairs, Highways, and the Ontario Water Resources Commission. OHC's 3,000-acre "land bank" is being planned to mesh with and complement the overall regional plan.

Ontario Housing Corporation has engaged Canadian Systems/TRW Limited, to assist in the development planning of this parcel of land in the Waterloo-South Wellington area. These highly experienced experts in planning and environmental systems will work closely with local governments and planning agencies in the area, as well as with provincial departments involved, in planning the future of Canada's most rapidly growing area.

Canadian Systems role is:

> The objective analysis of the resources, needs and potentials of the area, and the recommendations for actions on the OHC land to best support total regional development. We have no preconceived notions as to the specific nature of the final development. We look to Canadian Systems, in co-operation with the people of the area, to describe for us what is best to do.

By detailed analysis of alternative approaches to the design of a given "system"—a transportation network or an urban development—TRW's interdisciplinary teams of scientists, engineers, economists, town planners and sociologists can develop programmes which best meet the objectives of the community.

It should also be kept in mind that OHC, in some of its larger land assemblies, will be providing a number of facilities—such as schools—not normally supplied by builders or developers. It is from the eventual proceeds from the sale of its properties that OHC will

look for the resources to pay for these facilities.

While I was not personally involved, I recall there was considerable public discussion about the acquisition 15 years ago of the 1,700 acres in Scarborough that have become known as the Malvern project.

The general growth of Metropolitan Toronto has only now reached a point where development of this land can take place. At the time this land is made available, the advantages of long-term banking and the leasehold principle will become clearly apparent.

It is our opinion that a similar experience will be in store for residents of the Kitchener-Waterloo area at the time our holdings there are in a similar development position.

Now, you referred to a $700,000-plus study. Let me tell you my friend this is not a study. This is a complete plan. It is part of the complete overall operation. We are all finished with the study. This is a plan. So I think that puts to bed some of the misleading statements and some of the untruths that we have heard about the area up there in Waterloo.

Mr. Sargent: Untruths?

Hon. Mr. Randall: I think the hon. member for Waterloo North asked another question—the claim about OHC causing land prices to rise. I think this is wrong entirely because wherever we purchase sufficient land, certainly the area is going to improve if you put buildings and schools and commercial centres in there. This is going to help some of the people in that area and certainly, if you could not find this kind of land in the areas we mentioned, Kitchener, Waterloo, Preston, you have to put the parcel together.

And if we can put parcels together we can act as a major developer and we can sell off the commercial property. We can keep the price of land down. We can build the schools and perhaps other community centres, the things that my hon. friend from Scarborough Centre was asking for.

We have to recognize that this is the way we are going—to land banking. If you want to go out and buy 15-20 acres at a time, I can tell you right now you are not going to get very far in the housing field. It is far better for the housing corporation to get large parcels of land.

You have been telling me every year for the last six years I should be in the land business, and now I am in it, you tell me I should get out of it, that I should not interfere with the municipalities.

I have pointed out to you that we have not gone in blind, despite all the comments in the press and some of the Opposition. We carefully studied what we were going to do. We went in, but we did not do it with a brass band and say, here comes the government, stick 'em for the highest price because they are the buyers.

We are going to buy land in this province just the same as any other developer, and we are going to approach it on the same basis as any other developer, and when we get that land then we will announce the prices.

Interjections by hon. members.

Mr. Chairman: Order.

There were at least nine members on their feet at the same time. I would ask everyone to please retain their seats. Now the first one up gets it.

The hon. member for Wentworth.

Mr. Deans: What I wanted to say, Mr. Chairman—

Interjections by hon. members.

Mr. Good: Point of order.

Mr. Chairman: Point of order?

Mr. Good: Point of order, Mr. Chairman.

The procedure, since five o'clock this afternoon, when one member held the floor for two hours, was that when the seat was taken to hear a response from the hon. Minister the person speaking could have a chance to continue his speech. Is that not fair enough?

Mr. Chairman: I accept that. The hon. member for Waterloo North.

Mr. Good: Thank you, Mr. Chairman. I do not have too much to say other than this. I cannot let this go unchallenged.

Hon. Mr. Yaremko: He is going to vote against the motion now.

Mr. Good: I certainly am not!

I cannot let it go unchallenged that the Minister says this land was obtained at the invitation of the city. The city of Kitchener has suffered immeasureably because of that land. Their annexation was cut off by The Department of Municipal Affairs as was their industrial bank across the Grand River, which they need very badly. The city of Kitchener now has no industrial land because of your land grab over there. The Department of Municipal Affairs has not allowed them to move across the Grand River and you have

thrown the prices up so high that they cannot afford to buy the land over there. That is what you have done in Waterloo county.

Mr. Winkler: Nonsense, nonsense!

Mr. Good: That is what you have done and do not deny it.

Hon. Mr. Randall: Your own mayor, Mayor MacLennen, told me that it was the greatest thing that ever happened to you. The member for Waterloo North is against the Tories.

Mr. Chairman: Had the hon. member for Waterloo North finished his remarks?

Mr. Winkler: He is sunk; washed up!

Mr. Chairman: The hon. member for Wentworth.

Mr. Deans: Mr. Chairman, what I want to talk to the Minister about is that last statement in regard to the development of land banks. There is no one here, no one in this House, who is taking exception or who is opposed to the development of land banks. It is the use that they are put to, that we are opposed to. It is the manner in which you are doing it that we are taking exception to.

One of the things that we take great exception to is the use of public lands to force up the price of private land and that is exactly what is happening in this province.

Hon. Mr. Randall: How would you acquire it? Tell me how you would acquire it?

Mr. Deans: I will tell you how I would acquire it. I would take the land that you have had in your possession or had access to for the last twenty years, and use this to bring back down the price of land. You are not even trying to combat the housing problem. You do not even know what it is. In this House in the last few days, we have heard methods of acquiring additional mortgage money which you have not even considered. Have not even considered.

Interjections by hon. members.

Mr. Deans: We have heard on numerous occasions in this House, in the last few years, that the land that is presently owned or under option to or is owned jointly by, Ontario housing and Central Mortgage and Housing, must be used to bring down the price of land. Land is the second most expensive commodity in the purchase of a house, the most expensive being the cost of the mortgage money.

What you have succeeded in doing is tackling two ends of a problem without doing anything for the middle. You talk about providing public housing for the people in need, yet you do not do that very well. To begin with, what you have been doing in the past is totally inadequate and does not meet the needs of anyone above the $6,000-a-year bracket.

Hon. Mr. Randall: Talk about the land. Never mind anything else, talk about the land.

Mr. Deans: You just keep quiet for a while.

Hon. Mr. Randall: Talk about the land.

Mr. Deans: You listen for a while. If you listen once in a while you might learn something.

Hon. J. H. White (Minister of Revenue): Tough talk from a little man.

Mr. Chairman: Order!

Mr. Deans: However, your housing programme, your Home Ownership Made Easy programme, does nothing for anyone earning less than $8,000 a year. Now what do we do? What do we do for the guy between six and eight, the bulk, the majority of the people who live in this province? What are you doing for them? What action are you taking to try and assist them?

What action are you taking for the man struggling, as he does, who manages to amass a fortune of $3,000. He cannot put it to any use because there is no way to buy a home with that kind of a down payment and he earns too much money to get into public housing and is being rooked by unscrupulous landlords. What are you doing in that field? Absolutely nothing. Absolutely nothing.

You take the land you presently hold, you check around to see what the market value is and you will be damned if you will sell it for a penny less. All you are doing is inflating already inflated land values. The time has certainly come when we must have a Minister of Housing and this side of the House have been putting this position forward for some time.

There is no man capable of handling two portfolios as large as the two that you have. There is no man capable of doing it, least of all the Minister that has them now. The reason why you are failing in the housing field—

Hon. Mr. Randall: I am not failing, you are.

Hon. A. Grossman (Minister of Correctional Services): Mr. Chairman, could I—

Hon. Mr. Randall: I am a huge success.

Mr. Deans: Huge?

Hon. Mr. Randall: Sure.

Interjections by hon. members.

Mr. Deans: The biggest thing about you is your ego, and I have never seen a man with an ego so inflated in my life.

Hon. A. B. Lawrence (Minister without Portfolio): Take a mirror, baby!

Hon. Mr. Randall: Don't think I—

Interjections by hon. members.

Mr. Deans: You have done a wonderful job, we said so years ago, a wonderful job of housing by headlines. You continually talk about how you are going to meet the mortgage problem, you are going to bring in mortgage societies, housing societies, it is a lot of garbage and you know it.

Mr. Lewis: Absolute claptrap, that whole proposal.

Mr. Deans: You have no intention of bringing in—

Hon. Mr. Grossman: Stephen, you know better than that!

Mr. Lewis: Come on, you have a headline in the *Globe and Mail* which spurs you on—it is fatuous.

Mr. Deans: Another headline. If we could build houses with some of these ridiculous headlines that come out of your office, we could perhaps meet the need.

Hon. Mr. Simonett: I know it hurts, fellows, but do not knock it—it's only a headline.

An hon. member: Sock it to them, Ian!

Mr. Deans: Anyhow, let us take a look at this Canadian systems/TRW that you talk about doing some work on, up in the Kitchener-Waterloo area.

The day before yesterday, my colleague from Scarborough West discussed the Ontario government's handing over of public funds to American enterprises; and boy, this is another example. Another good example of how we are handing money away—handing it out of this country.

They were incorporated four years ago in Canada, they were involved in the U.S. space programme. They were not even in the field of housing development. They have a staff here, totally American, totally American.

Mr. Sargent: They have friends in government here.

Mr. Deans: Yes this is it.

Interjections by hon. members.

Mr. Deans: This is the question we must ask: Is there not a company in Canada capable of doing this kind of work? Was there any effort made to uncover such a company and give them the opportunity to take part in the development of this province?

Hon. Mr. Randall: We are using two or three Canadian companies.

Mr. Lewis: Space programmes. That is their background.

Hon. Mr. Grossman: They want you to use the North Vietnamese companies.

Mr. Deans: What is this company's actual background, that made it worthy of taking on a project such as this? Some threequarters of a million dollars.

Hon. Mr. Randall: So what, so what?

Mr. Deans: So what?

What happens? Where do you raise this money?

Hon. Mr. Randall: From the sale of lots.

Mr. Deans: Lots that are already so overinflated that the people cannot afford them. This is exactly your attitude; so what?

Hon. Mr. Randall: You should tell Schreyer to come on back from New York—he is over there spending NDP money, you know.

Mr. Deans: I am sorry, repeat.

Hon. Mr. Randall: Better tell Schreyer to come on back from New York, he is over there spending your money.

Mr. Deans: I cannot hear you.

Hon. Mr. Simonett: He is trying to entice some Americans—

Mr. Deans: What I want to ask the Minister really, is what gives him the right to inflate land prices in this province?

Hon. Mr. Randall: I do not inflate land prices.

Mr. Lewis: And interest rates!

Mr. Deans: What gives you the right to stand up as a Minister of the Crown and to make statements that adversly affect a lot of the people of this province?

Hon. Mr. Randall: What gives you the right to criticize me? Who are you?

Mr. Deans: The fact that I was elected, that—

Hon. Mr. Randall: I was elected too. I was elected and appointed to this job.

Mr. Deans: It does not give you the right, when you are in the position of power to make the necessary changes, to abuse it; and that is what you are doing.

Hon. Mr. Randall: Well the people will tell us that in 1971—

Mr. Deans: They are going to tell you. There is no question they are going to tell you in 1971.

Hon. Mr. Randall: We will wait.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. Deans: What have you done to try and meet the needs of the people in the $6,000 to $8,000 bracket—the majority of people in Ontario? What have you done?

Hon. Mr. Randall: The majority of the people of Ontario?

Hon. Mr. Simonett: He is a newcomer, he would know.

Hon. Mr. Randall: You have heard about the HOME programme, have you not?

Mr. Deans: I have heard about it. But it does not meet the needs there.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. Lewis: What was the meaning of a crack like that?

Mr. Chairman: Order!

Hon. Mr. Randall: Do not be so touchy.

Mr. Lewis: What did you mean by "newcomer"?

Interjections by hon. members.

Mr. Chairman: Order.

An hon. member: Come on, let us get on.

Mr. Deans: That is probably where these things will have to be settled eventually anyway.

Hon. Mr. Simonett: You stay around a few years and you will—

Mr. Deans: But what I want to know from the Minister, is in what way does he believe that the HOME programme is meeting the needs of those people? In what way do you believe that they can possibly meet the kinds of payments they have to meet under the Home Ownership Made Easy programme, as the Minister put it forward?

I would like to know just where you feel that a person making $6200 a year, for example, fits in—honestly fits in—to the Home Ownership Made Easy programme at a cost that he can afford?

Hon. Mr. Grossman: Mr. Chairman, I thought we sort of moved this around, does every party not get a chance to participate in the debate?

An hon. member: That is fine, when the Minister has replied.

Hon. Mr. Grossman: Mr. Chairman, one of the advantages—why does the hon. member for Scarborough West not take his tie off and put his coat on—it is a horrible tie. Wear a conservative tie; that is like mine.

Mr. Chairman, it just proves how easy it is to be in Opposition and do all of these wonderful things.

Mr. Deans: All we ask is the opportunity.

Hon. Mr. Grossman: A perfect example of course is the fact that as soon as the NDP is elected in Manitoba, all of a sudden they cease to be so socialistic. All of a sudden they love Yankee dollars.

Mr. Deans: Do you know anything about the province of Manitoba?

Hon. Mr. Grossman: They love Yankee dollars. They are over on the other side of the line trying to get American money.

Mr. Deans: Do you know anything about the budget of this particular Minister? Are you concerned about housing or economics and development of anything that this Minister is responsible for, or are you making a Throne speech?

Interjections by hon. members.

Mr. Deans: Are you making a Throne speech or are you speaking about these estimates?

Hon. Mr. Grossman: Mr. Chairman, the idea that this Minister has too much to do and therefore cannot build enough houses is absurd on the face of it because as has been stated enough times and perhaps should be stated more often; this Minister has built more houses in Ontario than all of Canada combined.

Mr. Deans: Half the population is here.

Hon. Mr. Grossman: And, of course, we are living, Mr. Chairman, in a day where the Opposition—particularly the socialist Opposition—realizes that there is a lot of unrest in society and that the people are unhappy with practically everything.

Mr. Deans: Is it not funny how you finally—

Hon. Mr. Grossman: No matter how well things are in the province, it is—

Interjections by hon. members.

Hon. Mr. Grossman: They forget about all the positive things in housing. Instead of saying to the Minister: "We would like to see a lot more housing, you have built more houses than all of Canada combined but you have not built enough," which I am sure the hon. Minister admits, you keep talking about the houses he has not built.

Of course, there are millions of houses he has not built; but he has built more houses than all of Canada combined, with all of the federal government lack of co-operation, with all of the financial difficulties we have had in Canada, in Ontario, in Toronto and across the world. With all the difficulties he has had to contend with, with local municipalities, with zoning bylaws, that sort of thing.

Mr. Lewis: We weep for him.

Hon. Mr. Grossman: Let me refer to something that the hon. member for Wentworth mentioned about the department going in and buying land and the method by which it buys land as a result of which, the price of land goes up. I wonder—in fact I do not wonder I know what the NDP would say if the hon. Minister went into a residential area where there were 5,000 houses and where the average house, say, was purchased for about $15,000 or $20,000 and he walked in and bought land and depressed the value of the land so he could sell it cheaply enough and thereby the hon. member's house, for which he had paid $20,000, would then become worth $12,000. I would imagine—

Mr. Deans: I would be glad to have my house go for that—

Hon. Mr. Grossman: Oh, I know the holy NDP. They would not care if they lost their money.

Mr. Deans: If it means providing homes for this member and that member.

Hon. Mr. Grossman: I know, Mr. Chairman, they are all so altruistic.

Mr. Chairman: Order!

Mr. Lewis: Tell us about your role in Kensington.

Hon. Mr. Grossman: I know. I will tell you about Kensington when the time comes. I will be very pleased to—

Mr. Lewis: You are an authority on housing in Kensington.

Hon. Mr. Grossman: Yes I am, and I will tell you about that. We will when you are ready. When you are ready.

Interjections by hon. members.

Hon. Mr. Grossman: Mr. Chairman—

Mr. Deans: Is the hon. Minister speaking for the Minister of Trade and Development who has left the Chamber?

Hon. Mr. Grossman: I am speaking on this subject.

Mr. Lewis: See what you have done to him. He has departed.

Hon. Mr. Grossman: You have driven him out of the House. It is also the habit of the Opposition to say when no other Minister or member gets up on this side: "Look, nobody is supporting the Minister, he is all by himself." Well he is not all by himself.

An hon. member: Is that why you are up defending him?

Hon. Mr. Grossman: Not at all, because he is doing a tremendous job, and we are very proud of the job he has done.

An hon. member: With that kind of support, that is why he left.

Mr. Chairman: Order!

Hon. Mr. Grossman: Mr. Chairman, I was, of course—

Mr. Martel: Rudely interrupted!

Hon. Mr. Grossman: —I knew perfectly well the hon. member for Wentworth would get up as the NDP normally does and in a very holy manner say: "I would be pleased to sell my property at a loss if you could only give housing to the rest of the population." That is a beautiful speech, but if this had happened we would have a tremendous argument here today. They would say: "Look what you have done to thousands of people in that residential district. You have destroyed their lifetime investment."

Interjections by hon. members.

Hon. Mr. Grossman: Look at the tremendous amount of housing which has been built. Seeing as how everybody is telling a story tonight I will close with this story. They say that Chief Justice Warren of the United States was known when he came into court every day, to open up the newspapers and look at the sport pages. He never looked at anything else and after a while his colleagues asked him: "Why do you always look at the sport pages only?" He said: "Well at least in the sport pages, every day somebody is a winner." You see. You look at all the other pages and all you see is losers. All you fellows ever see is losers. There are plenty of winners in Ontario and one of the reasons we have a housing shortage is because, Mr. Chairman, everybody in the world is coming to Ontario because it is such a prosperous province.

Mr. Chairman: The hon. member—

Hon. Mr. Yaremko: . . . and to earn from "$6,000 to $8,000" a year.

Mr. Chairman: The hon. member for Grey-Bruce had been trying to get the floor previously.

Mr. M. Makarchuk (Brantford): And spending $7,000 to $9,000!

Mr. Chairman: Order!

The hon. member for Grey-Bruce.

Mr. M. Renwick: The hon. Minister will be here for a week after that last bite.

Hon. Mr. Randall: I said I do not mind, I will be here till Christmas.

Mr. Chairman: Order!

Mr. Sargent: Mr. Chairman, the reason why we have more houses built in Ontario is because we have 40 per cent of the population of Canada here and we are $4 billion in debt. One of the reasons we are in debt is the way you are building your houses.

Many, many fortunes have been made along the way in the building of these houses. I would like to ask the Minister: In this vote we are going to spend $55 million, how much of this is federal money?

Hon. Mr. Randall: That is provincial money.

Mr. Sargent: Pardon me?

Hon. Mr. Randall: That is provincial money.

Mr. Sargent: All right. How much money, total spending, in your department this coming year?

Hon. Mr. Randall: Well I think it was $48 million. I will have to get the book here, I will tell you.

Mr. Sargent: What is your total budget in housing then? What are you spending in total?

Hon. Mr. Randall: Go ahead, I will find my answer from this book—I think it is around $48 million.

Mr. Singer: No, he means combined.

Mr. Sargent: I mean combined, federal and provincial.

Hon. Mr. Randall: Well we put up $48 million. That would mean that if the federals add their share they would put up 90 percent, that could mean $480 million.

Mr. Sargent: Under your administration?

Hon. Mr. Randall: If you could spend $480 million in one year, which is impossible to do for a number of reasons.

Mr. Sargent: So under your wisdom or lack of it, you are spending $500 million. Is that right, sir?

Hon. Mr. Randall: Pardon?

Mr. Sargent: There is $500 million in total possibly?

Hon. Mr. Randall: Well I would not know what it would be. It depends on the projects. We set up the amount of money and we commit so much. If the houses are finished within that fiscal year we pay for it. If they

are not we start off on the next year, but we set the amount of money.

Mr. Sargent: But it would be nine-tenths of $500 million? It could be $450 million or $500 million?

Well the shocking thing to me, Mr. Chairman, with all the technology available to you, in one area you can spend $750,000 on a study, a piece of paper, which in effect is—

Hon. Mr. Randall: No, I corrected you before. It is not a study. That is part of the plan, it is part of the works, and that is recoverable when the land is serviced and the houses are sold. We are not spending anything, we get it back. It is an investment.

Mr. Sargent: Well some firms unknown to me—I have been in this municipal field all my life, I have never heard of the firm—they come up with a contract for $750,000 to give you a study or a plan. Well you and I know what happens. Some friends of the government come along and say: "We are in business, we would like to get a government study contract." There are literally millions of dollars each year being spent in this manner which is disgraceful.

Somewhere along the line we should have a royal commission to find out exactly what the hell does go on here, because in no way do you call for a low tender deal on these studies and this is a shocking thing in its own right.

What I am concerned about is this—

Mr. Martel: Converted into Medicare.

Mr. Sargent: Yes, $685,000 to tell the people: "Do not worry, everything is going to be all right." Somewhere along the line people are going to get wise to this.

Mr. Martel: If it was good Medicare, people would line up to get it, you would not have to advertise it.

Mr. Sargent: But when the Minister is entrusted—and I say this respectfully because there is no man in that government better equipped to do this job than the present Minister, and I say this with respect—but the shocking thing is, as a taxpayer, that this government—

Hon. Mr. White: Do not look now, but you are the acting leader.

Mr. Sargent: Well, they could do a hell of a lot worse sometimes.

Hon. Mr. White: They have to wait a few years.

Mr. Sargent: There is no fresh thinking in this very important field, because there are many men who are making $8,000 to $10,000 in this province who cannot afford to buy a house under this administration. I want to tell the Minister what I think I would do.

In the United States, and we are closely allied to them because they control 80 to 90 per cent of our corporate wealth and everything we do in our lives is controlled by our friends across the border, and their technology should be used by you with all the wealth you have to acquire it.

Mr. Chairman, there is a growing awareness in the United States—

Hon. Mr. Randall: Let me get this straight.

You are saying we should not bring these people over. Now you tell me we should bring them over and use their technology.

Mr. Sargent: No, I am sorry. If I implied that I am wrong. I make a lot of mistakes but I do not want to convey that to you. We have a lot more brains here than they have down there but they are doing some good things down there too. They realize down there that we are living today in the day of the large takeover in this economy, and that there is a realization on the part of big business that government alone cannot do the many things we have to do, especially in the field of housing.

The government alone cannot do the job and you are proving that. You are making a good stab at it and Ottawa is trying to do it, but you are not doing the job. Big business realizes that if we are going to survive, if our way of life is going to continue, they together in consortium with other large corporations must put up to $500 million to $1 billion in the pot. Business is doing this alone without government. They are taking blighted areas in the slums and they are putting industry in there and putting housing on the outskirts of the city.

You know this is going on and I would like to ask you:

1. What have you done along this line for the large corporations, the moneys we are not capturing in this economy of ours here? With the Americans coming to our country and exporting our money back to the States, 108 cents on the dollar, what are you doing about having them share in our problems? This is a very important thing that you must realize.

Hon. Mr. Randall: You think they operate here tax free? When they come here they have the same tax—

Mr. Sargent: No one asked them to come here.

Hon. Mr. Randall: They have the same tax problems anybody else has—the Canadian corporate citizen. They pay the same taxes here as any other company whether it is foreign-owned or otherwise, so they are making their contribution to your municipalities.

Mr. Sargent: I submit that we are not getting a fair share of the control of our economy. We are the ones that create the climate for them to make these fortunes, these—

Hon. Mr. White: This is out of order.

Mr. Sargent: Well the Minister of Finance, or whatever his portfolio is, is not doing his job in creating new revenue and here is the one way he can do it.

I think you have just got a tentative appointment because you live close to the P.M., that is all. You are not doing it for this House at all. That may not be in order but I think we should face some facts.

Has the Treasurer of this province ever realized the fact that we have fortunes being made on the outskirts of this city by land speculators—many cases of people optioning land and making $3 million in profit and not putting up a cent of their own money?

Hon. Mr. Simonett: Has the hon. member ever optioned any up in Owen Sound?

Mr. Sargent: As in other economies, Mr. Chairman, a reciprocal land increment tax whereby the municipalities have a reciprocal tax where land is sold for housing adjacent to municipalities, and there are billions of dollars laying available to the Treasurer of this province, to the municipalities by tax like that in Ontario.

A case in point. Four fellows optioned land in Bramalea. They put up not one cent of money. They sold that land in 18 months for $3 million—they each made $750,000 in capital gains. That is not taxable. They had nothing to do with the creation of that wealth but it was adjacent to an expanding area.

This province could make billions of dollars, hundreds of millions of dollars at least, with a land increment tax which is now in force in London, England, and all large European capitals. But we are doing nothing about it.

I think it is time we took a very objective approach to the fact that here we are battling about $500 million: $500 million will not fill the housing needs of this province. We are just kidding ourselves, and we have to look for a source of revenue to do this job properly.

I could go on, I could say the things in my heart insofar as the operation of this department is concerned. I think the Minister is trying to do a good job with the funds that are available. If we do not have the money it is impossible to do it. I think we should have an approach for revenue first in this very important field.

One thing I can say about the staff of this department is that my city manager in Owen Sound tells me that every time we have a housing project there are three or four different members of your staff come up to Owen Sound. No one knows what is going on. You must have a change of force every few months in your staff, and the only time he can get a straight answer is from Mr. Suters, and I say that Mr. Suters is a credit to your department. But you should pay your people more money that know what they are doing.

Mr. Trotter: Mr. Chairman, as the hon. Minister of Correctional Services was on his feet and injected himself into this debate, I would like to bring up a housing matter, a matter that concerns the development in his own area, that is known as the Kensington Area Redevelopment Association.

Now this group of citizens have gathered together in order to attempt to develop a piece of land so that it would be, literally, an area that would be developed in the way that they wanted it. It was an attempt on the part of the people of the Kensington residence, as in the Donvale area, to work together and to build their own area. They were deeply concerned that they would have a voice in what would happen.

There was an area of 52,000 square feet in the riding of the hon. Minister of Correctional Services, that fronted on College Street between Lippincott Street and Bellevue Avenue. Now, I know to most of the members that area does not mean anything, but it is the principle of the problem that we have before us with this government and the means of developing housing and developing urban areas that I want to point out.

This land was originally owned by one individual who, with a $5,000 investment—

Hon. Mr. Grossman: I do not think this has anything to do with the vote.

Mr. Trotter: It sure does.

Hon. Mr. Grossman: Mr. Chairman, I am very anxious to discuss this in this House. I have been waiting for it to be discussed because there has been a lot of misinformation given out in the press, and on television, and I presumed it would be brought up in this House, but I do not see how it comes in under this vote. It is urban renewal. Does urban renewal come under this vote?

Mr. Trotter: It certainly could, Mr. Chairman, because under the Ontario Housing Corporation vote they do allow so much for researches, for advances for projects under The Ontario Housing Corporation Act. They could easily move into an area.

Hon. Mr. Grossman: I have no objection if the hon. Chairman is quite prepared to discuss this at this time, and if the Minister has no objection, I would be quite prepared to do it. I just do not think that it belongs in the estimates.

Mr. Trotter: This is the very type of thing where legislation is required and where action is required in order to assist those areas to provide their own housing. I certainly think, Mr. Chairman, that this is a matter with which we could proceed under this vote.

Hon. Mr. Grossman: It has nothing to do with providing your own housing.

Mr. Trotter: Well, it certainly does in the redevelopment area, because it involves tearing down houses—

Mr. Singer: And building new ones.

Mr. Trotter: And building new ones. Because this Minister, whose estimates we are now discussing, certainly has the problem of where houses are torn down, and where he is going to put the people who are living in the houses that are about to be torn down.

Mr. Lewis: The Chairman agrees with you.

Hon. Mr. Grossman: I am asking for a ruling from the chair.

Mr. Lewis: Well, the Chairman agrees with the member for Parkdale.

Hon. Mr. Grossman: If the Chairman is prepared to discuss it, it is all right.

Mr. Trotter: This involves 52,000 square feet of land where one private investor had put up $5,000. He then, in turn, was able to sell the land, as a result of a Treasury grant from the province of Ontario, he was able to obtain $525,000, because the land was to be used by the University of Toronto, apparently in trust, in order to build student housing.

The people in the area were concerned about what was going to happen. Eventually, the land was sold to the Toronto Board of Education, but in the meantime, the residents of the area had carried on a great deal of correspondence with this government, with Premier Robarts' office and with the present Minister of Correctional Services.

As a result of many meetings, the residents association were promised by this government that there would be no disposal of the land without their advice and concern, and in fact, as long ago as October 13, 1967—

Mr. Singer: Four days before the election.

Mr. Trotter: Four days before the election—they got a letter from The Department of Correctional Services, signed by Mrs. Ward Markle, the executive assistant to the Minister. It was addressed to Mr. Alan Schwam, who was a member of the executive of the Kensington Area Residents Association.

Hon. Mr. Randall: Have you looked at your own press releases lately?

Mr. Lewis: What was that date again.

Mr. Trotter: October 13, 1967.

Mr. Singer: That was a busy day.

Mr. Trotter: During the election campaign, certain promises were made to people in that area, and the promise was made by the hon. Minister of Correctional Services. It was repeated in this letter, and in this letter, signed by Mrs. Ward Markle, she says:

> Dear Mr. Schwam: The following is a statement made by the honourable Allan Grossman at St. Christopher House, on Thursday, October 12. The Ontario government will not participate in any future urban renewal projects unless in the initial stages, an urban renewal committee is established on which there will be representation of the residents of that area in which an urban renewal scheme is contemplated.
>
> This urban renewal committee will provide the vehicle through which the residents will present their plans for conservation with rehabilitation or redevelopment which they believe will best suit the needs of the area in which they live.

> This statement definitely includes any plans for urban renewal in the Kensington area.

Well then, the matter drifted on and the residents attempted to correspond with the Premier's office. The Premier, Mr. Chairman, assured them that if The Department of Education was going to move in that the Minister (Mr. Davis) would consult them. They did not hear from the Minister of Education, but they did get a letter from Mr. D. R. Martyn, an executive officer of the Premier. This letter is under the heading of the office of the Prime Minister and President of the Council.

> Toronto, October 25, 1968.
> Dear Mr. Martyniuk:

He was president of the Kensington Area Residents Association.

> In the absence of the Prime Minister I have been instructed to reply to your recent letter regarding a land purchase by the University of Toronto in the Kensington area.
>
> I wish to point out to you that this matter is under active consideration by the government of Ontario. Of course, the situation is somewhat complicated, but I wish to assure you that no final decisions will be made on this matter without adequate discussion with you and representatives of your organization.

Well they get that letter, and the next thing the residents hear is that the land had been transferred—they read it in the newspaper—the land had been transferred to the Toronto Board of Education. Not only have they not been consulted, but houses are going to be torn down in that area. Now, I emphasize this—

Hon. Mr. Grossman: Where did they learn that houses were going to be torn down?

Mr. Trotter: It was in the press, the announcement. This is all they know.

Hon. Mr. Grossman: No documentation!

Mr. Trotter: This is all they know. But my point is this, one of the major policies that the government must have is to encourage community interest, and there have been so many complaints from government to say, well, they expect us to do it all, they want us to do this or do that.

Here you have a situation of an active residents group. They have been attempting to consult government. They have had promises from the Prime Minister's office. They have had not only a speech made to them by the hon. Minister of Correctional Services—

Mr. Singer: Their own member!

Mr. Trotter: Their own member.

They have had it put in writing immediately before the election. Then after the election everything is ignored. This transaction that amounted to literally hundreds of thousands of dollars, land that could have been purchased at a far lesser amount than it was, is bad enough. But the fact is that you ignored a large segment of a group of your population; a people that are interested in their community, you completely ignored.

This is one example and there are more that we have here. But it certainly brought this to mind when the Minister got up and gave us that political hog-wash speech which we heard, because there is no question in my mind that whether you want to go hair-splitting on the words urban renewal, or housing, you certainly let the people down in your own riding.

I say this to the Minister of Correctional Services through you, Mr. Chairman. What is even worse—and this is where it involves this department to a very large extent—you are not going to succeed in solving the housing problem in this province unless you get the co-operation of people in their own areas, in community development.

It is a good idea and I would certainly agree with it, but here was where you had an outstanding opportunity to show that you did take an interest. There may be such confusion within the government's Cabinet ranks that one Minister may not know what the other was doing, but this is certainly—

Mr. Winkler: Like the federal government!

Mr. Trotter: Well, let us not bring in red herrings. I am in Ontario, I am concerned with what the Ontario government is doing, and I am using this Kensington matter as an example of what must be a major advance in government policy and that is the development of a community spirit.

When you can get the co-operation of people in a particular area like Kensington, it is a tragedy that government really has been dishonest with these people, that the government has not lived up to their spoken or written promises. And here it is in writing.

I would like to hear what the Minister of Correctional Services has to say about this nefarious matter.

Interjections by hon. members.

Hon. Mr. Grossman: Well Mr. Chairman, I do not know really how the hon. member for Parkdale brought up this discussion and related it to the discussion we had just a few minutes prior to that. I had nothing to do with this, but as I said I am very pleased to have the opportunity to clear this matter up. It is just unfortunate perhaps that we have to do it within the context of the estimates of a colleague of mine; I would prefer to have a full-dress debate on this particular subject alone, because there has been more chicanery and more deliberate confusion, mostly engineered, by a couple of NDP'ers who are—

Mr. Lewis: On a point of order, that entire Cabinet is paranoid about who engineers what and it should be said—

Mr. Winkler: You are paranoid.

Mr. Lewis: You are all paranoid.

Interjections by hon. members.

Hon. Mr. Grossman: Mr. Chairman, I am prepared to document this. That is why, Mr. Chairman, I was hoping we would have a full-dress debate here on it so that I could have brought my files and presented the actual documentation. I know this subject very, very closely. I have files which I suppose are three feet thick, because of all the work and the conversation I have put into this particular project.

In the first place, the Kensington Area Residents' Association was not a very active association. They called me in during the election, one Alan Schwam called me in during the election, and said they were fed up dealing with bureaucrats. They wanted to deal directly with those people who were elected to public office so they could get some answers they were finding it difficult to get, dealing with various government departments, including municipal, provincial and federal.

As a result of that, I went to a number of meetings and was very much convinced by the manner in which certain people carried out their conversations and their pleas for some concern about their affairs. And they presented the proposition to me that there was only one way we were ever going to get successful urban renewal, particularly in Metropolitan Toronto, and that was to get the participation of residents. And they were prepared to co-operate with the various levels of government and get the co-operation of the residents to work with those governments. I was convinced of the soundness of that and I said I would be very glad to follow this thing through and see what we could do.

Mr. Trotter: The Minister still has not answered it.

Hon. Mr. Grossman: I came up with a formula which was just read by the hon. member for Parkdale. I discussed it with my colleagues in the Cabinet and this became a matter of government policy. And I was very pleased that in my own area, right in the heart of the Kensington area, we pioneered this, and it has worked precisely as we had planned it.

The Kensington Area Residents' Association then became involved in the Kensington urban renewal committee, which was headed up by Controller Margaret Campbell, and representatives then from the Kensington Area Residents' Association became members of the Kensington urban renewal committee.

Now, the question of whether the government in fact has carried out that pledge is really academic at this moment because the pledge has not been called upon.

Mr. Trotter: Is she an NDP?

Hon. Mr. Grossman: Just a moment, if you will let me explain. It has been confused enough. And if you will just follow me through, if you want the facts, I will give them to the Opposition.

The government has said, in fact, they will not participate in any urban renewal plan unless in the initial stages the residents have something to say about what they want in their district and about the plans for their district. So far no plan has come to the provincial government from the city of Toronto or the Kensington urban renewal area. If, as, and when, this government is presented, if the Minister of Municipal Affairs has presented to him an urban renewal plan by the city of Toronto for the Kensington area and if at that time my colleague, the Minister of Municipal Affairs, does not satisfy himself that the residents had nothing to say, were not participating in that plan, and in spite of that, approves of the plan, then the government will have broken its pledge. The plan has never come to this government yet, so the pledge that I made at that time still holds. This government still stands by that pledge and, as I say, I am very proud that I and the people in my area had something to do with it.

Everything was going along fine until one of the gentlemen involved came to me and wanted to know whether we could use him

and someone else who had a town-planning-consultant organization. They wanted me to help them sell their consultant organization to either the federal government, the provincial government or the municipal government by way of carrying out this policy within the context of this discussion and be an ongoing organization to get the people together, discuss things with them, and help push it through.

This sounded very logical to me, too, because they are very intelligent people and seemed to be very sincere. I had numerous meetings and that is why I would have liked to have had my files with me. I could have given this House chapter and verse, of numerous meetings, with the area residents' association, various Ministers and, I thought unbeknownst to the residents' association, on behalf of these two gentlemen who had this town planning consulant organization, with the Minister of Trade and Development, with the Minister of Municipal Affairs, with other officials, saying: "Look, we are going to have this urban renewal plan. We want an organization to be able to correlate all these things, to keep in touch with all of the residents and to help make the plan acceptable, get the residents in the area to go along with whatever plan seems to be the logical thing for the area, because in many instances a lot of rumours float around and people do not have anyone to co-ordinate all of the actual facts and sell it to the people."

I was unsuccessful. I will not tell this House why I was unsuccessful, I will not tell them what the federal people said about what they thought about having this group be hired—incidentally it was for hire—why they would not hire them, why the provincial government felt they could do without them, why the municipal government felt they could do without them.

After that, one of these gentlemen applied to my department for a job which was open at the time and I tried to get him a job because I was still convinced he was a very able fellow and knew what he was after, and knew the job that he could do. I attempted to place him in the department but he just did not qualify. After that, they lowered the boom. After that, all of a sudden, "The provincial government broke all its promises." After that I was no good, I had broken my promise. I watched Warren Davis speak on two different occasions on television—

Mr. D. C. MacDonald (York South): Poor Allan. You are the most-persecuted member in the House.

Hon. Mr. Grossman: Just listen!

I watched Warren Davis on two different occasions on television talk about the "broken Grossman pledge." He did not have the decency to phone me—and I was the fellow he was attacking—and say: "Would you come on the programme and let us have your point of view?" Not once. And then they started to confuse the other matter.

Incidentally, the property was purchased long before this. It was purchased by the University of Toronto with the help of The Department of University Affairs for student housing. This plan of student housing did not coincide with the plan that the town planning consultants organization—I think it was Cadillac Developments — had had developed for them. They had an idea of a complex in there and presumably they were going to be the town planning consultants.

There was a great division among that very tiny portion, a very tiny portion of the community who were interested in the thing to begin with, as to whether there should be a senior school or a junior school or a separate school or a public school or something of that nature. At the moment I am not too clear on it. I would have to have my files. But a school there was going to be at that location.

When they brought it to my attention that they were very much concerned that the students administrative council, SAC, was going to build student housing there, they were very unhappy about it. I immediately went to work within the government to do what we could to hold this off until we found out what the facts were and what the concerns of the people were. Now still keep in mind this has nothing to do with the pledge that we would not go through with an urban renewal plan unless the residents were represented on an urban renewal committee because they already were.

When I found that out, I went to work in order to get this thing clarified, to have the SAC plan built that was stopped—was stopped in its tracks—and that is all that the residents in Kensington area care, if in fact, KARA represents them, and it is beginning to be very doubtful whether in fact they do and that, of course, is for some other time too. If in fact that is what did concern them, that concern had been expressed to me and through my efforts and those of some of my colleagues, that was stopped. SAC was not allowed to go ahead and build.

In the meantime, that letter that the hon. member read, received by KARA, stating that the Prime Minister said, "As a result of this we will not go ahead with this until there is a meeting of all those concerned"—

Mr. Trotter: That is right, he said that.

Hon. Mr. Grossman: Fine. But the meeting of all concerned obviously became unnecessary if two of his Ministers—one of them the Minister of Education, and the Minister who represents the riding—carried on meetings and stopped it. That is what the Prime Minister has Ministers for. If he can get them to do it, he does not have to have a meeting and—just let me finish please, there is a lot more to it than that—we stopped that and there were still one or two agitators, and in case somebody is concerned why, I am talking about NDP. In the meantime there was an attempt to take over the Kensington Area Residents' Association by a cell of NDPers.

Mr. Lewis: A cell? You must spend your time looking under beds.

Hon. Mr. Grossman: Sure, sure. If I had the files here—

Mr. Singer: Led by Margaret Campbell.

Hon. Mr. Grossman: If I had the files here—

Mr. Trotter: On a point of information, I would just like to clarify, does that include the Kensington market businessmen's association? Are they an NDP organization?

Hon. Mr. Grossman: We are talking about the Kensington Area Residents' Association.

Mr. Trotter: I know, but they are ratepayers too.

Hon. Mr. Grossman: Do not tell me about the Kensington businessmen's association because I organized them about 12 or 15 years ago.

Mr. Trotter: Is that an NDP organization?

Hon. Mr. Grossman: I have done more for the Kensington area than any other 100 people that have been trying to get involved ever since.

Mr. Martel: What sizes—

Hon. Mr. Grossman: Now just a moment. Let us get back to this plot you claim is a cloak and dagger one. I picked up the paper and read an article written by one James Lorimer who is hardly a John Bircher, in which he stated that he had interviewed—I think it was Lorimer's article, one article anyway—he had interiewed one Daniel Heap who said, "I came in to live in the district because of the Grossman commitment. I felt if I bought a house there, I was secure the rest of my life, because nobody could come in and expropriate me and because of the Grossman commitment I moved into the district."

What a lot of nonsense. He had been living on Ulster Street for I do not know how many years, which is just about three blocks above the Kensington area, and he was the last federal NDP candidate in the area. I will give you that much. He now turns out—

Interjections by hon. members.

Hon. Mr. Grossman: He now turns out to be the secretary of the Kensington area residents.

Interjections by hon. members.

Hon. Mr. Grossman: Now just a minute, just hold it. Just hold it. I have all the articles—I have all of them. If I had my file, just hold it. Just hold everything. I have a statement from the president of the Kensington Area Residents' Association.

Mr. Lewis: Do you know Dan Heap? He is a mild-mannered, excellent fellow.

An hon. member: Deny that. Deny that.

Hon. Mr. Grossman: That is quite right. Yes, well just a moment. I have had experience with very mild, quiet NDPers.

Mr. P. D. Lawlor (Lakeshore): Way down below, we are very sweet and mild.

Hon. Mr. Grossman: If I had my files here I would read to the hon. member the broadside that he issued, the flyleaf that he had issued down in the Kensington area signed by Dan Heap and some others which was hardly in the kind of language used by a quiet, unassuming man.

Mr. Lewis: Well the meek sometimes think they will inherit the earth, and so they write broadsides about it.

Hon. Mr. Grossman: Yes, I agree with you sometimes, and think they should inherit the earth but they should not try to take it over by chicanery.

I have a letter from the president of the Kensington Area Residents' Association which

states that nobody had the right, particularly the man who was doing all the talking and who is no longer—and has not been, for a considerable time, let me put it that way, a member of the executive of KARA—spokesman for the association and had no right to say that this government or the Premier had broken a pledge. That letter was from the president of the Kensington Area Residents' Association, one Dan Martyniuk.

Mr. Lewis: Who is the man you are talking about?

Hon. Mr. Grossmon: Martyniuk. Is that all right? I mean, does the ethnic name confuse the hon. member? He is president of the Kensington Area Residents' Association.

Interjection by an hon. member.

Hon. Mr. Grossman: No, he is not a New Democrat, I do not suppose.

Mr. Lewis: Is he a member of the CIL?

Hon. Mr. Grossman: Now just a moment. It has become very funny now that you do not like the way this thing has developed.

Mrs. M. Renwick: Why will the Minister accept a question from the member for Parkdale, when he would not accept one from the member for Scarborough Centre?

Hon. Mr. Grossman: I will accept one from her but I am answering one question at a time and I am trying to speak from memory. I am trying to speak from memory about a thing which took months and months to accumulate and I think the hon. member could give me that courtesy. I will answer the hon. member's question. Let me finish dealing with what the hon. member for Parkdale brought up.

Then the thing is further confusing. Not being satisfied by trying to say that the Premier had broken his promise to hold a meeting in respect of the SAC proposal, which had nothing to do with the pledge of an urban renewal committee, they argued in a rather round-about way, "What is the use of saying that you are going to have representation from the area on an urban renewal committee if in fact some government agency in the meantime is going to sell some property to somebody else?"

This would mean, in fact, to follow that through to its logical conclusion, when somebody talks about an urban renewal plan, everything is frozen. And I myself, in this House, ten years ago as a private member spoke precisely against that kind of philosophy. As a matter of fact, if I recall, I attempted to convince the then Minister of Planning and Development that the minute the city starts talking about an urban development—I do not recall whether I said urban renewal at the time—that the municipality be given 90 days to proceed with it or get out of it, or they will have the kind of blight they had down at Moss Park.

Everybody in the area agrees with that. They do not want all this talk about urban renewal and nothing being done. And that concerned me. I would not have gone along with the idea that this government should not allow anybody to transact any property because somebody is talking about urban renewal for years and years and years.

Now, to confuse the matter a little further, they come along and say, "Well, it was even worse, why didn't they tell us that the university then, having taken the money back from the students' administrative council, sold it to the local board of education?" Well, of course, you know, it sounds a little different when you say, "sold it to the local board of education".

I will put it another way. What somebody is saying is, that this government should have stepped in and refused to allow the local board of education to buy it from the university.

In fact, what is happening now as a result of all this—and it has nothing to do with anybody breaking any pledge—is that the area is in a better and a more solid and secure position than it ever was, because nobody can build a school on that property without the approval of The Department of Education.

There is some question as to whether most of the people there do not want the kind of school that the board of education wants to build there. The unfortunate part of this whole thing is that there is a tremendous amount of demagoguery involved there.

There is a tremendous number of Portuguese living in the area, and there has been a great attempt to scream "expropriation", telling the Portuguese that the government is going to come in and expropriate all their properties and so on.

It has not worked, Mr. Chairman, because I will tell you something—and that is why I am quite confident and quite anxious at any time to discuss the Kensington area situation—because the Portuguese in that area and everyone in that area, with the possible exception of maybe ten or 12 people, will stick with me and take my word against all of

these rabble rousers. That is precisely what the situation is.

Mr. Trotter: Mr. Chairman, I would just like to use this as an example and point out to the Minister of Trade and Development just how this can really involve his department in a number of ways.

For example, had the students built the student housing there, it was expected that this department would be called upon to supply the loan anyway. So this would have been a matter that you would have been dealing with. And just to touch on that for a moment, it just shows you the concern, I think, about the cost of land in the city of Toronto.

The man who made the original investment of $5,000 in selling it by way of government through the University of Toronto for student housing, made a profit on it of approximately $198,000 in about a three-year period of time. The government through grants and one way and another paid $525,000, and now I believe the city of Toronto, at least the board of education, has paid approximately $600,000 for the land.

In other words, it just skyrocketed in a short period of time.

In any event, whether it is going to be this department which supplies the loan for student housing, or whether it is going to be through grants from the board of education, it is all coming out of the same Treasury. And this points out why we really need a plan for urban and rural development in the province of Ontario, because these departments interlock and it is all costing money. Unless you keep an eye on it, you are simply going to be at a loss and it is always the taxpayer who suffers.

Hon. Mr. Grossman: May I tell the hon. member that I am keeping an eye on this thing, and I also tell the hon. member this—if the Chairman will forgive me and if my colleague will forgive me; I should have added a postscript to this—in spite of all that has happened, in order to clear it up, the Prime Minister has invited the president of the area ratepayers to bring in a deputation to see him. Unfortunately, he went to hospital in the meantime. As soon as he gets out, this meeting will be held and it will be explained to them.

May I further add that even though this government, through me, made that pledge, there were other people involved. There was the federal Liberal member for the riding involved, and there was the representative, and Controller Campbell has done a lot of hard work in there, and I do not criticize her for it. I just want to show you the position we are in.

She is represented and she is president of the Kensington urban renewal committee, but of all of these three governments, only this government had the courage and the guts to to make that commitment and is sticking with it, the result of which is I am the target of all of this. The other fellows—nobody even knows they are alive. We made the commitment.

Mr. Shulman: On a point of order, Mr. Chairman, and I am not involved in this matter in any way nor do I have any connections with this particular riding.

The Minister is misinformed if he believes that the Portuguese people are, I believe his words were, prepared to follow his leadership. A group of the Portuguese contacted me recently—

Mr. Chairman: This does not constitute a point of order. The Minister may be misinformed, but whether or not he is, is not a point of order.

Mr. Shulman: My point of order, sir, is that the Minister, I am sure, unintentionally is misleading the House.

Mr. Chairman: May I just interject? Is the hon. member for High Park finished? I do not see how it can be a point of order.

Mr. Shulman: Is not misinformation a point of order?

Mr. Chairman: The hon. Minister, in all good conscience and belief, has suggested that a certain situation existed. Now, it may or may not exist. The opinion of the hon. member for High Park in that respect certainly—

Mr. Shulman: I was not going to give an opinion, I was giving a fact which I thought might be of assistance to the Minister, but if it is not the proper time I will wait my turn.

Mr. Chairman: I just do not really see where it would constitute a point of order. Nothing is out of order.

May I just interject before we have another speaker that I heard certain references to student housing and the Ontario Student Housing Corporation is in the next vote. I was not in the chair when this Kensington

matter was introduced, and I am not sure if it surrounded student housing or not.

I thought the debate was in order, but I must point out to the hon. members we are presently debating a motion only on vote 2208.

Hon. Mr. Grossman: I made that point.

Mr. Trotter: I was concerned, too, that houses would be torn down.

Hon. Mr. Yaremko: How many houses were there torn down?

Mr. Trotter: They are in the process at this point. This is where the matter is, they are trying to stop it. This is the concern.

I do want to emphasize this point again. I am going to be brief at this hour, Mr. Chairman, but I would like the comments of the Minister of Trade and Development on this situation, and it is this. There is great concern in the city of Toronto, with the Trefann project and particularly with the Donvale project, that there is no legislation available in which the federal government and the provincial government can participate in some of these urban renewal programmes where private initiative is used.

If a government wants to move in and throws in a bulldozer in an area, then funds can be supplied in order to rebuild an area. But at the present time we have a situation in the more easterly area of Toronto where a group of people in the Donvale area got together and presented a plan to the city of Toronto and to the board of control. The board of control was afraid of that redevelopment plan because they say there is no legislation.

For any of these areas that are being redeveloped, either through a combination of government enterprise or private enterprise, you are going to need a community effort. If groups such as the Kensington ratepayers' association are ignored, or any other group is ignored, it is going to lead to a very serious lack of policy, or it is going to interfere completely in the process of housing in these great metropolitan areas.

I was wondering if the Minister plans any legislation, either directly as a provincial government or with the hope of co-operation with the federal government, to supply funds to assist groups like the Kensington ratepayers and the Donvale ratepayers to redevelop the area that they have. Have you a policy on that?

Hon. Mr. Randall: I could suggest, from what knowledge I have of urban renewal where we have moved in before, that first of all, urban renewal, as you appreciate, is the responsibility of the Minister of Municipal Affairs, not mine. Once the land is cleared, then the Ontario Housing Corporation moves in and builds the houses. At the moment, the federal government has stopped urban renewal programmes in most areas, particularly in cities, so I cannot tell you what it is going to do.

Mr. Andras was down here about two weeks ago and met with the Minister of Municipal Affairs. I was out of town at the time, but I understand not much was accomplished. They just had a general discussion and the whole matter of urban renewal was up for discussion in Ottawa.

But I think we pointed out on many occasions that if people need financial assistance in an urban renewal area, that money is included in the urban renewal. They can hire a lawyer, they can hire two lawyers if they want; they can hire a chimney inspector, they can hire a furnace inspector—and I am not being facetious. I am just saying, if you are going to tear down a man's house and he wants to buy another one on the next street, if he says: "Well, I do not know about the furnace in that house, I do not know if the roof is going to leak, and the chimney needs to be fixed," the money in the urban renewal scheme is available for that kind of inspection. This has been told to the city of Toronto, so I am quite sure if there is urban renewal going on in any of the areas, that the necessary finances are available to give the services to the people who are going to be moved.

As far as I am concerned, the matter is in the hands of the Minister of Municipal Affairs, and if I can help in any way I will be glad to do it. But my responsibility is to put the houses down after we have cleared the land, and that is where the matter rests at the present time.

Mr. Trotter: Is this not a weakness in government policy? This is why we have said on a number of occasions you need a czar, or at least one administrative centre, because first of all if you are going to redevelop an area you move in and you tear down houses and therefore you have suddenly got people on your hands whom you have to house.

One Minister tears down the old housing units, and you are supposed to find a place for them to live in the meantime. Then after

the bulldozers have moved in they tell you to come in and put up the housing units, be they apartment buildings, condominiums, or what have you.

Do you mean to say that there is really no overall policy of what the two departments intend to do in these areas?

Hon. Mr. Randall: I did not say that at all. I simply said that the urban renewal programme is presented to the Minister of Municipal Affairs who, in conjunction with the city, or the municipality, makes decisions to take part of the blight out of the city. They want to take those houses down and rebuild, and then as soon as they have made that decision they give us a survey of need as to what they require and we get prepared to arrange for the money to build the public housing units or whatever is going to go in there.

So there is a co-ordination. We are not ignored. I know what the Minister of Municipal Affairs is going to do in most urban areas because generally it is replaced with housing. I think there are some areas in Hamilton that have not been replaced with housing; they have been replaced with civic centres and civic buildings. Of course, I would have nothing to do with that, you can appreciate. But we have a co-ordinating group with reference to urban development and my people in the housing corporation are well aware of what The Department of Municipal Affairs is going to do.

Hon. Mr. Grossman moves that the committee of supply rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

Mr. Speaker: Before the House leader announces tomorrow's business, I might say—and I would ask the member for Riverdale (Mr. J. Renwick) to acquaint the member for York South (Mr. MacDonald) with the situation—that I have been unable to get in touch with the chief government Whip. But I have discussed the matter of the private members' hour with the assistant government Whip and with the acting Whip of the Liberal Party, and the Whip of the New Democratic Party made his statement in the House this afternoon. From it all I gather that there had been an arrangement between the party Whips that there would be no private member's hour tomorrow and that that arrangement, while satisfactory to two of the parties in the House, was not satisfactory to the third. But having had that arrangement made and there being no change unanimously given to me by the party Whips, I am in no position to make any decision with respect to the private members' hour, and therefore there will be none tomorrow.

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, tomorrow we will proceed with the estimates of The Department of Trade and Development, and if possible with the estimates of The Department of the Attorney General and Minister of Justice.

Hon. Mr. Grossman moves the adjournment of the House.

Motion agreed to.

The House adjourned at 11.00 o'clock, p.m.

No. 179

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Friday, October 10, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Friday, October 10, 1969

Department of Energy and Resources Management Act, bill to amend, Mr. T. Reid, first reading 6949

Schools Administration Act, bill to amend, Mr. Pitman, first reading 6949

Department of Education Act, bill to amend, Mr. Pitman, first reading 6949

Unit pricing on foods, question to Mr. Stewart, Mr. Sargent 6951

Care of children of working mothers, questions to Mr. Yaremko, Mr. Sargent 6951

Home for the aged in Hamilton, questions to Mr. Yaremko, Mr. Deans 6952

Prisoner in punishment cells at Millbrook, question to Mr. Grossman, Mr. Shulman 6952

Judge R. A. Carscallen, questions to Mr. McKeough, Mr. Shulman 6952

Estimates, Department of Trade and Development, Mr. Randall, continued 6953

Motion to adjourn, Mr. Welch, agree to 6976

LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, OCTOBER 10, 1969

The House met at 10.30 o'clock, a.m.

Prayers.

Mr. Speaker: Our guests this Friday morning in the east gallery are students from the Eastwood Collegiate Institute in Kitchener.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

THE DEPARTMENT OF ENERGY AND RESOURCES MANAGEMENT ACT

Mr. T. Reid (Scarborough East) moves first reading of bill intituled, An Act to amend The Department of Energy and Resources Management Act.

Motion agreed to; first reading of the bill.

Mr. T. Reid: Mr. Speaker, the purpose of this bill is to give the Minister of The Department of Energy and Resources Management the power to assume control of a government agency or any municipality or local board, thereof, which has failed to protect the public from a clear and present danger from the pollution of water, soil or atmosphere.

THE SCHOOLS ADMINISTRATION ACT

Mr. W. G. Pitman (Peterborough) moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

Mr. Pitman: Mr. Speaker, the purpose of this bill is simply to encourage the dispersal of the power of the principal in order that it may be more effectively shared by the teaching staff.

THE DEPARTMENT OF EDUCATION ACT

Mr. Pitman moves first reading of bill intituled, An Act to amend The Department of Education Act.

Motion agreed to; first reading of the bill.

Mr. Pitman: Mr. Speaker, this bill removes the power of the Minister of Education over courses of study, textbooks, reference books, and allows the power to be pre-empted by local authorities.

Mr. Speaker: Yesterday, when the leader of the Opposition introduced and moved first reading of a bill intituled, An Act to amend The Health Services Insurance Act, 1968-1969, I stated I would take advice as to whether or not it is a money bill. I have now been advised that there is no doubt that it seeks to impose a tax, and to allocate public funds, and cannot be introduced by a private member. I refer the House to my résumé of the rules applicable, on December 6, 1968. For this reason I declare the bill out of order and direct that the order for second reading be discharged.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, certainly we accept your ruling, but I would ask for some further advice on this matter. The last time we sought to bring before the House matters pertaining to medical insurance in this province you ruled that it had been fully discussed and could not be brought for further debate except under the estimates.

We have also, on the order paper, a resolution which we intend to bring forward which deals with the same type of matter.

The bill you ruled out of order because it deals with expenditure—public expenditure, the matter for adjournment on the opening day of the Legislature—was ruled out of order by the Deputy Speaker, sir, in your name, because the matter had been fully discussed previously in the session.

We just wonder how we might bring before this forum a discussion of medical insurance matters other than by waiting for the estimates which seem to be adjourned further and further on into the year.

We have been in session since last November, we have not had an opportunity to discuss either the Education or the Health estimates and we are trying to find some means by which these important matters can be put before the House.

Mr. Speaker: I am fully aware of the problem which faces the members of both Opposition parties in connection with this matter, and I must say that I certainly support the ruling made by the Deputy Speaker, last week. I will be glad—

Mr. E. Sargent (Grey-Bruce): Keep the cover on it.

Mr. Speaker: I will be glad to have a look at the resolution to which the leader of the Opposition refers and see if it does provide a vehicle for this discussion. If not, then of course I would think that in view of the previous ruling by the Chair, that the estimates of The Department of Health would be the first opportunity unless the government saw fit to put an order on the order paper and call it, with respect to this matter.

Mr. D. C. MacDonald (York South): Mr. Speaker, if I may comment or ask for your clarification with regard to the rules of the House.

I would share the observations of the leader of the Opposition in the frustration of the Opposition to bring an important issue before the House. But quite apart from that, earlier this session we got into some difficulties about bills that were introduced when adequate notice had not been given for them. As I recall and understood your ruling at that point, it was that you were going to instruct the Clerk—or somebody else, I presume the Clerk—to review each bill as it was introduced to see that the regulations had been conformed with.

Surely, sir, the same kind of procedure should obtain with regard to a bill. I know on earlier occasions—not necessarily this year, but down through the years—when I or other members of the New Democratic caucus have attempted to introduce bills, our attention was drawn to the fact that this was a money bill and it was not in order and it was not introduced.

I submit, sir, the rule with regard to adequate notice and conforming with the regulations for the introduction of the bill is a good rule to be applied in this instance. If a bill is a money bill its entry should be denied before it has been brought into the House, just as is the case with regard to bills for which the regulations have not been conformed with with adequate notice.

Mr. J. E. Bullbrook (Sarnia): How does the Speaker know the content?

Mr. MacDonald: Because it is submitted to the Clerk.

Mr. Speaker: I understand the problem and I also was of the same mind, I may say, as the member for York South. I made enquiries and I found that I was as surprised as some members—at least of the Opposition parties—that the legislative counsel thought this was a money bill but did not ask for a ruling. Of course, Mr. Speaker, did not see it until it was introduced yesterday. Therefore, the situation arose as outlined.

I would not wish, unless the House directed me, to impose any further restrictions on the introduction into this House of matters for discussion by the private members, particularly those from the Opposition. Therefore I feel that it is good practice for members of the two Opposition caucuses to check their proposed bills and motions with the legislative counsel or the Clerk and abide by their advice. But if they do not then I have really no way of dealing with it under the present rules because the member may give notice and introduce a bill. Until I see it here or it comes before me I have no knowledge of it and I believe neither has the Clerk.

Mr. Nixon: Surely, Mr. Speaker, on a point of order, you have dealt with it very properly. If adequate notice was given to the Clerk of the House, if the bill was introduced and if it was questioned as being out of order, you have ruled it is out of order and we accept your ruling. Surely there can be no further problem?

Mr. J. Renwick (Riverdale): There is no question that Mr. Speaker dealt with it properly; it is a question of whether the member dealt with it properly.

Mr. Nixon: We accept his ruling, as every hon. member should.

Mr. MacDonald: Mr. Speaker, I acknowledge the import of your ruling but henceforth if we want to introduce a bill, if the Clerk or anybody else says to us it is a money bill we will ignore their advice and we will introduce the bill.

Mr. V. M. Singer (Downsview): Mr. Speaker, may I address a few remarks to this point of order?

There are a number of items on the order paper: notices of motion from Cabinet Ministers, bills introduced on behalf of the Cabinet, motions introduced by members on all sides of the House, bills introduced by members on all sides of the House. Surely this is the privilege of any member to do?

If the question of order is raised prior to any debate, that is fine. Then the rules are looked at, a ruling is made, and either it is accepted or it is not accepted. But surely what the hon. member for York South is trying to imply is a specious and fatuous argument, because if there is ever any group that takes every advantage of any rule that is on the books of this House it is the NDP, and to stand up with the unctuous nonsense and to try to enunciate the kind of privilege that they are speaking of today, I think if fatuous to the utmost degree.

Mr. Speaker: I would only say this to the members of the House. The members of the House are supposed to know, as is Mr. Speaker, the rules of the House, and one of the rules is that money bills are not to be introduced except by members of the Executive Council. Therefore I would think that no member of any party, a private member, would introduce a money bill or something that might be reasonably construed to be a money bill. But I agree with the leader of the Opposition that this having been done, it was dealt with in the proper manner and the introducer of the bill has agreed and the matter is disposed of as at this time.

As I say, I have no desire to restrict the ability of private members, or of the Opposition members particularly, to introduce matters to this House for discussion.

The hon. member for Grey-Bruce has a question for the Minister of Agriculture and Food.

Mr. Sargent: Will the Minister indicate if his department is considering the practicability of usefulness in unit pricing on foods on behalf of the consumers of the province of Ontario?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, I would be happy to answer this question if I knew what it meant. I have not the slightest idea what unit pricing in foods means and I wonder, Mr. Speaker, if I could prevail upon the hon. member to explain that to us.

Mr. Sargent: I think it is a shocking thing that this Minister does not know what unit pricing is. He is the Minister of Food is he not? I could make a half-hour speech, I have a file that thick on it downstairs.

Unit pricing, Mr. Speaker, is in vogue now in New York State. It is a pattern being set by Safeway stores on behalf of the consumers to let them know what the unit price on each package of goods is, what the weight and the price is, to protect the consumer. It is high time the Minister knew what was going on in that field. So he does not know the answer to my question?

Hon. Mr. Stewart: I do, if this is what unit pricing means. There is, in fact, already some legislation pertaining to certain foodstuffs in Ontario where such information is indeed required. I understand that the federal Department of Consumer Affairs is planning to introduce legislation which will provide unit prices on all commodities that are offered, that is fixed prices, fixed weights, so that the consumer will know exactly what is in the package.

If that is what unit pricing means; well, I thank the member very much, Mr. Speaker, I have learned something too.

Mr. Speaker: The hon. member for Grey-Bruce has a question from the opening of the session of the Minister of Social and Family Services. Would he care to place it now?

Mr. Sargent: I do not have it here.

Mr. Speaker: I will send it down to him.

Mr. Sargent: Thank you. It is regarding day care.

Will the Minister indicate the number of children under day care in the province of Ontario?

When will the plan be extended to provide night-time, weekend and short-term care for mothers who have to work on shift programmes?

Hon. J. Yaremko (Minister of Social and Family Services): Mr. Speaker, as of October 1, 8,230 children were enrolled in licensed day care programmes in Ontario. This compares with 5,500 as at December 31, 1966.

On part 2, nurseries are free to establish their own hours of operation according to the needs of the local community. At present, no nursery is offering night-time or weekend service.

I had the opportunity of opening a very fine day nursery in Owen Sound a week or so ago. The member might speak to them and they might like to be pioneers in this field.

Mr. Speaker: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Speaker, I have a question of the Minister of Social and Family Services:

Is the province prepared to put up its share for a proposed $3.2 million home for the aged in the city of Hamilton—if I might add, as reported in yesterday's Hamilton *Spectator*.

Hon. Mr. Yaremko: Mr. Speaker, I have not seen yesterday's Hamilton *Spectator* so I do not know the specific matter the hon. member is referring to. If a proposal comes forward from the city of Hamilton, it will receive consideration, as all such proposals do, in the light of the needs of the province as a whole and specifically that particular area community.

Mr. Speaker, with your indulgence and with the indulgence of the hon. member, I did send out letters to various communities this past week, and I think it will be of interest to members at large to know—

Mr. Deans: Mr. Speaker, if I may, before the Minister gets involved in the broader aspect of homes for the aged, am I to understand by his answer that he has not been approached by the city of Hamilton in regard to this particular home, which was supposedly budgeted for in the 1968 capital budget of the city of Hamilton?

Hon. Mr. Yaremko: We have had oral discussions with the city of Hamilton that go back to 1968, but by way of anything of a specific item relating to a specific building on a specific site, I am not aware of that.

Last week, Mr. Speaker, letters went out to the county of Waterloo for 90 beds at a cost of $1.1 million; the county of Haldimand for 42 beds at a cost of $500,000; the county of Peel, 150 beds at a cost of $2.2 million; 120 beds at the city of London for $1.5 million; 120 beds in the city of Oshawa for $1.5 million; 150 beds in the county of Essex for $2.2 million; 300 beds in Metropolitan Toronto at a cost of $3.7 million, and 27 beds for Bethany Lodge at a cost of $270,000—for a total of 1,000 beds at a cost of over $10 million, of which one-half will be paid by the province.

Mr. Speaker: I propose to treat this as a Ministerial statement, so if any members of either party wish to ask questions for clarification or otherwise, please feel free to catch Mr. Speaker's eye.

Hon. Mr. Yaremko: Thank you very much, Mr. Speaker.

Mr. R. Gisborn (Hamilton East): Mr. Speaker, on a point of clarification, does the Minister's statement regarding assistance to homes for the aged across the province indicate that there is a good chance that Hamilton will get its aid if it gets its request in immediately?

Hon. Mr. Yaremko: Largely, Mr. Speaker, I have indicated that we are giving consideration to all proposals as they have come forward. This is the latest batch and they have consumed quite a few millions of dollars. Of course, when Hamilton comes forward with a specific proposal it will be dealt with, as I say, in the light of the needs of all of the province and within that area the needs of the whole community.

Mr. Speaker: The hon. member for High Park.

Mr. M. Shulman (High Park): Mr. Speaker, I have a question for the Minister of Correctional Services.

During what periods of time has Mr. Joey B. been held in the punishment cells at Millbrook since July 19, 1969?

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, I am advised that since July 19, this gentleman was in close confinement from September 9 to September 23.

Mr. Speaker: The hon. member for Brantford.

Mr. M. Makarchuk (Brantford): Mr. Speaker, a question for the Minister of Agriculture and Food.

What was the total amount paid to members of the special committee on farm income?

What was the amount paid to each member?

What *per diem* rate was paid to each member?

Hon. Mr. Stewart: Mr. Speaker, I would like to take that question as notice on the order paper and provide the answer.

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, in answer to yesterday's question from the member for High Park. The question was:

> Is Judge R. A. Carscallen correct in his statement that fair market value is not the test for assessing properties, as reported in last week's Petrolia *Advertiser-Topic*?

I think the first thing that should be said, Mr. Speaker, is that it is my understanding that

Judge Carscallen did not say what he is reported to have said in the paper in the course of his judgment. It was a remark which he made at some point or another, although the press reports would not lead you to believe that.

Judge Carscallen pointed out to the appellant that the provisions of section 29 in Bill 205, which is at present before the House, were not at present relevant since it only had had first reading. As the member is aware from reading this bill, section 29 proposes that land be assessed at its market value, which is defined as the amount that the land may be expected to realize if sold on the open market by a willing seller to a willing buyer.

Mr. Speaker, legislation as it exists at present provides that the test for assessment is actual value as determined in accordance with section 35 of the present Act. Depending upon the interpretation put upon this section, actual value in certain circumstances may or may not be market value.

For example, present legislation requires that there should be taken into account in determining actual value present use, location, rental value, sales value and any circumstances affecting the value.

Obviously, the sale value and the market value are ordinarily the same, so that market value may be affected by the consideration of these other factors.

The member will be interested to know that of 57 appeals heard by his honour, he saw fit to confirm 52. Of the remainder, total reductions amounting to $13,300 were allowed.

There were approximately 2,100 properties reassessed in the village of Petrolia this year. Of this number, approximately 300 were appealed to the court of revision. Fifty seven then went to his honour and of this total, he reduced five.

Mr. Shulman: Would the Minister accept a supplementary?

Hon. Mr. McKeough: Yes.

Mr. Shulman: Does this mean then, that when the new bill goes into law, all this reassessing will have to be done over again because at the present it is being done under a previous system?

Hon. Mr. McKeough: The philosophy of the new bill is that things will be reassessed constantly, i.e. once a year. I would doubt that when we take over on January 1, we would give any special consideration to something which had been equitably assessed, such as Petrolia. Perhaps two or three years and then annually thereafter.

Mr. Speaker: Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. A. E. Reuter in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

On vote 2208:

Mr. Chairman: I might remind the committee that we are dealing with a motion to reduce vote 2208 by a certain sum of money. When we adjourned last evening, the Minister, I believe, had certain questions before him which he perhaps would like to answer now.

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, I have a number of questions here posed by some of the hon. members and I thought perhaps we could clean those up and then have further discussion on other matters.

The hon. member for Scarborough Centre asked me if I had read the Kirkup report. I have not had much time to read anything this week, I can assure you, and I do not have the presentation made by Mr. Kirkup, except to say again, as I said earlier, that the problem of housing some of the lower income families is an economic one. It is not just a matter of providing houses—the means of financing some of these people is the major problem—not necessarily whether there is a house available. Houses are going to be available, but we have to find some means, as I said yesterday, to find how we can put them in at prices they can afford.

I might say that our attempts in the HOME programme and the condominium legislation are moves in the right direction, and Mr. Kirkup himself, a few months ago, stated that this is the only move made by any government to house lower income people. He pointed out yesterday that for a $25,000 house, you would need about $8,000 to finance it.

We financed people in Bramalea earning less than $8,000 because we took the land price out of the down payment. If they can lease the land, it means they only have a down payment on the $15,000, $16,000 or

$17,000 which gives them an opportunity to get a house within that 27 per cent.

Mrs. M. Renwick (Scarborough Centre): Would the Minister permit a question? It is very difficult to hear over here this morning, and I did not hear the down payment that the Minister used.

Hon. Mr. Randall: I said that when we introduced the whole programme, by taking out the land price and just having them make a down payment on the building, they have been able to get in for as low as $750 down on, say, $15,000 house, and up to $1,250 for a $17,000 house with four bedrooms.

This is the first move at the present time that any government has made to house the lower income families and, as I said yesterday, I hope we can find some other solutions in the future.

The hon. member asked about the amount of land—11,000 acres. Of the land disposed of under the HOME programme up to August 31, 1969, when 4,468 lots were offered, 3,903 were accepted and 565 remained to be sold. Acreage for multiple dwellings—

Mrs. M. Renwick: Is this Bramalea?

Hon. Mr. Randall: No, this is many places. It is an accumulation. Multiple dwellings were 3,320 and the 3,320 were build on. That is acreage provided for multiple dwellings, not lots.

Mrs. M. Renwick: Mr. Chairman, on a point of order. Last night the Minister could not hear me. Now I cannot hear the Minister this morning for the talk that is going on in the Chamber. I have to ask again if he would repeat the figures, the cumulative figures that he began with. They are very important figures.

Hon. Mr. Randall: I am having the same difficulties; it is like talking in a rain barrel, for some reason or other. Let me start off again.

Land disposed of under the HOME plan as of August 31, 1969: The number of lots offered to date was 4,468 and 3,903 were sold; 565 remained to be disposed of.

Multiple dwellings, that is sufficient acreage to build semis on or multiple dwellings—row housing—was 3,320. They were all disposed of, and so in the aggregate there were something like 7,788 dwelling lots offered, 7,223 were consummated, and 565 remain to be disposed of.

Mr. Chairman: May I please interrupt the hon. Minister? There are several private conversations taking place on the government side of the House. Will we please have these discontinued?

Hon. Mr. Randall: Land under development under the HOME plan, in sale position —1,042 lots, marketable in 1970—2,898 for a total of 3,940. Land available for multiple dwellings—there is nothing for sale at the present time.

There are 7,109 dwellings that will be available to go on acreage and be offered in 1970, and that comes up to a total of 10,007 dwellings; 2,898 lots, and 7,109 row houses or semis making up the 10,007. This gives us the grand total of 11,049 that will cover dwellings—either row housing or singles—in 1970.

The summary of the land banking under the HOME plan to date—the acreage is 11,117 acres, and the lots offered are 5,805. We cannot estimate the number of houses that will go on that 11,000 acres until it is subdivided and we find out whether they are multiples, singles or row housing.

You asked me, where this land was and I can give you the information. Aurora—18.5 acres, Brantford—23.5 acres, Brockville—79 acres, Carleton Place—12—if the hon. member does not want to write this down I will send it over. I do not mind her having it.

Cobourg — 179.7 acres, Cornwall — 44.7, Espanola — 37, Gloucester township — 170, Guelph — 131, Hamilton — 556.3, Hearst — 40, Kingston—217, London—121.63, Longlac—18; and in Metro Toronto we have at North York, at Edgeley—4.46 acres left, Etobicoke, at Thistletown—36 acres, and Scarborough, Malvern Stapleford Farm—1,720.5 acres. A total in Metro Toronto of 1,768.96.

In Mississauga township—66 acres, Nepean township—413.5, New Liskeard—1020, Niagara Falls—48.4, Oakville—711.73, Oshawa—45.2, Ottawa—10, Peterborough—210, Petrolia—10, Port Hope—42, Prescott—23.6, Renfrew—2 acres, Saltfleet township—16.12, Timmins—10, Waterloo township—3.055, Windsor, 106.3, Woodstock—20, and Atikokan, to which we referred the other day — 1,500. That is 11,117.99 acres.

Mr. V. M. Singer (Downsview): How much is in Polar Bear park?

Hon. Mr. Randall: Well, if we take the advice of the member for Hamilton Mountain (Mr. J. R. Smith), and we could just move it around, we could get that 1,500 acres

down here and you could sell lots at a pretty cheap price.

Mr. Singer: I am sure you can do that.

Hon. Mr. Randall: Yes, I know.

The member asked another question about what propositions we had for managing the Ontario Housing Corporation properties. We put out an invitation for bids. As a result of the invitations, the corporation received submissions from the following firms: Greenwin Property Management, Lloyd Zirker Realty Limited, Montreal Trust Company, The Royal Trust Company, National Trust Company, A. E. LePage Limited, Meridian Property Management, Young and Biggin, and I presume we will have a good many more if we continue with the programme of managing our properties in this way.

Also I would remind the hon. members that last year we secured and built 93.5 per cent of all the public housing in Canada and 50 per cent of this is in Metro. You cannot write it off, you cannot say it was not much. That is the money that was available to us and we took advantage of every dime that was offered—93.5 per cent and 50 per cent of this was in the Metro area, where we are doing what we can to provide housing.

Now I have a couple of questions here from the hon. member for Windsor West. He quoted some national statistics with reference to housing starts which were around ten per 1,000 in certain European countries and something less than nine per 1,000 in Canada, and I thought he may be interested to know that in Ontario last year about 80,375 new dwellings were commenced. This represented in the province, 11 starts per 1,000 of population —a rate higher than any that he quoted to me and, incidentally, the rate in the United States, which he did not quote, was seven starts per 1,000, and I might say in his own town—

Mr. H. Peacock (Windsor West): Mr. Chairman, on a point of order, the Minister's statement that I did not refer to the effort in the United States is not correct. I made a point of saying that the United States effort was behind that of Canada's nationally, similarly the United Kingdom's.

May I remind him that he still has one country to catch up with—that is Sweden, with a rate of 11.8 per 1,000 population.

Hon. Mr. Randall: We can cover that, too, later on. I might also remind the hon. member that in the city of Windsor, his own city, on public housing, we built 11.8 per thousand; in Hamilton, 14.5; in Ottawa 15.2; and in the area of my friend from Grey-Bruce, we built 13.8 of the housing in there, and that was public housing in the city of Owen Sound.

Now perhaps I could suggest here that public housing starts in Ontario and the U.S.A. in 1968 were 49,022 units in Ontario—6.1 per cent of all starts; in the United States they had 40,000 starts—2.8 of the population. The density of public housing units per 1,000 in Ontario and the U.S.A. is this: Ontario has a population of 7,452,000 people—the number of units was 44,252, or 5.9; and in the United States with 201,922,000, there were 980,000 starts, which is 4.9 percent of the population.

Mr. Peacock: But they have got a target.

Hon. Mr. Randall: They have been in public housing for 30 years; they should be ahead of us, but they are not.

Hon. A. Grossman (Minister of Correctional Services): You cannot sleep in a target.

Hon. Mr. Randall: That is right.

I must also suggest, Mr. Chairman, that the hon. member for Windsor West asked whether we were just hiring a research director, and I want to assure him we have had a research director through the Ontario Housing Agency and the Ontario Housing Corporation; we have had a housing director for the last 12 years, we are always looking for a good housing director.

The surveys of need were made by these housing directors. We made 30 surveys in 1965; 45 in 1966; 87 in 1967; 86 in 1968; 93 in 1969, for a total of 341 surveys, and that is why we need, we think, a good researcher on the need of housing.

We talk to all municipalities before we make this survey and on request of the municipality. We have done a study in your own town in Windsor and we are awaiting a federal loan right now for 375 apartments. We advertised for the research worker because it is a very important department in the housing corporation, and they perform a very active role in the matter of building housing.

The hon. member for Scarborough West asked about Toronto's housing starts. The number is 10.6 for every 1,000 population, so I think we are doing a pretty good job. I ask the hon. member not to write it off. Give us a break.

Mr. S. Lewis (Scarborough West): I do not. I think you are doing a lousy job.

Hon. Mr. Randall: Oh, give us a break.

The hon. member for Windsor West again talked about lower cost housing as a must and we recognize that. That is why we introduced the HOME programme; that is why we introduced condominiums, why we have been encouraging systems building in this country. And as I said to the hon. member for Scarborough Centre yesterday, when we start the systems building in Flemingdon Park, we will all get an opportunity to see whether this cost is better than building on the present basis. I am yet to be sold that it is.

I do not think that you can go much further than arrange mortgage money for a fellow who is going to dig 50 holes, put on 50 roofs, pour 50 basements, and builds a house like he builds a Buick automobile. This is still a pretty efficient method, provided the weather is with him. But if the weather is not with him, or he is held up through delays and strikes, naturally this is where the cost comes in when you are building single family homes.

I believe systems building in this country will answer a lot of questions and we are giving a great deal of encouragement to it. I would also remind the hon. member that while all this concentration of effort and the criticism is on Metro Toronto, we are getting 50 per cent of all the immigrants that come to this country and we are getting 50 per cent of the 50 per cent right here in Metro; so our problem is not getting any easier.

Mrs. M. Renwick: Fifty per cent of the housing applications are here.

Hon. Mr. Randall: Oh, sure they are here, and they are adding to our list every day. The population is growing, people are coming where it is dynamic; this is where I would go.

Mr. J. W. Snow (Halton East): They are not going to Manitoba.

Hon. Mr. Randall: May I just clear up one point here? I think the hon. members in the New Democratic Party will be interested in this because this is a subject very close to your hearts and it is to mine. We suggested to you we were going to have a look at it and you asked us if we had any conversations with the Detroit people as to what experience they had with tenant participation and management, and as you know we have talked to Detroit in the past—they were at our seminar which we held in London a few weeks ago.

We had some conversations with them then, and yesterday, in order to make sure we were right up to date, we called the gentleman in question and said: "Can you tell us what the score is on tenant participation and management in Detroit?" And I would like to read this into the record, not that we are not going to go ahead and try to encourage it, but simply to recognize there are some pitfalls, not only for the housing authorities, but also for the tenants themselves.

The Detroit experience by Michigan state legislation, in the creation of a tenant affairs board, was made mandatory with effect from October 1, 1968, in all cities of one million population or more, which have a housing commission and operate one or more housing projects. Detroit is the only city at present which falls into this category.

The Detroit Tenants Affairs Board consists of 16 members, eight appointed by the mayor and eight elected by the tenants from the housing project. In fact the mayor appoints eight tenants so that this particular board consists of 16 tenants. The board is required to meet on a regular basis, and is intended to bring to the attention of the commission, tenant attitudes regarding commission policies. It can, however, override commission policies by a majority vote. The board was given the use of the commission board room and has met more than is required by statute, but in closed sessions.

Whenever management has endeavoured to be represented to try to obtain information or decisions, they have been excluded to the point where on occasion representatives have been ejected.

Hon. Mr. Grossman: There goes participatory democracy.

Hon. Mr. Randall: Quoting:

Prior to the formation of the tenant affairs board, arrears of rent were kept at a reasonable level. In one project, for example, arrears represented three-tenths of one percent of rental roll. Today they are 16 per cent.

In other projects the arrears range from between 40 and 125 per cent of rental rolls. On current account arrears to date the total is $325,000 for 8,320 units under management. In addition there is an amount in excess of $75,000 arrears from former tenants.

In January of this year Detroit introduced certain rental increases. A number of tenants refused to pay the increase, including four of the members of a tenant affairs board. The commission moved to obtain vacant

possession from those tenants who were withholding rents and others who were in arrears and proceeded to court. The judge directed that the matters be referred to the tenants affairs board as he could not act until the case had been cleared through the board. The cases were referred to the board as in accordance with the board's constitution "any tenant may appeal a decision of a commission unto the board." The commission has repeatedly attempted to obtain a decision from the board without success. The board first intimated it could not act on those matters because it needed staff, space, office supplies, and equipment. All of these have been provided, but to date the quota of supplies have not been used and the commission's hands are tied. They cannot take action against any tenant for whatever cause as they are continually circumvented by the tenant affairs board.

The commission has now obtained a federal government opinion that the tenant affairs board as constituted reflects a conflict of interest and is moving to have the state legislation amended.

In the words of Mr. Robert Laney, the assistant superintendent of housing development on the Detroit Commission: "The introduction of a tenant affairs board has sounded the death knell of public housing in Detroit."

Now I just suggest to my hon. friends, we are not trying to find a way not to co-operate with the tenants but we might as well recognize that if these problems have been experienced in a city like Detroit, we had better make on our behalf—I am talking about OHC, as well as the tenants—a workable formula so that we will not be into the rat race they are in Detroit at the present time.

Mr. Chairman, there was a question or two from the hon. member for Etobicoke. With reference to some of the housing not being sold in his area, I think he said the architects had great ideas, we are going to try something new, integration, and this grand idea is turning to dust, and the Minister does not care. Houses for sale in the area stand empty and will not sell, all because the Minister pushed so many houses into the area without putting in the facilities or social agencies.

Mr. Chairman, let me say this. If this area is so bad, we cannot understand how all the houses, 295 condominiums we put up, were sold almost overnight. The trouble I think you are referring to, my hon. friend, is that these houses are too high-priced and people cannot afford them.

Mr. L. A. Braithwaite (Etobicoke): Mr. Chairman, if I could interrupt. I think what I was trying to get across to the Minister was that we had ten acres at the corner of John Garland Boulevard and Martingrove Road. I was asking the Minister, if I recall correctly, what he was going to do about putting in social agencies to take care of the various difficulties that these people are having. Would he encourage putting up a building in that particular area, and whether or not he was going to allocate some of that property, if it belongs to the provincial government, to the building of a new school to take care of the overloading we are having at Greenholme public school.

That basically is what I was trying to get across to the Minister.

I do not think I said that what you are doing is bad. I said I do not think you are paying the proper amount of attention to the really serious problem you are having there. I think I suggested you stop all building temporarily and have a look, have a survey made to see what the social needs of the area are.

Hon. Mr. Randall: May I just suggest that the ten acres is federal-provincial property and it has been earmarked by the municipality as a shopping centre. This will probably take care of some of the social needs of the people that you refer to.

Mr. Braithwaite: I am not talking about shopping—

Hon. Mr. Randall: No, but you asked what we were going to do with the ten acres.

Mr. Braithwaite: I am asking you to be good enough to see that some of these lands were taken and used for places where we could have counselling, one central place where people who need assistance could come. This is what I am suggesting. A shopping centre is not really the only, the most urgent need in that particular area.

Hon. Mr. Randall: Tenders have been called on that ten acres and they will be going into production on it.

However, let me carry on and talk about some of the other things you mentioned. This, of course, is what we talked about yesterday. The federal authorities up to now have not permitted housing to be used for any other purposes but housing. As I said to the hon. member for Scarborough Centre yesterday, we hope that when any new sites are built, these facilities can be provided.

Mrs. M. Renwick: When will you be able to—

Hon. Mr. Randall: Let me finish, then I will let you talk.

You have more schools per site in that area than any other area. We have given six school sites in that area for your township to go ahead and build on. I do not know what more they want as far as school sites are concerned. There is more there than in any other development of a similar size. Your municipal officials have done a good job in making sure that they got school sites.

We also provided sites for a library, a fire hall, a community swimming pool, a hospital, Warrendale, and so on, and we do not know what more we can do in that area to provide the facilities you are referring to, unless we let Becker's Milk or Mac's Milk put a store right in with the housing but, of course, we are not able to do this, as you can appreciate. We have co-operated with your borough to try to make sure those facilities are available for your people.

Mr. Braithwaite: Mr. Chairman, first of all talking about the provision of space, I believe the Minister was referring to my comments about a thrift store and this sort of thing. What I am suggesting the Minister's department could do is this: When these people come down and talk to officials at Queen's Park, it is suggested that space can be made available. The Minister knows as well as I that he does not have to go to Ottawa to allocate a room in one of the buildings that might be used for storage or anything else; this space can be allocated on a part-time basis to the people who are interested in helping the community. The thing is that when they come here and they talk to the Minister or to his staff at this level, they are given all sorts of promises. When they get back—

Hon. Mr. Randall: If I may just correct you for a moment—

Mr. Braithwaite: If I may finish. When they get back to the area and they talk to the OHC person in charge at the lower level, he says, "I do not know anything about it, I cannot do anything."

All I am saying is that you have people who are very interested in that community and what they find is frustration. If the Minister would just say, "No, we are not going to give you any space," or "No, it is not possible." Personally, I do not think it is impossible. It is very, very possible if the Minister really wanted to help. I think these people are trying to do a very good service for some of the people who live in the low rental housing. I think they should be encouraged rather than discouraged.

To get to the problem of provision for school sites. I should tell the Minister that approximately 25 per cent of the Etobicoke school population is located in the very speedily growing area of Rexdale. Just to say that you have allocated six spaces, or whatever it is, is not sufficient as far as this particular area is concerned. This particular area, Mr. Chairman, is served by a primary school called Greenholme. This school is growing so large that the people who live in the area are particularly concerned that their children are not going to get the type of education they would get if the classes were smaller, and if the teachers had more time to pay attention to the children as they do in any other part of Metro.

In other words, this particular part of Metro, this particular part of Rexdale, of Etobicoke, is being short-changed, because the Minister and his staff have not really done the planning or given the thought to its needs. I do not have to point out the problems we are having with the young people today. I am sure you have heard this before, about the delinquency rates, and the predictions of what they are going to be in a few years, after all this new housing is put in.

That ten acres is a very important ten acres. Instead of putting it solely into a shopping centre, I think the Minister should do something about making certain we get some place for people who have problems, as far as mental health is concerned. There are all sorts of needs that that area has that are not being attended to, in spite of what the Minister said with his figures.

Hon. Mr. Randall: Mr. Chairman, something the hon. member discussed this morning is not within the scope of the housing corporation to change. We go to the municipality and tell them what we want to do; they tell us what to do with the acreage, set up the plans and ask for the school sites. For instance, you were talking about school sites; you have got three—

Mrs. M. Renwick: You cannot do it that way.

Hon. Mr. Randall: Just a second. You have got three sites east of Martingrove and they got out of that a total of 35.651 acres. Then

there are three sites west of Martingrove; they got 22.3 there. I have just talked about the ten acres of commercial building space for a shopping centre.

We received a letter from the board of education, township of Etobicoke, in which they told us what they want. We have made the land available. If there is any further facility out there, any further land available, I suggest to the hon. member that he write either to myself or to Mr. Suters. We will look into it and see what more we can do, but at the present time, I think we recognized that it is a growing community. It certainly is in Rexdale, and if there is more land required and we are going to build any more housing out there, we would be delighted to have a look at it later.

Mr. Braithwaite: Mr. Chairman, the Minister has said what he thinks is sufficient, but I am only trying to point out to him the fact that I am certain the people who actually live there, in this particular case are not in agreement with their school trustees. People who actually live there—I think a great percentage of them—are very concerned because of the fact that Greenholme public school, the largest of its kind in North America, the one major public school that serves the area on a primary basis, has become so large. Further, many of the children there have all sorts of problems because they have been brought there from all over Metro. The problems of these children are not being looked into as well as they could or should be.

I say again, there is not sufficient space set aside for the provision of a centre, and this ten acres, or part of it, could be used for a centre where all of the social agencies that this area requires could be located. It would be some place where these people know that they could go to get help for their children and for themselves. Deserted wives would know that there is a place they could go to. This area needs such a place. I do not care what the Minister says about how many sites he has set aside for high schools and public schools, etc. I am talking about primary school sites, and this ten acres could adequately provide a site for a school and for these services.

I am asking the Minister if he would be good enough to look into this. I say, look into this beyond what you have heard from the board of education, because the people who live in that area are not at all in agreement with what their trustees say. These are their children and they think their children are being short-changed.

I am speaking not only for the people who live in Ontario Housing; I am speaking for the people who own their own homes and there are many there. These people, the Minister should realize, have said to themselves, "We are going to try to be part of the new era. We are going to try to bring our children up along with children who have less advantages." I think because they have done this, they should not be short-changed. As a matter of fact, it should be the other way around and we should appreciate the fact that these people have gone to this trouble and bought a house in this area knowing full well that it is a new idea. The Minister should do everything possible to make this grand idea of architect Henry Fleis and other planners work.

Hon. Mr. Randall: Mr. Chairman, I would just like to say I think the hon. gentleman's argument is with the board of education out there, which he claims does not know what it is doing. I do not think we are going to be placed in the invidious position of going and telling the board of education of Etobicoke that it does not know what it wants. It knows what the school needs are, what the school problems are.

Interjection by an hon. member.

Hon. Mr. Randall: Just a minute. They know what the school problems are, if the number of kids is going to be increased. I can appreciate what the member suggested about buildings out there for Social and Family Services. We are endeavouring to work out something with the federal authorities on that matter. But let me just suggest to you, the Greenholme Community Association, representing private and public housing residents, has long urged the start on the commercial facilities. Maybe this kind of facility can be included.

Mr. Braithwaite: If I could just say this; the commercial facilities that the Minister is talking about have partly been taken care of by the fact that on Albion Road, just at Martingrove on the north side, a new Safeway store has been opened. So that has been taken care of. There is not the urgent need for the shopping centre. It is not as urgent as the need for the social agencies and for the schools.

On the other hand, I pointed out the needs to the Minister and I would like to ask him two things; would the Minister care to give us his undertaking that at least somebody in his staff will be available for a meeting of these people, if possible?

That is the first thing. On to the second point: as far as the people who are trying to set up these thrift stores are concerned, can the Minister do anything about getting some co-operation from people on a lower level? These are good people who feel that it is their religious duty to help those less fortunate than themselves. The Minister could really help if he would put it right on the line, not give them the old soft soap when they come here to Queen's Park. Everybody goes away happy but when they got back to Etobicoke they found that nothing is being done. They are running into a stone wall.

The Minister could do an awful lot if he really cared, and I am giving the Minister an opportunity right now to say, "I care." Do not tell me about all the houses you have built everywhere else and do not tell us about all the sites that you have provided for schools. I want to know does the Minister really and truly not feel this particular area could benefit further from the advantages that he can give them?

All I am saying is that they are not asking for anything else. They are only asking for some co-operation from the Minister. I would like the Minister to say that he will look into a study at least taken by his department. He said previously that he has a research department. I am asking him, will the Minister, will his department, make some sort of study of that area to see what the impact of all these people being put into one area, as at present, is going to be in the future? What effect will this impact have on the young people? What is going to happen to these young people when they grow up?

Mrs. M. Renwick: That is the kind of research we need.

Mr. Braithwaite: That is what I would like to see the Minister do about research. Not give us all these soft words. I mean, this is nothing personal but I am sure the Minister is used to pouring oil on to water, well I do not want any oil, I want fire.

Hon. Mr. Randall: Well it is time you took an interest in your area.

Mr. Braithwaite: Oh, do not tell me that. Do not tell me that. I got a bigger majority than you did.

Hon. Mr. Randall: I do not care—

Mr. Braithwaite: I got a bigger majority than you did.

Hon. Mr. Randall: I do not care what you have got.

Mr. Braithwaite: All right. Do not talk to me—

Hon. Mr. Randall: I do not care what you get.

Mr. Braithwaite: Go ahead, you are losing your cool, fellow.

Hon. Mr. Randall: I will be glad to look into your problems. Your people have never come to us yet and asked for any kind of help.

Mr. Braithwaite: I am their representative and I am coming to you.

Hon. Mr. Randall: It is the first time we have heard from you.

Mr. Braithwaite: Oh now, now, that is not true.

Hon. Mr. Randall: We would be delighted to have a look at it. You arrange for the people to come in and let me just draw your attention to the fact. You say that the shopping centre could have gone on the other side of Albion Road?

Mr. Braithwaite: There is one there.

Hon. Mr. Randall: One of the reasons why the municipality wanted one where it is on the ten acres, was that they did not want the youngsters crossing that busy road. We have had every excuse in the book for not doing certain things but we have tried to meet with the municipality in all their requirements. I reject the fact that we have not been looking after your area the same as you look after everybody else's.

Mr. Braithwaite: No, no. That is not what I am saying. I am only saying—

Hon. Mr. Randall: You had better make it clearer.

Mr. Braithwaite: I am only making it very clear. The Minister should show his interest by taking some time, if he cannot go there himself, to send some of his research people up there, see what the problems are. I do not have to tell you what you will need. You will see—they will see for themselves. That is all I am asking the Minister to do.

Hon. Mr. Randall: You have got a deal.

An hon. member: That is going to speed up housing for them.

Mrs. M. Renwick: Mr. Chairman, I stood on the site on Albion Road that the hon. member for Etobicoke and the Minister are discussing

at this present time. I was asked to come there by some of the tenants because of the conditions under which massive housing has been left to tenants. And I stood and I looked at 18 to 20 empty housing units, Mr. Chairman, with the paper still flapping on the windows, having been built some weeks before but somehow the red tape of government inspection had not been cut in order to have people in those units.

The back patios of these units were the main problem that had to be corrected. Behind the buildings there was a little mound of earth at each patio and if the hon. Minister of Trade and Development were a housing Minister—he can cut through more red tape personally, in my view, than most Cabinet Ministers in this government—this sort of situation would never be allowed to happen if this Minister were a Minister of housing.

The little piles of earth were sitting there for a construction man to come along and level up the back patio blocks. But it was not being done and the houses were being empty. I tried to get the cameras from CFTO to shoot these empty units, which seems to be the best way to bring leverage on this government —the hon. Minister says "Oh," but I know this is the best way, Mr. Chairman.

I took these cameras to empty units at McCowan Road in my riding in the month of October 1967, that exciting month of October 1967 in the housing area. When the empty units were shot on television by CFTO, by Larry Kent who is now deputy assistant to the hon. Minister of Health (Mr. Wells), those units were cleaned out the next morning. All they needed was to be cleaned of the rubble, the little bit of plaster, and the little bit of wood chips. Eight or ten ladies were hired from a church to come in and do that cleaning out the next morning and those units were available in Mrs. Meredith's placement office at 8.30 the next day.

Now I have learned, Mr. Chairman, how to bring pressure on this government. I called Mrs. Meredith, I called the department of placement and was told those units were not available. "We do not know anything about them. We have not got them. They have not been inspected yet." I went to the building site and talked to an inspector who had inspected six units that day, and left with his big hat on. No more units were inspected. Six units were released. It was six units the placement had in Mrs. Meredith's department.

Now we have hammered away at this department until we have now got, not just Mrs. Meredith, we have got seven other people, I presume. I have not yet enquired as to what capabilities those people have for handling this sort of thing.

We have hammered away till we got three telephone lines. I hope to goodness we are going to find it is now considerably more for 16,000. Sure, it is correct for the number of units available, Mr. Chairman.

Now I want to go right back to the subject by saying I went on to the site. I am hardly a member for Albion Road and I asked the cameraman to come and shoot these units, to get people into those units as I had done in my own riding, Scarborough Centre—in the interests of people being occupants in Ontario Housing units where the red tape had not been cut to allow people to enter. Hot water, cold water, grass, trees, were all there —no people.

Now the federal election was called so CFTO did not see fit to lend me a cameraman. I went to the site myself because I had never seen it. On my first and only visit to the Guelph Housing Authority in Guelph, I went into the site on my way back, because Albion Road is on the way to Guelph. I never get to Albion Road ordinarily, Mr. Chairman.

When I saw Albion Road, I could not believe that this government could conceive that this was public housing. For a child to go to a store, they have to cross the busiest thoroughfare one could ever imagine—and all people who have grown up as children know that there are times when children are asked to go to stores.

I could not believe these little mounds of dirt waiting for the patio to be smoothed off and I could not get any publicity on it because the federal election had been called.

Then there was Mrs. Gray, the famous Mrs. Gray from the front page, for which I got blamed as having been the instigator and having lined up cameras. The Minister, I am told by people in the gallery, got sworn affidavits from the journalists. He did not need sworn affidavits, Mr. Chairman. I did not arrange for Mrs. Gray to go into this development. Mrs. Gray was there because her child needed to go to Thistletown.

Mrs. Meredith did not want Mrs. Gray to be near Mrs. Benedetto so she refused to send her to Thistletown. I went because Mrs. Gray moved into a unit at Thistletown with all of her children, unannounced; but I did not know that Mrs. Gray was even in that development.

I went there, not because Mrs. Gray was there, but because of the empty housing units. When I saw reason to get a camera person there, I used a neighbour's phone and said: "Do you want a camera on this lady who has moved into a house? She is right at my doorstep, where I was trying to get you to shoot the empty units".

Now this is all a year ago, Mr. Chairman, and now we have got a Minister of Housing telling us Becker's Milk want to put a store in this development and that they somehow cannot do it.

Now this is not public housing. Mr. Chairman. I do not know how many units there are in there. There must be at least a couple of hundred. Just put up in Albion Road, with no stores, with no community centre, with a man on the site with whom the people have had a great deal of difficulty in tenants' communication. That is what is wrong with what has happened.

We cannot have housing, Mr. Chairman, that is administered by a group of people at the Ontario Housing Corporation, instead of being administered by the Minister. When Mr. Suters has to hand to the Minister a piece of paper about the Greenhome association, it shows, Mr. Chairman, that the Minister does not know what the Greenhome association is doing until he gets that piece of paper. I would say that if this is the type of housing ministry we have got in Ontario it is an abuse of the taxpayers' money. The taxpayers' money, if the government wants to look at nothing but money, should not be a part of the Trade and Development operation of this province. That is the first error. We need a Housing Minister.

Hon. Mr. Randall: Mr. Chairman, may I just say to the hon. member that we contract out the building of these housing units and when the builder says they are finished; they are inspected and they are turned over to us.

Regardless of what you say, we have checked out many of these. There may have been a little bit of work to do but they were not completed. Now let me remind you that the man who got into the most difficulty was the man who rented apartments on Broadview Avenue and the leader of that parade last Saturday, I think, was one of the tenants who was complaining he moved into an unfinished building. He was paying for services he was not getting.

Now you cannot have it both ways. If you are going to move—

Mrs. M. Renwick: The buildings were not unfinished.

Hon. Mr. Randall: —people into an unfinished building, even if the lights are not turned on or the back patios not finished, I can assure you that all hell will break loose. Once they move in and pay a month's rent they figure that there should be no further problems.

As far as I am concerned, when these houses are finished, I have told my people: "I do not care when you move them in. If the houses are finished, put them in, 30 days free, but put them in, but do not put them in until the houses are finished."

We are not going to take the responsibility of having these people getting in a parade and saying: "Here is a landlord collecting the money. It is the government and the housing is only partly finished. The kids are going to fall off the back steps."

We will have insurance claims on our hands. I am not kidding you, I am not trying to be facetious. I am just saying that in most of the tenant problems today, the big problem they have with their landlords is that when they move in the apartments are not ready and they have to put up with the inconvenience.

I did it myself in 1964. My daughters have done it in the last three years. Maybe we are the patient type. We put up with those things, recognizing that the landlord has to get the building rented. But some people are not anymore, so I think you are going to find more people taking a very restrictive attitude about people moving in until they are ready to turn the key in the door and saying "here it is".

Mrs. M. Renwick: Mr. Chairman, on this matter of land purchase—I believe the land was sitting there ten or 11 years ago available at a very low price. Now we find that the Minister is buying that very land at the inflated prices of today.

The Minister cannot have it both ways. He cannot shelve that responsibility by saying that it all happened before he was Minister and now come up with a land bank that happened before he was a Minister away back in 1953 originally, and claim that this somehow shows "what a good boy am I".

Hon. Mr. Randall: I did not say that I got all that land. The member asked me how much OHC had and I told her. I did not say I acquired it.

Mrs. M. Renwick: I would say then, Mr. Chairman, that perhaps the land bank figures should have been broken up into land that was in existence and land that the Ontario Housing Corporation had accumulated, since the corporation is the Minister's responsibility.

If my figures and my hearing on these microphones is correct, if we take off 1,728 from the 1,768 acres which the Minister said were in Metro Toronto, we find we have really accumulated 40 acres. That seems like a pitifully low figure.

How many acres of land outside of Malvern, Mr. Chairman, has the Ontario corporation got in Metropolitan Toronto?

Hon. Mr. Randall: I will get the figures for the hon. member for Scarborough Centre. The hon. member brought up Malvern and perhaps it would be a good idea for me to talk about Malvern.

Mr. Lewis: Mr. Chairman, we reject it out of hand before it is even presented.

Hon. Mr. Randall: I am glad to hear it.

Mrs. M. Renwick: That is right.

Hon. Mr. Randall: I am glad to hear you are going to reject it.

Mr. Lewis: For 20 years you have been pulling this headline on us.

Hon. Mr. Randall: I am glad to hear you are going to reject it because they are going to pin your ears back—

Interjections by hon. members.

Mr. Lewis: How can we believe a word of it?

Mrs. M. Renwick: How can we believe a word?

Hon. Mr. Randall: You have been raising a lot of fuss, now just listen for a while. See if you can keep quiet and listen. The hon. member wants to write the figures down?

The criticism of the Malvern project has not in my opinion been justified—

Mrs. M. Renwick: What a story that will make in the press.

Hon. Mr. Randall: Perhaps, therefore, Mr. Chairman, I might be given the opportunity to set the record straight. The Malvern lands were purchased and are still owned by the federal-provincial partnership on a 75-25 per cent basis. In other words, Central Mortgage and Housing Corporation has a 75 per cent controlling interest in the land.

An hon. member: We are not talking about Malvern, that is a red herring.

Hon. Mr. Randall: Now, I listened to the member very patiently this morning, I would hope to be granted the same courtesy.

Mr. D. C. MacDonald (York South): The Minister is not answering the question.

Hon. Mr. Randall: I will answer the question, do not worry, do not go away. We have lots of time.

Mr. Lewis: It is an exact copy of the speech made in 1954.

Hon. Mr. Randall: No, it is not, just wait a minute now.

Mrs. M. Renwick: Mr. Chairman, on a point of order—

Mr. Chairman: Yes?

Mrs. M. Renwick: That was a hard fight.

I would like to state that my point of order is this: My understanding of what we are about here in the estimates of The Department of Trade and Development on the vote pertaining to Ontario Housing Corporation, is our right once a year to question the Minister so that we might clarify in our minds what is going on.

We have under the gallery ten, six, eight, people from Ontario Housing Corporation. We do not have six, eight, ten people here to send there annually to check up on what is happening. We have an opportunity now to question the Minister.

My question to the Minister—

Mr. A. Carruthers (Durham): What is the point of order?

Mrs. M. Renwick: —was being handled not by an answer to my question about the 48 acres of land in the metropolitan area above Malvern. The Minister is now going to read a statement I presume on Malvern. That is a red herring, and an abuse of the privileges of what we are about here.

Mr. Chairman: Certain questions were asked and the Minister is answering in his way.

Mr. Singer: Let him answer as ineptly as he will.

Interjections by hon. members.

Mr. Chairman: Order, please! There have been several questions about Malvern asked in the last few days and the Minister promised

to give an answer. I presume that is what he is giving now.

Mrs. M. Renwick: Oh, give him a different paper.

Hon. Mr. Randall: Well, now, the member made a sarcastic comment about not having the figures. The people are under the gallery, that is what they are there for. The member did not give me two minutes to get the figures. I do not have them in the back of my mind. If I did, and gave the wrong figure you would say the Minister was lying.

Mrs. M. Renwick: It was not sarcasm.

Hon. Mr. Randall: Oh yes, it was, very sarcastic. I just suggest the member listen for a moment. In Bramalea south of Highway 7—we were talking about the metropolitan area—in Flemingdon Park, in Thistletown phase 1, in Parkway Forest, in Edgeley Village, there is room for 3,320 units. Some of them are built—

Mrs. M. Renwick: We are talking about acres, Mr. Chairman.

Hon. Mr. Randall: They were talking about dwelling units.

Mrs. M. Renwick: Land assembly figures are what we want.

Hon. Mr. Randall: I am talking about dwelling units on the ground that we have acquired.

Interjections by hon. members.

Mr. Chairman: Order, please!

Mrs. M. Renwick: We want—

Hon. Mr. Randall: I know what you are asking, but it is not possible to talk about acreage when you talk about high-rise in the metropolitan area.

Mr. Lewis: On a point of order, Mr. Chairman, when the Minister first read his figures into the record earlier this morning, he subdivided the 11,000 acres which he said were in the land bank, giving specific acreage for Metropolitan Toronto. Now, we would appreciate him repeating that figure and subtracting from it that acreage which lies within Malvern, so that we know what is left. That is all that is being asked.

Hon. Mr. Randall: Mr. Chairman, I do not know what more can I say. I gave you the acreage in Metro that we said we had. And you subtracted it and said we had 48. I gave you the acreage in Metro. I have some other figures here and I would be glad to give them to you.

Mr. Lewis: Is that right? That is all we are asking.

Hon. Mr. Randall: I do not know if it is right, I am checking right now. I am trying to find out. I will get it for you, you do not have to worry about it.

Mr. MacDonald: I am sure you want to hide that measly figure.

Hon. Mr. Randall: Mr. Chairman, while they are figuring out the answer for the hon. member, I would like to discuss Malvern and again I say I hope the hon. members will give me the courtesy of their attention until I get finished, because I think this has been a subject which has been misrepresented to all concerned.

Mr. Trotter: Oh, I doubt that.

Hon. Mr. Randall: The criticism of the Malvern project has not, in my opinion, been justified, and perhaps this gives me an opportunity to set the record straight.

The Malvern lands were purchased and are still owned by the federal-provincial partnership on a 75-25 basis. In other words, Central Mortgage and Housing has 75 per cent, the controlling interest in the land.

In 1953, following consultation with a newly-appointed chairman of Metropolitan Toronto, Fred Gardiner, the federal and provincial Ministers responsible for the housing decided to acquire a sizeable block of land in Metro Toronto to provide for future housing development. It was decided that approximately 1,600 to 1,700 acres should be acquired in the township of Scarborough.

Following acquisition of the land, a planning committee was set up to gather together preliminary information which would be required in connection with the ultimate use of the Malvern property. This committee was composed of representatives of the community planning branch of the then Department of Planning and Development, Central Mortgage and Housing Corporation, the Metro Toronto planning board and the township of Scarborough planning board.

In 1957, the Project Planning Associates, who had been retained by the federal-provincial partnership to conduct a feasibility study of the Malvern holdings, reported that any

development of the land at that time was premature. They recommended that no development take place until the central services had been extended on an orderly basis, including the development of the Don Valley Parkway, and so on.

The Malvern planning committee was discontinued in 1959 on the advice of the Metropolitan Toronto representatives on the grounds that trunk services for the area could not be anticipated for some years.

In May, 1963, the Metro executive committee decided to take no action on the recommendations of the interim housing committee of the Metro planning board and that the Metropolitan council request a federal-provincial partnership to re-establish a planning committee for the Malvern lands.

This decision was based upon a letter from the clerk of the township of Scarborough indicating that Malvern lands would not be serviced by storm and sanitary sewers until 1971. I would like to read into the record the letter from the metropolitan clerk. It is addressed to Mr. E. Kolmay:

> The metropolitan executive committee on May 24, 1963, again had before them a report of March 15, 1963, from E. Kolmay, chairman, interim housing committee, forwarding recommendations that the metropolitan council requests a federal-provincial partnership to establish a planning committee from the four levels of government involved in this implementation of the metropolitan housing programme, to prepare a preliminary plan to the partnership lands of Malvern.
>
> In this connection, the executive committee also had before it a communication, May 10, 1963, from the clerk, township of Scarborough, advising that it is the respectful submission of the township of Scarborough that the information of a planning committee as recommended above is premature, and that the recommendations of the interim housing committee in this regard ought not to be adopted.
>
> On motion by Mr. Campbell the executive committee decided to take no action on this matter at this time on the understanding that this proposal might be brought forward again by the chairman of the interim housing committee when the 1964 metropolitan capital programme is under consideration.

Mr. Trotter: Mr. Chairman, would the Minister accept a question?

Hon. Mr. Randall: I would sooner read the statement and then accept all the questions.

Mr. Trotter: Then it gets too confused.

Hon. Mr. Randall: Mark them down. I will be right here, I will be here all week.

To continue with the letter from the township clerk:

> In 1965, when I became Commissioner responsible for housing and OHC had been created, a meeting was arranged between representatives of Central Mortgage and Housing Corporation and OHC, the Metro planning board, the Scarborough planning board and The Department of Municipal Affairs, to look into the feasibility of development of the land having regard to the current availability of trunk services.
>
> The conclusion was reached that it was still somewhat premature to commence planning studies.
>
> In November, 1966, a further meeting was held and as a result of this meeting, the firm of Ewbank, Pillar and Associates was retained to conduct an engineering feasibility study. This indicated that Malvern lands could now be developed in part at least, and on October 3, 1967, the then Metro chairman, Mr. William Allen, indicated Metro would rearrange its capital budget to expedite Malvern development.
>
> Immediately following Metro's agreement to expedite trunk services, OHC, acting on the federal-provincial partnership, retained a team of private consultants to carry out the necessary planning work. At the explicit instructions of OHC the consultants have remained in close contact with officials of the borough of Scarborough and Metro Toronto during the development of the plan.
>
> In addition, meetings have been held with provincial officials and all other interested agencies to ensure that the proposed plan is in accordance with all municipal, regional and provincial planning criteria.
>
> At the present time the secondary plan of the area is being finalized, and concurrently final details of the first stage for development are being completed together with a detailed plan of subdivision. The first construction phase is expected to begin with the installation of internal services early in 1970. This will provide land for approximately 2,200 units on 200 acres of land.

There have been many comments regarding announcements and statements to the press over the years. Although I had no involvement in this matter until 1964 I felt it worthwhile to take a look at some of the statements which have appeared in the press from time to time and I would like to select just a few of these to illustrate what has been said over the years.

On September 23, 1953:

"Some 9,000 families will move into new bungalows for from $1,000 down late next spring on 1,500 to 2,000 acres of Malvern farmland just tagged for expropriation by a three-way government partnership. Mr. Gardiner said he expected work would begin on the project shortly after January 1.

"The attitude of Scarborough to the provision of the sewerage was immaterial. The provision of housing now is a metropolitan responsibility and outside of Scarborough's jurisdiction. The services will be ordered installed by the metropolitan administration and charged either against the buyer of the land or the rental if it is decided on a rental project, Mr. Gardiner says."

On September 29, 1953:

"Scarborough last night took its first step in the fight to keep the province from plucking a 1,400-acre stretch of land from the township for a proposed housing development site."

December 31, 1953:

"The province will not start selling land or building its 5,000-unit housing project near Malvern without both Scarborough council and metropolitan council having been consulted, a spokesman for The Department of Planning and Development said."

On June 30, 1954:

"The scheme for a low-cost housing project in the Malvern area of Scarborough is far from dead, Metro chairman Gardiner indicated yesterday. Mr. Gardiner told the Metro housing and welfare committee that another proposal to develop the area would be forthcoming soon as a result of a meeting held Monday with the provincial, Metro and Scarborough officials."

January 8, 1960:

" 'In succeeding years, as Ottawa's financial position becomes stronger, we will build and own 1,650 acres in a district known as Malvern in Scarborough,' says Frederick Gardiner."

On May 7, 1964:

"Unless the Metro sewer construction timetable is changed a proposed multi-million dollar urban development project at Malvern will not start until 1970-71," according to Mr. Eli Kolmay, Metro planning commissioner."

On October 22, 1966:

"Metro chairman William Allen said that when OHC says it is ready to proceed, and as soon as local services are in, he will recommend that Metro go ahead and bring in the trunk services.

"Township planning director Don Easton says Scarborough is trying to develop an orderly way of controlling sprawl and avoiding leap-frogging. The Malvern development may be five years or more away if Scarborough's plan is followed, he said. A staff planning committee representing CMHC, Scarborough, Metro and the province was set up. In the summer of 1966 the committee decided to wait until 1967 to see if time was right for the planning.

"Mr. Easton said: 'There is nothing out there in the way of public transportation. It is not right to put people out there away from transportation and from employment locations.' CMHC Toronto manager Don McKellick said he is not convinced that the time has come for the development of Malvern."

October, 1966:

"Chairman Allen said a start five years from now may not be too unrealistic an estimate."

On January 13, 1967:

"H. W. Suters said last night he had been instructed by Stanley Randall, Minister of Economics and Development, to start work immediately on the project in Scarborough's Malvern area. The project needs approval by Scarborough council and Metro before it can go ahead. Scarborough in the past has objected that it might cost more to provide services to the area than tax revenues from the development would produce, and that the borough could not support it from other tax revenues."

January 19, 1967:

"Scarborough development north of Highway 401 would be upset if the province goes ahead with its crash programme to develop the 1,600-acre Malvern housing site, says Mayor Ab Campbell."

Mr. Trotter: Will the Minister accept a question?

Hon. Mr. Randall: No, not now. Still quoting:

February 2, 1967:

"Housing will go into the publicly owned 1,660-acre Malvern site as soon as services can be provided, Stanley Randall, Minister of Economics and Development told the Legislature yesterday. The Malvern planning committee, composed of Scarborough and Metro planners, OHC and CMHC officials, is studying means of expediting services to the area. Mr. Randall said the committee was formed in the mid-fifties and then dissolved when it seemed the services were too far off. Mr. Randall said the committee was reformed in 1965 when it appeared services would be available much sooner than expected."

On November 2, 1967:

"Ab Campbell warned today that all hell will break loose if OHC goes ahead with its huge Malvern housing project in Scarborough without first getting municipal approval. Unless the government picks up the servicing tab, said Campbell, the project would have to be shelved on that count alone, because Scarborough has not got $2,500,000 available for capital works and will not have for several years."

As the hon. member knows, the OHC offered to put up $1 million toward the cost of those services, and that is why they commenced, because we offered to provide $1 million at that time to provide the services when they were ready to put them in.

I hope, Mr. Chairman, that I have finally been able to set the record straight on the development of Malvern. I am constantly being reminded that OHC should be banking large tracts of land in order to stabilize land costs. When we do this, however, it seems we are criticized, as in the case of Malvern, for not developing the land immediately. Alternatively, as in the case of our land holdings in the Kitchener-Waterloo area, we are disrupting the orderly planning and development of the entire area. I can only suggest to the hon. members that we cannot have it both ways. We are banking land against future needs and much of this land will not be put into development position for several years. Sir, we have had meetings in which Community Development Consultants Limited took part in the borough of Scarborough—a total of 53 to date, with Metro—

Mr. Trotter: That is the major problem. That is it.

Hon. Mr. Randall: Do not change the subject. You are caught flat-footed.

Meetings with Metropolitan Toronto total 40; with provincial agencies, 25; and with other agencies, such as the railways, Consumers Gas, the Catholic Church, and Bell Telephone, 9, for a total of 127 meetings.

Mr. Chairman, quite often the Opposition asks for information and we try to give it to them, but they do not want to absorb it because they hate to accept the facts of life. The facts of life are that the Malvern planning is only proceeding now because this is the time for it to proceed and not before.

Mr. Lewis: Mr. Chairman, may I ask a question of the Minister? Just one question.

Mrs. M. Renwick: Mr. Chairman, on a point of order, if you will look, having taken over the chair from someone else, listed with the previous Chairman—

Mr. Chairman: I did not get the import of the hon. member's remark.

Mrs. M. Renwick: I was asking the Chairman if he does not have a listing with the previous Chairman for the floor. I was trying to catch the previous Chairman's eye but it was not in my direction whatsoever, so I wish to advise him that I would be rising when the Minister—

Mr. Chairman: I must point out to the hon. member that in committee we have not been using the list system.

Mr. Lewis: Mr. Chairman, it is true that the member for Scarborough Centre is still awaiting a specific answer from the Minister on a question she asked prior to his reading the Malvern statement.

Hon. Mr. Randall: We will get it for you.

Mr. Singer: That was his answer.

Mr. Lewis: No, I think he said quite audibly that he would give that reply and I assume he will. Just before he does, I wanted to ask him one question about the Malvern statement to see if I got it properly.

Without taking issue at this point of the recitation of various press releases we will quote from *Hansard* on Tuesday—and you can quote from your press releases today.

I understand your statement, if you have it in front of you. Did you say that the second stage was being finalized and final details on the first are currently being worked out? Am I right in having heard it that way? That is to

say that as of today, nothing is finalized on the first or second stages?

Hon. Mr. Randall: Second plan. I believe the words were secondary plan—

Mr. Lewis: Are being finalized?

Hon. Mr. Randall: Yes.

Mr. Lewis: Those are the words? I think you then went on to say, "and the final details on the first plan or the first stage, are in the process of completion." I want to be very certain on this. I want to make the same distinction that has been made on other occasions.

Hon. Mr. Randall: What I said was:

> At the present time, the secondary plan of the area is being finalized and concurrently final details of the first stage for development are being completed together with a detailed plan and subdivision.

Mr. Lewis: Right. In other words, nothing has been finalized on the second part of the plan and the other part, the first part, is concurrently in the process of being finalized.

Hon. Mr. Randall: Secondary planning—

Mr. Singer: Pass the buck.

Mr. Lewis: So that the figures you have again given for the number of units in 1970 may be, like all the previous announcements on Malvern, an entire pipe dream. You are simply unable to face this Legislature, Mr. Minister, and say that it is not yet certain, which is what you should be saying. You are still in the process of—

Mr. Singer: He is constitutionally unable to be frank with the Legislature and the people of Ontario.

Mr. Lewis: —an absolutely endless process of completion which has characterized this preposterous project since 1953. No one will be happier than the Legislature as a whole, and particularly I suppose the members from Scarborough, when there are finally some houses on the Malvern land. But it takes an almost unequalled audacity now to give us figures when you precede the figures with your own insertion, in the statement, that the second plan is being finalized and concurrently the final details of the first phase are under consideration.

I do not know what that means to you, but the message to us who have watched Malvern for years is very, very clear.

Hon. Mr. Randall: Mr. Chairman, let me just say to the hon. member that I think he is living under a misapprehension. I know that you are an authority on everything, from the home of blind mice to the sex life of an ant, but let me just suggest to you—

Hon. Mr. Grossman: What is the sex life of an ant?

Interjections by hon. members.

Hon. Mr. Randall: You are what I call a computer with a hemorrhage of bloody know-it-all!

Interjections by hon. members.

Mr. Lewis: Do you think you are speaking to a Rotary club? Come back to earth! I quoted your statement accurately.

Hon. Mr. Grossman: You quoted it out of context.

Hon. Mr. Randall: You know what second planning is? Second planning means an area planned for the whole area.

Mr. Lewis: Right.

Hon. Mr. Randall: Then you come in with your phrases, subdivision one, subdivision two, and you have not said that. You have left the impression that there are two plans, the first phase and the second phase.

Mr. Lewis: No.

Hon. Mr. Randall: Oh, yes you have. Let me tell you the secondary planning applies to the whole area, then the subdivision plans commence phase one, two, three, four, five, and you know it.

Interjections by hon. members.

Mr. Chairman: Order please; order please!

I would like a brief pause to introduce some very important and distinguished visitors with us this morning.

We have with us this morning two very distinguished visitors. We have the hon. Senator P. Govindan who is Speaker of the Madras legislative assembly, also with him is the second secretary, commercial, of the Indian High Commission in Ottawa, Mr. K. P. P. Pallai.

The hon. member for Scarborough West was, I think, just finishing.

Mr. Lewis: I will accede to the member for Downsview. He will have lots of time.

I still want to comprehend, in my own hemorrhaging way, what it is that the Minister is trying to convey. I listened carefully to the statement he read and as I heard it nothing was final. Everything, as in all such matters, was nearly final.

Mr. Chairman, you will perhaps forgive us for pressing this point. You will recall that this is one Minister who categorically asserted, with finality, that he had acquired land on October 13, 1967, when no land had been acquired. We therefore necessarily view with certain skepticism when he says it is quite final. That may mean, on a comparative basis, that it has not yet been contemplated.

I want to suggest to you sir, on the basis of the Minister's statement, everything is still imminent in Malvern—Malvern, the most breathtaking pregnancy in the history of this entire province. One might wonder then, Mr. Chairman, why the Minister says so categorically how many units there will be.

If the Minister came into the House and said: "Negotiations are proceeding. We feel rather more hopeful than we did. It would appear that within the next year or two, there is a good possibility of X number of units going up, the various stages are under discussion. Just last week, we met with—"

Hon. Mr. Randall: You do not listen.

Mr. Lewis: But none of that. All we get is that consortium of verbiage. "Almost final" and "nearly final" and it never means anything. Now I do not know whether I did not grasp it but that is what came through to me.

Hon. Mr. Randall: That is what you call oratorical circumlocution.

Mr. Singer: Mr. Chairman, I thought that effort which the Minister just put forward was worthy of what has happened in the past. Let us get back through the history and let us examine just a few of the things that were omitted from this.

I was first elected to this Legislature in 1959 and every year, since that time, I have asked first "leaping Robert Macaulay" and now "verbiage Stan" what is happening in Malvern.

Fascinatingly enough, in that long history of events and pronouncements from Gardiner and Kolmay and Campbell and others; no mention, even once, of Macaulay.

Hon. Mr. Randall: Do not ignore them.

Mr. Singer: No mention once of Macaulay or Randall. What happened to the great crescendoes that were built up in 1963? Macaulay was telling everybody: "You return the Tories and we are going to have houses at Malvern, immediately after the election is over".

Now the scale comes from 1963 to 1967, Randall comes in and takes over. What happens then? On the eve of the election we got the pronouncements there and they are in *Hansard* too. There were going to be houses in Malvern immediately after 1967.

Well now today, in this great long statement, we are off. "What is the rush and what is the hurry?" and "Campbell is obstructing us and there are not any services," and on and on. Surely, Mr. Chairman, even the most obtuse Minister if he was going to be frank with the people of Ontario, would recognize that the problem of putting houses on those 1,600 acres is "How do we get services to them?" The problem for anyone who has any knowledge about Metropolitan Toronto is, how a municipality like Scarborough is going to allocate its capital dollars. And surely we must know, Mr. Chairman, that Scarborough had a limit on capital dollars.

We brought about Metro so that Scarborough, Etobicoke and North York could have more capital funds available to them to allow development. Now here we have 1,600 acres of publicly owned land and a municipalty that is unable to provide the capital financing to provide the services. What have we been talking about in this Legislature, year after year—where you have publicly owned land then surely there is a public responsibility to provide the money to put the services in the ground?

Nobody who ever sat on the Scarborough council would have said nay to you if you had come to them and said, "We, the province of Ontario, will finance water and sewers and road, so that we can get ahead and break the housing market, break it wide open, because we have got 1,600 acres of publicly owned land. We can put houses on them and supply services and we will break the bottleneck". But that is not what you did. You only talked about it as being an important issue before an election. You gave misinformation before an election. Macaulay gave misinformation before an election and now you come here and say it is not your fault, it was all poor old Ab Campbell's fault and if it was not his fault it was Fred Gardiner's fault and if it was not his fault it was Elie Kolmay's fault. Anybody but us, anybody except the government of the Province of Ontario who have the basic responsibility.

Mr. Singer: Mr. Chairman, it is so obvious why the people of Ontario can no longer have any confidence in this Minister, who believes that words will replace actions, who thinks he can build houses by newspaper headlines, and not put them in the ground; who puts the provincial money into a place like Bramalea, buys lots at $6,000 each and then sells them to the people who need houses at $9,000 each. This is the Minister who has 1,600 acres of land in Metropolitan Toronto—

Hon. Mr. Grossman: May I ask the member a question?

Mr. Singer: When I am through, the Minister can ask a question. Sixteen hundred acres of land in Metropolitan Toronto could be used to provide housing, could be used to control the cost of land. What does he do? He reads us a five-page speech blaming everybody else but himself.

Mr. Chairman, no one really pays any attention to the college boy quips—not college, high-school—quips that come from this Minister, because it is time, Mr. Chairman, that we had someone with that responsibility in government who has some knowledge of what he is doing and what he is saying; not someone who produces a statement and then says: "This is it", but someone who will tell us why there are no houses on Malvern; and he has not told us.

He knows that there is money available to provide services if the government wanted to provide them. He knows there are no houses there. He knows that before every election he and his colleagues and his predecessors have said: "Houses on Malvern if you elect us". We caught him last night. We caught on Malvern again and this bit about Harbour City is part of the same thing.

Mr. Chairman, this Minister is a disgrace and he must go. There is just no rhyme or reason for the constant nonsense that emanates from him and his predecessors and from his department in regard to his abysmal failure. All he does is try to fool the public and really there is just no word or series of words available to describe his ineptness.

Hon. Mr. Grossman: Mr. Chairman, may I ask the hon. member a question? I do not recall the exact circumstances, but the hon. member was a member of the metropolitan council at the time when Malvern was a very current problem.

Mr. MacDonald: Still is.

Hon. Mr. Grossman: May I ask him whether his statement, in fact, that the metropolitan council or Scarborough did not approve of the Malvern development at the time was because of the lack of money for services alone?

It seems to me—and if I am wrong I will admit I am wrong; I am speaking from memory—that actually Scarborough did not want residential housing in there because they did not want to provide schools for the number of youngsters who would come in along with that housing. In other words, it was not just a matter of money for services. Am I correct?

Mr. Singer: I do not really recall whether the Minister is correct or not. I think there was some expression put forward by some people in Scarborough that they were concerned about school costs, but the whole object of this exercise is to put houses on publicly owned land and surely if the government is interested and concerned in providing houses, among services included, are roads, sewers, water mains and schools. Now you cannot have houses without schools.

Hon. Mr. Grossman: The hon. member has not answered my question. He is now oversimplifying.

Mr. Singer: Mr. Chairman, I have not answered his question.

Hon. Mr. Grossman: He is merely saying when you give somebody a tremendous amount of money he can do anything.

Mr. Singer: Mr. Chairman, only one of us can talk at the same time. Surely the hon. Minister should sit down. The hon. Minister is again the only one who attempts to come to the aid of his beleaguered colleague—and Lord knows he needs aid—and he is not doing it very effectively.

Mr. Chairman, to return to the absolute basic point: if the government of Ontario wanted to produce houses on Malvern all they had to do was to make the money available for the services that were required in that municipality, and from now until Doomsday you cannot change that fact. You have cheap land available, you have the cheapest land available and I suggest, Mr. Chairman, that there is no desire to do it over there because this Minister wants to protect the housing market. He wants to protect the cost of land. He is not going to go in and disturb the cost of land. If you put 1,600 acres of government-owned land on the market and attempt to reduce the bottleneck, what is going to happen to all the people who have land that has become inflated in value?

And you certainly did not disturb land values in Bramalea when you made a 50 per cent profit on each lot that you sold, and that is why you have held the thing. That is why you have held these 1,600 acres and that is why you have not moved, and no five-page statements about what Campbell said, or Gardiner said or Kolmay said, can change this one iota.

The Minister won't move because he is protecting somebody; he is protecting people who want to make profits on land and that is why we have not got houses on 1,600 acres.

Hon. Mr. Grossman: That is shameful.

Mr. Chairman: The hon. member for Oshawa is on his feet.

Mr. C. G. Pilkey (Oshawa): Mr. Chairman, I have listened for some hours to this debate and I want to say at the outset that I thought my colleague from Scarborough Centre was a little benevolent in saying that she felt that the Minister was interested in helping.

Mrs. M. Renwick: I have changed my mind in the last 20 minutes.

Mr. Pilkey: In my opinion, the results of this Minister's endeavours in providing houses indicate that he has no real concern for housing in this province.

Hon. Mr. Grossman: All according to plan.

Mr. Pilkey: Let me tell you what I sense in this House: that every time the Opposition gets just about to base or to home plate, this Minister, or one of his colleagues, trots out a red herring. Let me tell you some of the things that have been said in the last couple of days.

They talk about state ownership, socialism, communism; they have brought in an NDP cell and engineering; and then to top it off, they bring in Mr. Bennett as an illustration to head off any meaningful discussion, Schreyer's name has been mentioned. I want to suggest to the Minister that all of these things are irrelevant to the real issue that has emerged in this debate in this Minister's estimates, and there have been a great many things discussed.

Hon. Mr. Grossman: Talking about going after American funds; the NDP leader of Manitoba is going after American money.

Mr. MacDonald: Another red herring!

Hon. Mr. Randall: You brought it up.

Mr. Pilkey: It reminds me of a story that was told at a conference I attended some time ago. The speaker of the day got up and pointed out that if you do not want to get anything done, or somebody wants to shirk his responsibility, if you are behind the iron curtain start to yell: "Capitalism", and if you are on this side of the curtain, start to yell: "Communism", and that will kill it, because they do not want to do anything anyway.

Hon. Mr. Grossman: You can do better than that.

Mr. Lewis: That is exactly what has been done.

Mr. Pilkey: It is exactly what has been done, and you just do not want to hear the truth.

Mr. MacDonald: Another revelation of your bankruptcy.

Mr. Pilkey: Exactly, and I want to point out to the Minister that this party, and I am sure the whole of the Opposition will not be diverted or sidetracked from the central issues because you raise these red herrings.

I recall the 1967 election, and this Minister did get a number of headlines in the paper and indicated that they had all the solutions to the housing problems. They recognized that there was a problem and they had the solution, and all they needed to do was re-elect a Tory government and all of those problems would be resolved. Well, that was two years ago.

Hon. Mr. Randall: That was what Douglas told them for 17 years.

Mr. Lewis: Here we go again, another red herring.

Mr. Pilkey: Exactly, another red herring.

Mr. P. D. Lawlor (Lakeshore): Do not get caught in the net; keep going, keep going!

Mr. Pilkey: But you see what has happened since 1967. The housing shortage or crisis has become more critical. It is all right for the Minister to stand up and say that 93 per cent of the public housing in Canada has been built in Ontario, but why not relate that percentage to the total need for housing in this province, and then see what kind of a percentage we get?

This Minister pointed out—and my colleague from Scarborough West made reference to it—when he was speaking in Los Angeles, when he was pointing out that this

province has seven million people, I think it was, living in affluence.

I have to agree that we are living in the most affluent province in the Dominion of Canada, and we have developed more technological knowhow than any of the other provinces. Yet we have not been able to solve the social crisis in housing, regardless of all of the affluence that you talk about.

The Minister also stated that it was the NDP's policy to provide public housing, but this was not going to be the policy of your department. Well, I just happen to think that the Opposition have enunciated a programme and policy during this debate that would go a great deal of the way to resolving the problems we have.

Let me say to the Minister, just the other day a young couple in the town of Whitby who were paying $125 a month found a padlock on their door, not because they were not paying their rent, but because they were unable to find alternative accommodation, and the landlord kicked them out. A padlock on the door!

And to show how the people are being exploited, this landlord allowed them to stay an additional week and charged them $40 for that specific week.

There is no question that the social and environmental conditions that people have to live in are contributing to family discord and breakdown. There is no question about that. And this is a critical thing. The whole question of housing is responsible for many of the family breakdowns and discords happening in this province.

I recall when the trade union movement was talking about wage parity in this province and many of the Tories and their supporters started to scream blue ruin if wage parity ever came to this country.

Well let me tell you what has happened. Wage parity has come to many of the workers of this province, and yet those same workers who have been able to achieve that kind of a goal cannot qualify for a national housing loan in this province, and are denied the right to purchase a home; denied the right to provide themselves with a proper living environment.

Mrs. M. Renwick: Ninety-three per cent of the people cannot afford it.

Mr. E. Sargent (Grey-Bruce): I cannot hear, speak up.

Mr. Pilkey: This Minister really has not done too much to provide a means for people to purchase homes. He has imported more poverty than any other Minister on that side of the House.

Hon. Mr. Randall: Does the member want General Motors to close up and go home? It is a branch plant of an American company.

Mr. Pilkey: At least General Motors are paying a wage much higher than some of the plants the Minister has brought in here recently, make no mistake about that.

Hon. Mr. Randall: They are American, according to the member's friend.

Mr. Pilkey: Some of the plants the Minister has brought in are paying the minimum wage, and he knows it—$1.30 an hour.

Hon. Mr. Randall: Tell your friend over there. They are sucking all the money out of the country.

Mr. Pilkey: Let me say also—and the Minister raised this question the other day about Ontario Place—I want to make a comment on that. I want to give you my position.

It is that you are spending something like $13 million, that is the estimate. I am sure in the final analysis it is going to be much higher than that when it is completed, if we use that science building to relate the cost in terms of where it started and where it ended.

I want to suggest that your priorities are badly out of focus. If you are going to build the Ontario Place and not meet this housing crisis, there will be trouble here in the province of Ontario. Your priorities are badly out of focus.

Hon. Mr. Randall: Ontario Place is the first phase.

Mr. Pilkey: And, you know, the other comment the Minister has made it that the whole problem in housing in Ontario is the question of money. This is what he said. He was quoted the other day in the press—another one of his announcements that really has no meaning whatsoever—and he said that the crisis is really money.

We look back to 20 years ago and I would like to relate this whole housing crisis to an emergency that is related to war.

When we want to purchase the weapons of destruction, the governments in the so called free world seem to be able to find the money for weapons. But when we have to find money for the social needs of the people of this world, it cannot be found. That is the whole situation in various types of Tory governments that exist, and not just in Ontario.

They seem to be able to find the money in those crises.

Surely, the housing crisis in the province of Ontario has reduced itself to a war-time emergency.

I want to suggest to this Minister that we have to place this whole problem as one of the highest priority items, and that this government has to quit building houses by headlines and slogans, because it really adds up to nothing. I want to suggest to the Minister that if we are really going to make his slogans meaningful, "a province of opportunity", "a place to stand", then we have to provide adequate living environment for the great numbers that are denied it in this province.

I think that really is what it is all about, that we have got to provide the resources for those people who want to become homeowners, and we have to provide rental accommodation that people can afford in a very meaningful sense.

Just the other day I was talking to the administrator for the Oshawa development. I want to say in this regard that there is public housing being built in Oshawa, and badly needed housing, and I want to commend the Minister for that. But I was told that every day there are at least a dozen critical situations and if we compound that kind of a situation right across this province, then I think we can understand the magnitude of the problem.

So I want to urge upon this Minister that he ought to entertain in a meaningful way, some of the suggestions that have come from this side of the House. I want to remind him that all of the brain power in this Legislature is not over there. There happens to be some on this side. You may not want to recognize it, but there is some on this side of the House. I think you ought to sit down and entertain some of the programmes and policies that have been enunciated. Because if you do that and follow them out to a logical conclusion, I am confident that many of the people can be provided with the kind of living environment that is so necessary for those that have been denied it at this point in time.

Mr. Singer: Mr. Chairman, I would like to supplement my remarks of a few moments ago. I commented that in the long and carefully prepared statement that the Minister read to the House to set the record straight, the noticeable omissions were quotations from two gentlemen, one named Macaulay, and the other named Randall.

Now, in the last couple of minutes I have been looking at *Hansard*, and let me refer you to page 198 of *Hansard* dated February 3, 1967, when the Minister was being asked a question by the member for Scarborough West. It was a four-part question, and part four by the member for Scarborough West was this:

> Is the Minister absolutely confident that construction will start in the spring of 1968?

That is in Malvern. That was the year before the year of the election, you remember that?

Now the answer to this, and this is the Minister talking, is:

> On the basis of the preliminary information received, and providing we receive the full co-operation of the other three levels of government, which we have in the past, it is possible to have construction commence in the spring of 1968.

Does that not get to you?

> The actual priority of development by area will, to a large extent, depend on the findings of the engineers in the feasibility study.

Well there you are, Mr. Chairman. That is one of the things he did not put in. The debate waxed fairly heavy in April, 1967, and Mr. Bryden, who was a member at that time, brought to the attention of the House, and it is recorded on page 2063, these facts:

> Mr. Chairman, just to understand the extent of the hoax that was perpetrated on the people of Ontario I want to read a few paragraphs from a story that appeared in the Toronto *Telegram* on January 13, 1967.

And this is what Mr. Bryden reads. The Provincial Treasurer (Mr. MacNaughton) interjected something there, really not very important. Mr. Bryden goes on to say:

> Certainly the Minister did nothing to correct it—

And the Minister is this Minister—

> —the totally false information appearing here. Let us look at some of it.

And then he quotes from the *Telegram* of that date:

> Canada's largest housing project for 10,000 families, estimated to be more than 30,000 people in an area twice the size of Don Mills, is being developed by the Ontario Housing Corporation for northern Scarborough. Incidentally the headline should also be read—a large headline as you can see—"Go-ahead for 30,000 town in Scarborough," and "The Malvern town project will have about 2,000 public housing units."

Well, the Minister, as the debate waxed on, said: "I do not know who could possibly have said that, I was out of the country". Then Mr. Suters got into the act and he said: "Well, let us be a little careful". But nobody bothered to deny it.

So every year there is something, and this is just in three minutes research in looking up *Hansard*. And, as I say, the crescendo builds up in election year, in looking up *Hansard*. Here it is again. How can anyone,

Mr. Chairman, have any faith in any statement made by this Minister?

Hon. Mr. Randall: You are just scraping the bottom of the barrel.

Mr. Singer: I am quoting your words and that is certainly scraping the bottom of the barrel.

Mr. Chairman: The hon. member for Parkdale was trying to get the floor when the hon. member for Oshawa rose.

Mr. Trotter: Mr. Chairman, when the hon. Minister of Correctional Services interjected himself into the debate again today in regard to what Metro council may—

Hon. Mr. Grossman: Do you have any objections?

Mr. Trotter: —as to what the hon. member for Dowsnview may have done when he was on Metro and what the situation was back in 1950, he touched on what really is the keystone of the housing situation in Ontario.

The hon. Minister of Correctional Services said that he thought at that time that one of the main reasons why Scarborough was not interested in having Malvern developed was because of the cost of education. That may have been. I do not know if that was the circumstances of that time. There is no question in my mind that that is one of their major concerns over the last few years.

It is a major concern in the township of Vaughan, and in the township of Pickering—that is the cost of education. If they start to develop large housing subdivisions in these particular areas, the local townships, and the local borough in the case of Scarborough, know they cannot pay the cost of education beside the cost of the sewers that must go in.

So I say to the hon. Minister, through you, Mr. Chairman, what I said at the beginning of my remarks when this vote first came up, that unless the province will assume at least 80 per cent of the cost of education, unless the province will take over the responsibility through the Ontario Water Resources Commission for the major cost of your trunk sewer line, you are never going to get at the heart of the housing situation in the province.

I repeat to you, we are desperate for land, for housing, and we are talking about the high cost of land. We have the ridiculous situation of 80,000 acres in the township of Pickering, yet the Ontario Municipal Board will permit 100 residential permits per year because of the financial mess they are in in the township of Pickering mainly over the cost of education.

I am glad, Mr. Chairman, that the hon. Minister of Correctional Services mentioned that problem of education, because whatever the situation was in 1953, there is no question today that this is the major concern. As much as we may think condominiums and subsidized housing, as much as we realize the supplement for rents is important—all these things are of concern—there is no one single answer to the housing problem. But one of the key matters, in fact the keystone, is your cost of education, your supply of local services, and in that I include transport.

Unless this Minister reaches a solution to these problems with other members in the government, you are wasting your time. You will continue to have the disgraceful situation that you have in Malvern. We have in this area approximately 15,000 applications for low rental housing from your own survey. We know that a large proportion of those people who need low rental housing want it in Scarborough, in this very general area, and you are only going to relieve the pressure for low rental for subsidized housing if you supply relatively inexpensive housing of all kinds whether it be the condominiums or single family dwellings.

But again I appeal to the Minister, there are no overall programmes of this government that will come to the rescue of what is a very major housing crisis in this province.

Hon. Mr. Grossman: Mr. Chairman, I would not want the hon. member to feel that I did not appreciate the fact that the result of my comments would not produce that argument. Well, of course, that is one of the hangups, let the province take over the cost of education.

Of course, that is an oversimplification that a member of the Opposition can always make. You can take over the cost of education, but you cannot take it over in a section of Metropolitan Toronto without having to do this all across the province.

The hon. Minister of Trade and Development already mentioned that he was prepared to pay $1 million and something toward the development there. They would then be asked take over the cost of transportation, which was also mentioned, and which I presume would mean the TTC in Metropolitan Toronto. There are implications to this which a member of the Opposition either does not appreciate, does not understand, or more than likely, understands but

prefers not to deal with it. The ultimate effect of all this would be the elimination of the municipalities as viable units.

Interjections by hon. members.

Mr. Chairman: The hon. member for Scarborough Centre.

Mrs. M. Renwick: Mr. Chairman, I would like to address my remarks to the hon. Minister of Trade and Development and I would say firstly that whether the Minister did not wish to, or was not able to answer as to the number of acres of land assembled—I will not permit an interruption, Mr. Chairman, by the—

Interjections by hon. members.

Mrs. M. Renwick: When the Minister chose the subject of Malvern as a substitute, he clearly showed that he was not able as a housing Minister for the province of Ontario, because the subject of Malvern was certainly a very poor choice at best.

Interjections by hon. members.

Mrs. M. Renwick: I hope, Mr. Chairman, that the hon. Minister does not want to wake up one morning and find that he is Minister of Housing and someone else is Minister of Trade and Development.

Hon. Mr. Randall: It would not worry me.

Mrs. M. Renwick: I say to the Minister that we, as members of the Legislature, responsible to our constituents for the serious problem of housing, find it a real farce to come here this morning and have the Ontario Housing Corporation staff answering our questions when this government has members who have the responsibility of the portfolio. If we as legislators are to deal with Mr. Suters from the Ontario Housing Corporation, then let this Minister resign his seat in Don Mills and run Mr. Suters, because we do not have access to the person really running the Ontario Housing Corporation.

Interjections by hon. members.

Mrs. M. Renwick: I would ask the Minister to answer this when the committee of the House sits again. We have one access to the Ontario Housing Corporation. Are we able to go there? Are we able to ask questions, get files, see what happens? We have a housing problem in Ontario of magnitude, but it is being handled as a sideline by a very busy Minister. We have had one opportunity a year to come before the commission in the committee on public commissions. In other years that has been a cursory visit because there was no report from the Ontario Housing Corporation to delve into. This year we had several meetings with that commission; we have a series of unanswered questions from that commission at the present time. Does the Minister have the answers from the chairman, at least the questions presented to the chairman—the hon. member for Simcoe East (Mr. G. E. Smith), does the Minister have those answers today?

I would like to say, Mr. Chairman, that when the hon. Prime Minister (Mr. Robarts) is away from this Legislature, it is noticeable to us in the Opposition. The store was minded this morning by the hon. Minister of Trade and Development and the hon. Minister of Correctional Services.

An hon. member: A good combination.

Mrs. M. Renwick: The hon. Minister of Agriculture and Food (Mr. Stewart) was engaged in conversation with the member for Hamilton Mountain (Mr. J. R. Smith) and there were 12 backbenchers in the chamber. We do not have a government interested in housing, we do not have a Cabinet interested in housing, we do not have a housing Ministry for what is a national crisis.

The Prime Minister's assistant, Mr. Keith Reynolds, came in for two moments a minute ago. We now have the House leader, the Provincial Secretary (Mr. Welch), in his seat. He came in to the assembly, I believe, about 20 minutes ago. The member for Armourdale (Mr. Carton), who is quite interested in housing, came in later. The 12 backbenchers who are here do not face a housing crisis, except the Metro members. The member from Rosedale has a crisis in the bottom end of his riding. The backbenchers—

Mr. Chairman: Order, please!

We are debating the estimates, a motion on the estimates.

Mrs. M. Renwick: All right, I would say—

An hon. member: On a point of order, Mr. Chairman: My point of order is that the Prime Minister thinks that 49 to one is pretty good odds on our side of the House.

Mrs. M. Renwick: Mr. Chairman, I do not even like to address the Prime Minister in his absence, but in his absence I would send felicitations for his knee injury, and I would ask him seriously to consider giving the people of Ontario, if not for the members in the Opposition, a housing ministry. And I

would hope even though the hon. Prime Minister is absent this morning that he would see fit to comment.

The Minister did not think it necessary that he had to vote against the housing committee in the beginning of the session when I presented that proposition to his government. I would think after reading the debates this week, the Prime Minister perhaps will have changed his mind.

Now, Mr. Chairman, we cannot go on for days like this having papers handed to the hon. Minister of Trade and Development with answers on housing. We cannot waste time in this fashion, and that is the simple fact.

I would say to the Cabinet of the government of Ontario, give us a housing ministry. There are many able members. I could suggest—the member for Armourdale, the member for Carleton (Mr. W. E. Johnston), the Minister without Portfolio (Mr. A. B. R. Lawrence). This is being dabbled in as a sideline.

When I said the Minister was interested in housing, I think what I should have said was that the Minister could be interested in housing because he is an able Minister. That is what I was trying to get across.

Hon. Mr. Randall: I was beginning to wonder.

Mrs. M. Renwick: The hon. Minister says he was beginning to wonder.

Hon. R. S. Welch (Provincial Secretary): Mr. Chairman, I would like to move that the committee rise and report.

Mr. Lewis: Mr. Chairman, on a point of personal privilege before the House rises. It may be a point of order, and given the scrupulous credibility of the Minister I would not wish to cast doubt upon it, but I would like to raise the point, Mr. Chairman, that the House was seriously misled at the beginning of this debate. There is an item on page 8 of the Toronto *Daily Star* today which reads, as a headline, "Little chance seen for building society law."

In the item it suggests that an official of Finance Minister Edgar Benson's office said yesterday, "No request has been received for a change in the law and any change of this sort would involve breaking new ground." The story makes it explicitly clear that there is really no possibility of having a building society constitutional amendment in any time or of any kind which would allow us to raise money that way to finance housing.

The Minister, I have no doubt in my mind, knew that before he made his categorical assertion that that was the way he would seek out funds. So that yet again, on yet another ground, he is discredited.

Hon. Mr. Randall: That is an assumption, Mr. Chairman, not a point of order. I did not know what was in the *Daily Star* this morning. It is a press report and I do not know how authentic it is.

Mr. Lewis: It has been quoted.

Hon. Mr. Randall: But for your information, I sent the suggestion to the Minister of the federal government, who said he would discuss it with the Prime Minister and also with the Minister of Finance. When I had an opportunity to talk to the Prime Minister at the Exhibition, I mentioned what I had done and he said, "We will have a look at it."

Now, insofar as the report is concerned, I cannot—

Mr. Singer: Nice place to have a conference.

Hon. Mr. Randall: —speak for the federal government, but my intentions are to do all I can to find a mortgage arrangement. Whether it be building societies, or savings and loans companies, we are going to have to have it. I have said it all through this debate, and I do not back up for one moment.

Mr. Lewis: You have avoided every opportunity.

Hon. Mr. Welch moves that the committee rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, when we resume we will carry on with the estimates of this department, to be followed by the estimates of the Minister of Justice (Mr. Wishart) and then the Minister of Lands Forests (Mr. Brunelle).

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1.05 o'clock, p.m.

No. 180

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, October 14, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, October 14, 1969

Facilities for handicapped in all public buildings, statement by Mr. Simonett 6979

CBC network programme, "Man at Work," questions to Mr. Kerr, Mr. Nixon 6980

Toronto International Airport location study, questions to Mr. Haskett, Mr. MacDonald 6980

Co-ordination of Toronto waterfront development, questions to Mr. Randall, Mr. MacDonald 6981

Tabling annual report, OWRC, Mr. Kerr 6981

Offshore drilling in Lake Huron, questions to Mr. Kerr, Mr. Bullbrook 6981

Food services to members' dining room, questions to Mr. Simonett, Mr. De Monte 6982

Hunting and fishing licences in Essex County, questions to Mr. Brunelle, Mr. Burr 6982

New process to reduce pollution in pulp making, question to Mr. Kerr, Mr. Paterson 6982

Hunting in Durham conservation area, questions to Mr. Kerr, Mr. Paterson 6982

Control of air pollution from aircraft, questions to Mr. Kerr, Mr. Trotter 6983

Secret computerized pollution detector, question to Mr. Kerr, Mr. Trotter 6983

Construction of garbage compactor rooms, questions to Mr. Randall, Mr. Trotter 6983

Acceptance by doctors of OHSIP rates as full payment, questions to Mr. Wells, Mr. Nixon 6984

Queen Street mental health centre, question to Mr. Wells, Mr. MacDonald 6985

Community wells recently drilled in Armstrong, questions to Mr. Wells, Mr. Stokes 6985

Percentage of doctors billing extra 10 per cent, questions to Mr. Wells, Mr. Burr 6985

Quota systems in use by police forces, question to Mr. Wishart, Mr. Pitman 6986

Brantford police force, questions to Mr. Wishart, Mr. Makarchuk 6986

"Embarrassing" conflicts in film censoring, questions to Mr. Auld, Mr. Trotter 6986

Request for quotations by the OWRC, questions to Mr. Kerr, Mr. Shulman 6987

Estimates, Department of Trade and Development, Mr. Randall, continued 6987

Recess, 6 o'clock 7021

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, OCTOBER 14, 1969

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: Our guests today are students from the Gravenhurst High School of Gravenhurst, in the west gallery. Also today to my right we have with us Mr. G. K. Langford, QC, the managing director of the Canadian Paraplegic Association, and Mr. A. C. Clerk, the assistant managing director of the Canadian Paraplegic Association.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

The hon. Minister of Public Works.

Hon. J. R. Simonett (Minister of Public Works): Mr. Speaker, I am pleased to take the opportunity to advise the House today that during the next session of the Legislature, it is the intention of this government to introduce legislation which will ensure that facilities for the handicapped are provided in all public buildings.

May I state that supplement no. 7 of the National Building Code, published in 1965, deals with the minimum standards for the handicapped, in maintaining entrances and exits for public buildings, including standards for washroom facilities, hallways, doorways, and so on. It is our intention that legislation will provide similar facilities for the handicapped in all public buildings in Ontario.

My department has been aware of this problem for some time. We have provided special facilities for handicapped persons in some of our recently constructed building projects. As examples, I might mention the Ontario Science Centre, the Frost building, the Macdonald, Hearst and Ferguson blocks in the new Queen's Park development, and Ontario Pavilion, Expo '67. Access is available also to handicapped persons to the legislative building and the Whitney block. These facilities have also been incorporated into the design for Ontario Place.

It is now our intention, through legislation, to ensure that facilities of a similar nature be incorporated into all public buildings constructed in the province of Ontario.

I am sure that my colleague, the hon. Minister of Trade and Development (Mr. Randall), will also ensure that these standards are met, wherever possible, in our public housing developments.

By public buildings, I do not merely mean those buildings constructed by my own department. All public buildings, whether constructed entirely with provincial funds, subsidized by provincial funds, or whether constructed by some other public or municipal authority will be included.

It is also anticipated that the new legislation will require that provision for facilities for handicapped persons be provided in buildings to which the public is invited but which may be privately owned. In this category, I have in mind such buildings as theatres, museums, arenas and sports stadiums.

This matter is receiving some attention, not only in Ontario, but in the other provinces as well. The province of Nova Scotia has already passed the necessary legislation and I believe that similar legislation is now in effect in some of the states in the United States.

From time to time since 1967, officials of my department have met with the management of the Canadian Paraplegic Association in regard to the problems of the handicapped using the facilities of public buildings. It is my understanding that the association has also been in touch with other departments of government with respect to this most urgent matter.

Handicapped persons wish to lead as normal a life as possible. Very often they are prevented from doing so, whether they are seeking employment, education, or looking for recreation, due to their inability to obtain access to particular buildings. We hope that the government's proposal will provide handicapped persons with additional facilities to enjoy a full life.

I am sure that all members of this House will endorse the government's intentions in

this regard and will support the legislation when it is introduced.

Mr. Speaker: The hon. leader of the Opposition has a question of the Minister of Energy and Resources Management.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, I have a question of the Minister of Energy and Resources Management. I thought he was getting ready to make a statement of some sort. I guess he was not.

Can the Minister comment on recent concern regarding long-term, low-level radiation from nuclear power facilities? And will Ontario prescribe its own standards, higher than those of Atomic Energy of Canada Limited?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, I would like to have an opportunity to look at the article which is implied in the hon. member's question. I will have an answer for him this week.

Mr. Nixon: I understand that a copy of that article was made available; is that so?

Hon. Mr. Kerr: Right.

Mr. Nixon: Thank you. I have another question of this Minister: Will the Minister use his good offices to persuade the manager of CKSO-TV, Sudbury, that pollution is a matter of public interest in this heavily polluted area of Ontario, that is, Sudbury, in view of his refusal to carry the CBC network programme, "Danger, Man at Work" as reported by Patrick Scott in the Toronto *Daily Star*?

Hon. Mr. Kerr: I am informed that the CBC programme entitled "Danger, Man at Work", is part of the series "The Nature of Things", as shown on the network from 7.00 p.m. to 8.00 p.m. Wednesday evening. It is apparently not a required network programme for affiliated stations such as CKSO-TV in Sudbury, and the station has chosen not to carry the entire series.

The manager of the television station informed me this morning, however, that if the CBC will provide this particular segment of the series on film, they will gladly show it at some other time.

Mr. Nixon: It is interesting that the matter deals with air pollution and this is the only CBC affiliate, apparently, that has refused to carry it under those circumstances. I welcome what the hon. Minister has been able to achieve.

I have another question for this Minister which he may prefer to put on the order paper. Will the Minister table, at his convenience, the location of any thermo-process phosphoric acid production plants in operation in Ontario, together with a list of the emission abatement devices in use at each facility at a given recent date?

If the Minister would prefer, I can see that that is put on the order paper.

Hon. Mr. Kerr: Yes, thank you.

Mr. Speaker: I wonder if I could have the number of that question? I do not seem to have a copy of it here.

Mr. Nixon: I am sorry, I do not have it on Mr. Speaker's list.

Mr. Speaker: Does the hon. leader of the Opposition have another question?

Mr. Nixon: Not for a Minister who is in the House, Mr. Speaker.

Mr. D. C. MacDonald (York South): My first question is to the House leader:

Has a federal-provincial committee been appointed to undertake a Toronto International Airport location study? If so, who are the provincial members of that committee and what government departments do they represent? What locations are being considered by the committee and when can a report be expected?

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, on receiving this question I contacted my colleague, the Minister of Transport, to whom that question has now been directed. Perhaps he would like to comment on this matter.

Hon. I. Haskett (Minister of Transport): Mr. Speaker, the answers to the three questions are respectively: 1. The undertaking of a Toronto International Airport location study is a federal government responsibility and prerogative, and the final decision rests with them. In order to ensure that the provincial interests will be given every consideration, a liaison committee has been established.

2. All affected government departments are represented on the liaison committee under the chairmanship of the Deputy Minister of Transport. Departments or agencies on that committee include Municipal Affairs, the Prime Minister's Office, Treasury and Economics, Highways, Ontario Water Resources Commission, Energy and Resources Management, and Transport. I might add that the

particular representatives attending any particular meeting may vary depending on the nature of the matters coming up for discussion.

3. Since this is a federal government project ours is a liaison role in a confidential relationship. I would not make any comment with respect to specific matters but would refer the hon. member to the federal Minister of Transport.

Mr. MacDonald: My second question, Mr. Speaker, is to the Minister of Trade and Development:

Will the government move to appoint an appropriate co-ordinating body for all the agencies and jurisdictions involved in the Toronto waterfront development before any further unilateral announcement of plans is made by the Minister?

Hon. S. J. Randall (Minister of Trade and Development): There is little that I can add to the reply which the Prime Minister (Mr. Robarts) gave to a similar question asked by the hon. member on October 2.

The Prime Minister, in his reply, pointed out that there are a great many different organizations and bodies involved in the waterfront situation. As he pointed out, there is continuous consultation and study between people from this government and other bodies involved, but as yet we have come to no conclusions whether another waterfront body is the best answer.

I would point out that all announcements which I have made concerning waterfront development fall within, and are in accord with, the Metro waterfront plan which has been approved, I believe, by the Metro council.

Mr. MacDonald: Mr. Speaker, by way of a supplementary question, will the Minister indicate whether there was any consultation with other agencies that might be involved, for example, in his announcement a week or so ago with regard to Harbour City?

Hon. Mr. Randall: Yes, we have had discussions and dialogue going on for the last year with all officials in these various levels of government that are involved in Harbour City.

Mr. V. M. Singer (Downsview): How about the planners in Metro and the city?

Hon. Mr. Randall: They are in.

Mr. Singer: Why do you not tell them about the plans?

Hon. Mr. Randall: Oh, you do not have the story.

Mr. Singer: No, oh no, you are the only one who knows about these discussions.

Mr. Speaker: Before we proceed with questions, I wonder if the House would grant permission to revert to presenting reports. One of the hon. Ministers has a report to table. Does the hon. Minister wish me to advise the House of the report he has to table?

Hon. Mr. Kerr: Yes, by all means.

Mr. Speaker: The hon. Minister of Energy and Resources Management would like to table the annual report of the OWRC. Is the permission granted?

Hon. Mr. Kerr: I beg leave to table the 13th annual report of the Ontario Water Resources Commission, for the year ending December 31, 1968.

Mr. J. E. Bullbrook (Sarnia): It is part of the democratic process.

Mr. MacDonald: I have a third question, Mr. Speaker, to the Minister. No, I do not have a third question, because the Minister is not here.

Mr. Speaker: The hon. member for Sarnia has a question to the Minister of Energy and Resources Management.

Mr. Bullbrook: Thank you very much, Mr. Speaker.

In view of the fact that on many occasions the people of Sarnia have expressed their concern in connection with oil and gas drilling in Lake Huron, and that it was their understanding they had a firm commitment from the present administration that it would not permit such drilling during its tenure of office, and that the recent statement of the Minister in reply to the hon. member for Sandwich-Riverside (Mr. Burr) reflects some degree of equivocation in this connection, would the Minister allay the fears of the people and advise that a commitment does exist that there will be no such drilling during this administration's term of office, short as it may be?

Hon. Mr. Kerr: Mr. Speaker, as I told the hon. member for Lambton (Mr. Henderson) this morning, there is no change whatsoever in the previously announced government policy of regarding off-shore drilling, and nothing to substantiate the allegations in

the October 10 London *Free Press* article that drilling will be extended to Lake Huron or any other lake.

My reply of October 9 to a question from the hon. member for Sandwich-Riverside included:

> Our policy respecting drilling will be re-examined in the light of the findings of the International Joint Commission.

This means that present drilling operations might be curtailed or stopped on Lake Erie. It did not imply in any way that the findings of the IJC may mean extension of drilling in other lakes, and the article gives a completely erroneous interpretation to this effect.

Mr. Bullbrook: Mr. Speaker, by way of a supplementary question—if I can form the question—I very much appreciate the comments made by the hon. Minister, but I do not know what the member for Lambton has to do with this matter.

Hon. Mr. Kerr: Mr. Speaker, I just mention this because the hon. member for Lambton met me as I came into the office this morning and I told him exactly what I have now told the hon. member.

Mr. Bullbrook: I would like the Minister to know that I would have met him Friday.

Mr. Speaker: The hon. member for Dovercourt.

Mr. D. M. De Monte (Dovercourt): I have a question for the Minister of Public Works.

In view of the fact that the contract with the civil service association for the supply of food and other services for the members' dining room has expired, what other arrangements have been made, with whom has the Minister contracted, and what are the details of the contract?

Hon. Mr. Simonett: Mr. Speaker, the contract with the civil service association to supply food services to the members' dining room was terminated at the end of this month. Arrangements have been made with J. & J. Dineley Limited to take over the service as of November 1, 1969. Contract documents are now being finalized. The contract will be similar to that now in force with the civil service association.

Mr. De Monte: By way of supplementary, Mr. Speaker, who is J. & J. Dining Limited?

Hon. Mr. Simonett: Dineley.

Mr. De Monte: D-i-n-l-e-y?

Hon. Mr. Simonett: D-i-n-e-l-e-y.

Mr. De Monte: Who is that, Mr. Speaker?

Hon. Mr. Simonett: Mr. Dineley, Senior, has been in charge of the food operation here for the civil service for 13 years. The other J. Dineley is his son, who has been associated with him for the last several years.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): A question for the Minister of Lands and Forests.

Why is it almost impossible for issuers of hunting and fishing licences in Essex county to receive an adequate supply of licences even when requisitioned months in advance?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in reply to the hon. member for Sandwich-Riverside, I have no knowledge that licence issuers in his area are not receiving an adequate supply of licences. If the hon. member would give me the names and addresses of those issuers I would be pleased to look into the matter.

Mr. Burr: Thank you. Would the Minister be willing to test his service with a sample today?

Mr. Speaker: The hon. member for Essex South.

Mr. D. A. Paterson (Essex South): Sir, I have a question of the Minister of Energy and Resources Management.

Is the Minister investigating the new process to reduce pollution in the pulp making processes being planned by Nitracell Canada Limited, to determine if it can be used in Ontario?

Hon. Mr. Kerr: Mr. Speaker, the question seems to refer to a news item concerning a new process being planned by Nitracell Canada Limited for installation in a British Columbia plant. We understand that this is essentially a pulp making process, not a pollution reducing system. The commission will request information from the company and will investigate any pollution reduction claims.

Mr. Paterson: Mr. Speaker, I have a further question of the Minister. In what circumstances did hunting take place in the Durham conservation area, Grey county, yesterday, Monday, October 13, 1969? What form of wildlife was being regulated, and

in accordance with what principles of conservation? Was the hunt authorized under chapter 62, section 17(h), RSO 1960, and, if so, who were the principles involved?

Hon. Mr. Kerr: The Durham conservation area is operated by the Saugeen Valley Conservation Authority. At this season of the year it is not heavily used and no supervisor was on duty on Monday, October 13. Neither the conservation authority nor this department is aware of any hunting taking place on that day. Where conservation authority lands are not heavily used—as, for example, in the authority's forests which are managed by The Department of Lands and Forests—these lands are open to the public for hunting and fishing. The question regarding the principles governing hunting would perhaps be better directed to my colleague, the Minister of Lands and Forests.

Mr. Speaker: The hon. member for High Park had a question.

Mr. M. Shulman (High Park): A question of the Minister of Energy and Resources Management from last week, Mr. Speaker.

Why did the request for a quotation sent out by the Ontario Water Resources Commission on October 7, 1969, reference 60-31509, specify that the product to be purchased must be Smith Corona? Inasmuch as many companies produce identical typewriters, would it not be more economical in future to give the specifications for the machine wanted and so allow various companies to compete?

Hon. Mr. Kerr: I will have to obtain a copy of the information I have regarding this particular question, Mr. Speaker. I will have an answer for the hon. member this week.

Mr. Speaker: The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, I have a question of the Minister of Energy and Resources Management.

What efforts is the Minister taking to force both domestic and foreign airlines landing and taking off from Ontario airports to have their planes equipped with smokeless engines which cut pollution?

Does the Minister favour the approach of private citizens laying individual information?

Hon. Mr. Kerr: Mr. Speaker, as the hon. member knows, the control of air pollution from aircraft is the responsibility of the federal Department of Transport. My department has made representation to the government of Canada with the idea of requiring that all jet aircraft be equipped with smokeless engines. Regarding the second part of your question, we have never discouraged private citizens from laying information on any pollution matter.

Mr. Trotter: By means of supplementary question, I was wondering, Mr. Speaker, if the Minister is aware that in New Jersey, the Department of Health laid a charge, and as result of the charge a settlement was made whereby they are going to change their engines. Surely the Minister has jurisdiction to do that, has he not?

Hon. Mr. Kerr: Yes, to my knowledge, Mr. Speaker, under the air management branch we can lay a charge. However, mainly because of our discussions with The Department of Transport, I want at least to have an opportunity of talking about this problem with Mr. Jamieson. If we are not successful in that regard, charges may be laid by my department.

Mr. Trotter: I have one more question of the Minister of Energy and Resources Management.

Is it true that the provincial government will pay the entire cost of a secret computerized pollution detector, being built for Metro Toronto? Will the detecter be given to Metro or will the government retain ownership? If the government will lose ownership, have provisions been made for borrowing it?

Hon. Mr. Kerr: The government is paying the entire cost of a mathematical model which will simulate air pollution levels in the Metro area. The model will be stored in the government's computers. We will retain ownership. It will be used to determine optimum abatement strategies in the area and to develop answers for municipal agencies in connection with the development of the area and air pollution.

Mr. Trotter: I wonder, Mr. Speaker, if the Minister could tell us what it cost?

Hon. Mr. Kerr: No, I have not that information, I am sorry.

Mr. Trotter: Mr. Speaker, while I am on my feet I have a question of the Minister of Trade and Development.

Why is Ontario Housing Corporation calling tenders for "construction of garbage compactor rooms"?

Are these rooms required, and, if so, what percentage of privately owned apartment and townhouse complexes have them?

If not, why is the Minister planning on installing them in OHC developments? How much does the Minister estimate they will cost?

Hon. Mr. Randall: Ontario Housing Corporation on October 9 and 10, 1969, advertised tenders for the construction of five garbage compactor rooms at Regent Park South, Toronto.

Question 2154 from the hon. member on October 6, 1969, requested what action I intended taking in view of the fact that 80 caretakers at OHC projects in Metropolitan Toronto had refused to operate incinerators because of the danger from exploding aerosol cans deposited in garbage by tenants. My answer at that time indicated that the corporation and the union had agreed upon the use of revised operating procedures for all incinerator systems in Ontario Housing projects in Metro, with the exception of those projects at North Regent Park, South Regent Park and Lawrence Heights.

The incinerator systems in these three projects are flue fed, which means that the garbage is directly deposited in the incinerator system and no control can be maintained over the type of garbage being deposited. Accordingly, the incinerator systems in these three projects are to be converted to the systems at present in use in the majority of privately owned apartment complexes. I also mentioned in my reply that at that time the incinerator systems in these three projects had been shut down until these modifications can be completed.

The estimated cost for the construction of the five garbage compactor rooms at Regent Park South is $36,000. The closing date of the tender is October 16, 1969.

Mr. Speaker: The hon. member for Parkdale had a couple of other questions?

Mr. Trotter: The Ministers are not here, Mr. Speaker.

Mr. Speaker: I notice that the Minister of Health is in. The hon. leader of the Opposition had a question of that Minister.

Mr. Nixon: Yes, for the Minister of Health, Mr. Speaker.

1. In view of the statement of Dr. Bruce Stewart that none of his colleagues at St. Michael's Hospital accept OHSIP rates as full payment for services, does the Minister agree with Dr. Stewart that the OHSIP brochure is misleading when it makes the statement that many doctors accept OHSIP payments as full remuneration?

2. Would the Minister arrange that this matter—not this specific matter but the problem associated with it—which is leading to more and more extra billing, be brought before the standing committee on health to hear members of the medical profession and others?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, in answer to this question—2238—on the first part, I do not agree with Dr. Bruce Stewart that that statement is misleading. The statement is that many doctors accept this rate—90 per cent of the OMA fee schedule—as full payment.

We think that as the plan settles in, many will accept it. Of course we base this experience, Mr. Speaker, on our experience with OMSIP, where 85 to 90 per cent of the doctors billed the plan directly and received their cheques back. While we do not have any statistical information to prove our point, it certainly is quite clear to us because of the level of complaints to both OMSIP and—indeed, to our own members in this House—and from the talks with many of the medical profession, that they accept that this is full payment and we think that this eventually will settle in in our own plan.

Mr. Nixon: Might I ask a supplementary question? It may be impossible to answer, but is the Minister aware of the growing feeling among the medical profession that really they should be pressing for full payment and not accepting 90 per cent?

The Minister may be aware that anaesthetists decided as a profession that they would not accept 90 per cent as full payment. It appears that this thing is growing as a problem from day to day and perhaps some usefulness might be served by having hearings before the standing committee.

Hon. Mr. Wells: As I said, Mr. Speaker, I would be happy to consider this point. I would be interested in knowing whether the hon. leader of the Opposition is suggesting we should pay 100 per cent of the—

Mr. Nixon: I think, Mr. Speaker, since I have been asked the question, I would say that it appears that it is finally going to be the requirement that OHSIP will pay 100 per cent of the cost of medical care, and at the same time undertake some sort of means whereby OHSIP can negotiate with the

doctors and control the fees in the future to a much more specific degree.

Mr. Speaker: The hon. member for York South had a question of the same Minister.

Mr. MacDonald: To the Minister of Health: When will a start be made on the new building at the Queen Street Mental Health Centre?

Hon. Mr. Wells: Mr. Speaker, in answer to this question—2242—under our present scheduling we expect to call tenders for outside services around February, 1970, so that tenders can be called for the rest in June, 1970. After that date, work will begin on the new building.

Mr. Speaker: The hon. member for Thunder Bay has a question also for the same Minister.

Mr. J. E. Stokes (Thunder Bay): Thank you, Mr. Speaker.

Is the Minister aware that recent wells which were drilled in Armstrong are polluted and the water is unfit for consumption?

What plans does The Department of Health have to correct this situation?

Hon. Mr. Wells: In answer to this question, Mr. Speaker—2241—on the recommendation of officials of my department I understand that two wells were dug recently in Armstrong and designated as community wells. One of these proves to be not satisfactory and I understand corrective action was recommended. A provincial public health inspector, of course, supervises these and other wells in Armstrong.

Mr. Stokes: May I ask a supplementary question? Is the Minister aware that both these wells are polluted and there is no source of clear water? What action might he take to relieve this situation?

Hon. Mr. Wells: Mr. Speaker, the information my officials give me is that one of these wells alone was found unsatisfactory. I will be happy to take that information which the hon. member has offered and check into it further.

Mr. Speaker: The hon. member for Sandwich-Riverside has a question for this Minister.

Mr. Burr: Will the Minister determine to what extent the practice of demanding the ten per cent extra billing payment in advance is now prevalent among Ontario surgeons?

Hon. Mr. Wells: Mr. Speaker, in answer to this question—2243—it is impossible for us to determine to what extent this practice is in effect now. We would like to know, as I am sure all hon. members would like to know.

We will be taking steps to find out in the next few weeks, as the plan settles in, and I hope that some time in the future—it will probably take a month or six weeks—we will be able to have at least a preliminary idea of just what percentage of the doctors are in fact billing the extra percentage, and what percentage are not and are accepting OHSIP in full payment.

Mr. Burr: Mr. Speaker, the operative words were "in advance." Would the Minister agree that asking for payment of ten per cent in advance is not in the spirit of the legislation?

Hon. Mr. Wells: Mr. Speaker, the legislation, of course, does not state anything about this matter at all. All it says is that we will pay 90 per cent of the OMA fee schedule that is in effect at this time.

If some doctors appear to have adopted this procedure, I do not agree with it, and I do not think it is in keeping with good medical practice to ask for the percentage in advance. I would hope that not many doctors would do it. But right now, under the legislation, we do not have anything to prevent this and the individual doctor must keep that on his own conscience.

Mr. Burr: I thank the hon. Minister for his statement.

Mr. Speaker: The hon. member for Brantford had a question for this Minister on October 9.

Mr. M. Makarchuk (Brantford): A question of the Minister of Health.

Will the Minister change the pay procedure in psychiatric hospitals so that employees are able to collect their overtime pay at their regular pay periods, like most other citizens in the province, instead of having to wait until the end of the fiscal year?

Hon. Mr. Wells: Mr. Speaker, in answer to that question, with the indulgence of the hon. member, I would like to ask that he direct it to the Provincial Treasurer (Mr. MacNaughton), whose department looks after these administration procedures concerning pay.

Mr. Speaker: That would seem to be all of the questions that I can match up with Ministers and members. Are there any other answers?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I had a question asked by the hon. member for Peterborough on September 30—No. 2027. I should like to reply. I took notice of the question at the time. The question was:

> Has the Attorney General conducted any province-wide investigation into the charges made at the Ontario Police Association convention in Peterborough that policemen who do not reach their quota of parking tickets, summonses and arrests, are in some way intimated by their superiors?

Mr. Speaker, neither I nor my advisors are aware of, nor have we found, any so-called quota systems in current use by police forces in Ontario. We are all aware of the problem and the desirability of traffic law enforcement. This, of itself, requires systems for fair and selective enforcement. By that we mean the police forces patrol our highways on a planned basis to pay particular attention to hazardous driving, hazardous driving practices, dangerous or congested traffic areas, and other special circumstances. This system, by its nature, will lead to a certain rate of charges which may be misconstrued by some persons as a quota.

However, this is not the case. There is no obligation to lay a certain number of charges, but there is a very real obligation to enforce the law in these particular areas because of the high accident rate that has led the police force to focus attention on that area. At the same time, Mr. Speaker, a superior officer may review the diary or records of a police officer to ascertain the nature and effectiveness of the traffic control work he is doing. This could be misconstrued as a search of the so-called quota, which it most definitely is not.

Mr. Speaker, I had a question asked on September 30, No. 2034, by the member for Brantford. The question is quite a long one, in seven parts:

> 1. Why were charges not laid against a Brantford city policeman for alleged break and entry and theft of money from the public utilities office in Brantford in March, 1968?
>
> 2. Were the chief and deputy chief of the Brantford police force aware of the alleged crime?
>
> 3. Was the policeman subsequently dismissed from the Brantford police force?
>
> 4. Was this matter raised with the Ontario Police Commission while it was investigating the functionings of the Brantford police department?
>
> 5. Did the Ontario Police Commission make any specific recommendations regarding this particular case to the board of the Brantford police commissioners?
>
> 6. What were they?
>
> 7. Does the Minister's department plan any further action in this matter?

My answer, Mr. Speaker, is that the Ontario Police Commission was requested by the board of commissioners of police of the city of Brantford to make an investigation into certain allegations made by a Constable Lollie of the Brantford police force. The request was proceeded with; subsequently a report was submitted by the advisors to the Ontario Police Commission and forwarded by the Ontario Police Commission to the board of commissioners at Brantford.

I consider the report to be that of the Brantford board of commissioners of police and of course it is their prerogative to release its contents. If I had directed the investigation, that prerogative would be mine, but this is not the case.

Mr. Speaker, the question presented by the hon. member for Brantford concerns an incident that was contained in this report. I therefore feel it would be improper for me to furnish the details required in the question. However, I do assure the hon. member that any facts relative to the possible enforcement of the criminal law are transmitted to the local Crown attorney so that appropriate action may be taken if necessary and advisable.

Mr. Trotter: Mr. Speaker, the Minister of Tourism and Information is in his seat; may I ask my question? A question of the hon. Minister of Tourism and Information is as follows:

Has the Minister instructed the chief censor to extend an invitation to all Ontario police chiefs or their representatives to attend the special meeting with Metro police officials to avoid further "embarrassing" conflicts in film censoring, in view of the misunderstanding over "Can Heironymus Merkin Ever Forget Mercy Humppe and Find True Happiness?"

Will the Minister report the results of the meeting?

Hon. J. A. C. Auld (Minister of Tourism and Information): I suppose, Mr. Speaker, I could give an answer in a word. The answer is "no". On the other hand, I realize the hon. member is interested in the difficulties that arose a while ago. I think this is a matter really between ourselves, the Attorney General, and perhaps the federal Minister of Justice, inasmuch as they were dealing with the Criminal Code in the charge of obscenity, which I believe was subsequently withdrawn. It certainly, as I said at the time, put the board in a rather embarrassing situation. However, it may well be that there are other factors that bore on the information that was laid at that time.

Mr. Trotter: I was wondering, Mr. Speaker, by way of a supplementary question, in view of the fact that the administration of justice is a provincial matter, would it not be completely in this government's hands and would it not very much concern the Minister's department—because he is in charge of the censor board? I think the Minister is avoiding the issue.

Mr. Nixon: He is the author of any embarrassment.

Hon. Mr. Auld: Mr. Speaker, the hon. member is a lawyer. As I understand it, there is nothing to prevent a private citizen from proceeding under the Criminal Code and going to the Crown attorney. However, as I say, there is a little more to it than the hon. member is mentioning. I can tell him that I am enquiring about this.

Mr. Trotter: Mr. Speaker, this is bound to come up again if the issue is just left wide open. Has the Minister no policy in regard to this matter? It is really going to be quite widespread. I gather the Minister has no policy, is that correct?

Interjections by hon. members.

Mr. Speaker: Are there any other questions of which notice has been taken and for which any of the hon. Ministers now have answers?

Hon. Mr. Kerr: Yes, Mr. Speaker, I have an answer for the hon. member for High Park, number 2230: The request for quotations sent out by the OWRC dated October 7, 1969, reference 60-31509, did not specify that the product must be Smith-Corona. The Smith-Corona reference was used to convey to the 17 suppliers invited to quote the general type and level of quality of equipment required. Clause 3 of the OWRC request for quotation states:

> Quotations shall conform to the specifications as shown, or similar substitute, and must indicate the manufacturer's name and catalogue number with covering literature in duplicate.

The answer to part two: This has been, and is, standard OWRC practice.

Mr. Shulman: Will the Minister accept a supplementary?

Has the Minister seen the quotation form, a copy of which I have?

Hon. Mr. Kerr: Not the particular one to which he is referring, but I would be happy to have a look at it, Mr. Speaker.

Mr. Speaker: Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. A. E. Reuter in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

On vote 2208:

Mr. Chairman: I think we are discussing the amendment moved by the member for Downsview (Mr. Singer) at the present time. Is there any further discussion on the amendment?

Mr. R. Gisborn (Hamilton East): Mr. Chairman, I rise to support the motion by the member for Downsview, which calls for the reduction by $12,000 in the monetary amount of this vote. I do so, at least to place emphasis on the need for a Minister of Housing in this province.

I am sure the Minister could admit at least that the job of looking after the barefoot starving industries through his great industry development section of his department is onerous enough without his trying to do justice to the whole complex situation regarding public housing in the province.

We set relatively high standards across the nation for ourselves and this has been evidenced by the many speeches the Minister has made all over the place in regard specifically to public housing.

I think we have to be progressively aware of our failure to provide adequate accommodation for the many thousands of individuals and families across the province. And regardless of the many flowery speeches of the

Minister, we must consciously admit our failure in providing these kind of accommodations.

We cannot reasonably expect the many elderly people and families, and couples on pensions, to continue to live in the apartments and rooms in the accommodations that still exist in own downtown centre in most of our large and not-so-large cities in this province. We know that they are most inadequate, miserable, dark, unlit and unventilated. We cannot reasonably expect that families will raise children who will escape the circumstances that they have lived through, while forced to live continually in accommodations with less room than they require for decency and comfort.

And this is the nub of the motion and the strong criticism against this department. There is a great need for research in these fields.

We have heard a lot about the problems of people, in regard to public housing in the last few days in this House. Most of it centred in Toronto, and I want to say something about one or two other parts of the province.

I said that these kind of conditions exist in most of our still-remaining downtown areas of our large cities and not-so-large cities. What I meant by that is a little town called Strathroy, where I had the opportunity to meet some people and to climb some stairs into some of the kind of living accommodations I am thinking about. I would like to have had the Minister along with me for four or five days to hear the pleadings of those people about the kind of accommodation they were forced to live in and their economic situation that stops them from getting out into better accommodation.

Now, I do not know what the public housing programme is in Strathroy, but people do not realize that they are only a stone's throw, some 20 miles, from that great, rich, affluent city of London, and I would ask the Minister to send some of his research people up there and match the conditions to some of those that exist in Toronto and Hamilton and Windsor above stores on some of the main streets.

You climb two flights of stairs, you reach what is called the landing, which has four apartments running off it. There are eight children playing on that landing. The apartments range from one to three bedrooms. These are the kind of things we have to pay attention to in this province.

I want to put a proposition to the Minister for his serious consideration, and this regards conditions in Hamilton. We have, in Hamilton, what we might call three separate projects under three separate administrations. We have the Roxborough Park survey that has been there since 1951, and I think it includes something close to 1,100 units. We have the Mohawk Gardens, public housing units on what we call "the mountain." Those houses were moved there shortly after the war. They were originally wartime houses for returning servicemen and they were built at a very low cost, moved to the new locations as a housing project for the unfortunate on welfare and those on sub-standard wages.

I want to relate to the Minister the proposition that we put the three projects under one administration—at the present time they are under three—we put them under one administration and we stop this political appointment of housing authority members. Then we have the housing authority made up of citizens, labour, government, city council and the tenants, and we also allow the establishment of recognized tenants' committees, so that they can start to speak for themselves with regard to the many problems they are having. I do this, and I have spoken about this before, because of the commission-like and dictatorial disciplinary action by the present managers and assistant managers, without approval of authority members. I want to give evidence, not just my own, but that of others. I have in my hand the Thursday, August 2, copy of what is called *The Mountaineer*, a weekly put out in Hamilton. Its headline was, "Mountain Concentration Camp, Minus Fences", and I just want to quote a few paragraphs:

> Mohawk Gardens, the Hamilton Housing Authority responsibility, comprises a neighbourhood of low-income families and those on welfare, but the authority is more of a dictatorship, ordering dictating and enforcing rules that take the dignity away from man. Tenants wishing privacy cannot erect a fence even at their own expense.
>
> The governing body, the housing authority, wish to keep this a parklike atmosphere, just like Gage Park, Mountain Park and any other park in the city. People use this as a short cut to their homes. Children play football up and down between the rows of houses. Teenager gangs gather creating a nuisance for the tenants. Police are regularly called upon an average of three and four times a week. This parklike atmosphere may be good enough for the housing authority but not for the residents.

Two residents erected a four-foot fence on their property and received a curt letter from Mr. White, the commandant at Mohawk Gardens which read as follows:

"Dear—

"It has come to the attention of the authority that you have erected a fence without prior permission. Fences are not allowed on this project and we must ask you to remove the fence from your property forthwith."

That is one of several answers in that vein because the editors have printed the 53 paragraphs comprising the rules of do's and don'ts for the tenants in that housing authority, and it is just a shame to read it. It relegates those tenants to something like grade three school children. It has five or six paragraphs on how they should wax their floors and keep their walls clean, and many other things that certainly reduce the dignity of any person in this society. But the section I was referring to, about whether they can build garages or fences, says this, and I quote:

You will agree that garages, fences, and so on, of different types could detract from the general appearance of your community. If you want to add to your home in this way consult your manager for permission.

Of course, when they put them up without permission they are told quickly to take them down. When they request the right to put fences up to protect, maybe, a pet, they are told this is not allowed. If they have young children and they want to keep them out of the main stream of public usage of these backyards and driveways, they cannot, and for the life of me I cannot see why. That development has been there many years, and maybe most of the tenants are permanent. They are in that rut of low, substandard income and welfare and they cannot get out. It is about time we looked at them as citizens, put up fences so that they can protect their own property and let their children play in the way that they should, to reduce a lot of the neighbourhood bickering that is tied in with this sort of thing.

I am going to send to the Minister, if he has not already got copies, the 53-paragraph handbook that spells out what they can do and cannot do. If this is a directive from the housing corporation, the department should be ashamed of it, because it sets out what they do with keys, that the rent must be paid on or before the due date, and so on. Boarders and lodgers are not allowed. You must ask if you want a relative to stay with you more than one day, and that sort of thing. Requesting notification of changes in income is reasonable only when rent is geared to income.

A paragraph covers how to deal with your neighbours; now imagine someone reading that. I can understand the opening part of the handbook in which it said, "These are hard to read, most people will not read them, but we advise you to read them." I would think after reading maybe the first half of the book that it should be thrown in the furnace. What to do about pets, garbage disposal, storms, screens and blinds, signs and notices; how to keep your floors clean; where to hang mirrors and pictures, and so on are ridiculous dictates to residents.

I want to state that the same thing happens in the Roxborough houses down below the mountain in the city. I thought that over the years, I had had unpleasant dialogue over conditions there and they had been improved 100 per cent, but there still remains that dictatorial attitude of the manager and assistant managers of those areas, and it is about time those changed.

I understand that the city council of Hamilton has asked for the same recommendation: that the three units be put under one administration with citizen representation; not the political appointments that are now operating.

I want to tell the Minister something that has been going on. The people in this survey are scared to talk to their neighbours; they are scared to develop the kind of neighbourly friendliness that should prevail, because they do not know who is going to repeat what they say, or if it would get back to the housing managers.

I had a call from one, Mr. Ernest Cain, and he has given me permission to give you his name and give you the correspondence, which I intend to send over to the Minister. The address is 32 Airdrie Avenue, Hamilton. On September 11 he received this letter from Mr. Nixon, the administrator.

Dear Mr. Cain:

Re: Notice to vacate premises.

At the direction of the authority members, your lease has been terminated in accordance with the enclosed notice to vacate. Please return the keys on vacating and leave the premises in a clean and orderly state.

Attached to that was the official notice to quit—"Take notice hereby" . . . and so on.

Mr. Cain has lived there for four years. I did some investigating and I found that I could present to the Minister, if necessary, a petition from almost every person in his vicinity in that survey, declaring him to be a very good tenant, a clean tenant, and a very good neighbour, with a good family.

Mr. Cain called me and I told him—which is the proper thing to do—to make application to go before the so-called "authority members" and get their answer first.

I found out that they knew nothing about the notice to quit but, nevertheless, this is the kind of dictatorial attitude I am referring to. He did get a hearing with the so-called "authority members" and when they appeared, one person was there—a Mrs. Cousins, and she immediately told them they had to learn to live with their neighbours and the authority wanted no more of this squabbling.

Someone knew that other people were interested in this order to vacate. Nevertheless, they waited and they got this reply on September 30:

> Dear Mr. and Mrs. Cain:
>
> The tenant committee reviewed your file and notice to vacate again. After interviewing you and some of your neighbours, it is their considered opinion that the notice to vacate should be withdrawn and that you may continue to reside at 32 Airdrie Avenue providing:
>
> 1. Other tenants in your immediate neighbourhood are not to be interfered with, and allowed to enjoy peace and quiet in their premises.
>
> 2. Permission for your daughter, Mrs. Blakelock, and your grandchild to reside with you is conditional on Mrs. Blakelock not interfering with neighbours or their children.
>
> 3. Your adult son, Ross, do not reside with you.

They had prior permission for the daughter and their grandchild to live with them when they first brought them in. The son has never resided with them, he was out of work, and up against it. Twice they allowed him to sleep in the basement until he could find quarters and they gave him something to eat. I go on and quote from the letter:

> It should be clearly understood, by you, that if these above conditions are not acceptable to you that you are at liberty to give us such notice and vacate, and failure in the future to observe the conditions of the above, and your lease, will make it necessary for the authorities to terminate your lease without recourse.
>
> Please return the original of the notice to vacate to this office.
>
> Mr. Nixon,
> Administrator.

The point is not what is indicated in this letter. The point is the uncivil approach to these people—when we find out they were good-living neighbours, and they were not to blame for any discontent with the neighbourhood whatsoever, yet this action is precipitated and these people are reduced to this kind of condition.

I am going to send a copy of these letters over to the Minister. I want him to look into it. The least we can expect is to receive the withdrawal of the conditions unless they can prove that these people were in any sense undesirable tenants.

I have heard much from the authorities about it only being the undesirable tenants who get their notice to vacate, and I do not think that is really a reason to put people out of their homes. We have to find out why they are undesirable, and I think a lot of this can be avoided if we allow the tenants in those accommodations to establish their own tenant committees and recognize them as such. They will police and do a good job of their community, in the same way as other people do in their communities.

That is what I want to say, Mr. Chairman. I would like to ask the Minister again if he would repeat for me the system of appointing the authority members. I believe the question was put by the member for Sarnia (Mr. Bullbrook) the other day, but I did not grasp the Minister's answer. Am I correct that they are political appointments?

I believe the Minister said, through you, Mr. Chairman, that there is representation from city council. I have no knowledge that there is representation on any of the tenant authorities from city council, because I find, that controllers and aldermen have as much trouble to get information about what is going on as I; such as backlogs in tenancy and other information.

I know that there are members appointed through the federal government but they are political appointments; there are people there to see that nothing goes wrong in the whole realm of the establishment. They are not people that are interested in the way people live and their rights; this is the real point I want to make.

Hon. S. J. Randall (Minister of Trade and Development): I did not know the hon. member was finished, Mr. Chairman. I will reply to him if you do not mind.

I have a book here, "The Appointment of Members of the Local Housing Authorities." I would be glad to send it over to you to give you some idea how they are appointed. As to whether they are political or not, you can make up your own mind.

I might say that we have had a number of discussions with the hon. member for Hamilton West (Mrs. Pritchard), with regard to the housing authority in Hamilton and just recently the city of Hamilton passed a resolution—you have probably heard about it—requesting the dissolution of the Hamilton Housing Authority and the Hamilton Housing Company, which also administers senior citizens accommodation. They have requested the setting up of an area board which would work in agreement with them which we think will be moving in on many of the areas that are under discussion at the present time.

Our board has approved it, and it has gone forward to the federal authorities and we believe that we will have approval from Central Mortgage and Housing. So, perhaps some of the difficulties that you have been referring to will be taken care of in the next month.

There is no mention by the municipality of Hamilton with reference to tenant participation. I read a presentation here from Detroit the other day, and I suggest to you that if you think there is a place for tenants in the housing authorities, or to advise the housing authorities, there are certain things they can do and certain things they cannot do, and when we have that sorted out, we will take it into consideration.

As I said, we are working toward the regional area management programme for housing authorities and I might say that the local housing authorities were constituted by the provincial Order-in-Council during the years 1952 and 1964 to manage, maintain, and supervise federal-provincial rental housing developments which were built and financed by the three levels of government under The National Housing Act, section 36, and The Ontario Housing Development Act. They are local corporate bodies having freedom of action within broad policies, which are covered by an agreement between the authority and the federal-provincial partnership, represented by Central Mortgage and Housing Corporation and the Ontario Housing Corporation respectively.

It is the Ontario Housing Corporation which represents the partnership in all dealings with the local housing authorities. The number of members on each authority was originally determined by the responsible federal and provincial Ministers, having regard to the number of units to be administered and ranged from three to nine. The members serve without remuneration. Members serve for three-year terms, and the maximum number of terms is three.

The chairman is appointed by the Order-in-Council, the vice-chairman is elected by the members and the staff of the authorities engaged by the members. When a membership become vacant, a three-member nominating committee is set up to select candidates for the vacancy. The nominating committee consists of a representative of the federal Minister responsible for housing, a representative of the Ontario Minister of Trade and Development, and the mayor or reeve of the municipality, who acts as chairman of the committee.

There are 41 local housing authorities in existence in the following municipalities, and I have a list of them here. I would suggest to the hon. member that we recognize that in some housing authorities there have been some difficulties, personal problems, but also you must remember that we are also dealing with people who have a great many social problems in public housing. Not all, thank God, but a good many of them do. We are criticized sometimes that the housing authorities allow too many people to move into the houses and overcrowd them, and then we are criticized again if people come and live with them, and we do not get them out.

We are looking at all these problems. The book the member referred to is being reprinted, there is a new book coming out which we think will be helpful. It is not written in a way to disparage the tenants or make them look as if they do not know what they are doing, but to try and be helpful. And I would think when the new publication is available, it will replace the one the member referred to. I think it will be accepted by most of the tenants because we discussed this with most of the housing authorities—I think pretty well all of them—and our view is that that situation will clear itself up in the next, I hope, month or so.

The member mentioned the problems of Strathroy and I might say that we made a survey there in 1965 and the results were negative; that is, the request of the municipality was that they did not want any public

housing. In 1969, another survey was made and they need accommodation for 24 senior citizens, for which proposals are going to be called in November of this year. So if the municipalities want public housing or senior citizens do, they know all they have to do is ask for it and we will provide it just as quickly as they make a request.

We cannot go around ringing doorbells saying: "We want to put public housing and homes for senior citizens in here," without the co-operation, you can appreciate, of the municipalities. And we have had good co-operation from Mayor Copps and his board of control in Hamilton. I would think many of the difficulties the member has outlined will be solved. I would appreciate getting those letters the member referred to. As I say, and I do not say it facetiously, there are always three sides to the story: yours, mine and the truth. What we have to get to, if we want to be of help to these people, are the facts, so that we can deal with facts and be sure they get the kind of justice they are entitled to. If the letters are over here, we will take a look at them and get on with it.

Mr. Gisborn: Mr. Chairman, just one brief question: Does the Minister's department lay down the criteria for eligibility for senior citizens' apartments? I ask because I had a case of a single person who was 56 years of age, a polio victim, with an income of $93 a month through social and family benefits, who had tremendous trouble in getting private accommodation because of her affliction and was refused, after some tentative agreement that she would be accepted, eligibility for senior citizens' apartments because of being under 60 years of age.

Hon. Mr. Randall: We lay down some of the rules and regulations with regard to senior citizens and I would suggest that in the main they work very satisfactorily. If the member has any particular name which he would like to give us, I will have it checked into and find out what the circumstances are.

Mr. Chairman: The member for Humber.

Mr. G. Ben (Humber): Mr. Chairman, I made quite a long and comprehensive speech on housing early this year and I do not intend to take up the time of the House going over what I said. But one thing I do want to stress with reference to the housing situation, is the many social ills that have been attributed to inadequate housing, and it is a long list, Mr. Chairman.

I do not know where to start, but I imagine I might as well say that overcrowding and overpriced housing cause many husbands to throw their hands up in frustration and leave because (a) they feel inadequate in being unable to supply proper accommodation to their families, or (b) they feel that the only way they can get proper accommodation for their families is by deserting so the family is thrown on general welfare or mothers' allowance or at the mercy of the Ontario Housing Corporation.

Second, overcrowding also leads to fighting and bickering between the parents and frequently between the parents and children, which again leads to desertion by the husband or the wife and eventually to divorce.

Third, overcrowding, Mr. Chairman, leads to drop-outs: children who lack adequate accommodation for their studies, who are subject to continuous noise and the fighting of their parents and the fighting of the people in the next house, find they just cannot study and they fall behind in school. The result is that they become drop-outs just when we are trying to encourage them to continue their education.

Fourth, this same overcrowding which leads to the fighting and bickering I mentioned and the desertion and the divorces and drop-outs, causes many children to spend their time on the street rather than in the home, and the result is that we have juvenile delinquents. Too many children are happier on the street than they are at home because of these conditions, and too many children look to going home in the evening the way many criminals look to being sentenced to the penitentiary: they would just rather stay on the street than go home.

Fifth, overcrowding leads to frustrations which cause short tempers, which, coupled with intolerance and a low boiling point, leads to child beating. How many times has the battered-baby syndrome been attributed to inadequate housing and the frustrations that arise out of it?

Sixth, overcrowding in buildings inadequately heated, inadequately ventilated, premises having inadequate hot water or inadequate toilet facilities lead to physical ill health.

Seventh, overcrowding under these conditions that I have described leads many to mental illness. It is a credit to the tenacity of these people that more do not become mentally ill living under these conditions.

Finally, although this does not exhaust the evils that arise out of inadequate housing, living in such a way keeps people poor because too much of their income goes to pay for substandard and over-priced and inadequate housing.

This Minister, Mr. Chairman, has offered many palliatives, for that is what they are. He has not offered any solutions at all. Home Ownership Made Easy has not made home ownership easy for very many people. As a matter of fact, it has been pointed out time and time again that you have to have such a high income that you do not need the benefit of Home Ownership Made Easy to own a home; you can afford to buy a home if you are in the income that is required for Home Ownership Made Easy. Furthermore, it has not been solving the situation in the least.

The Minister's department has been buying a number of apartments and buying a lot of housing to provide housing for the needy, and that is just a stop-gap measure. It is not increasing the stock of housing, and the only solution is to increase the stocks of housing. Building societies are not going to solve the situation; buying up high-rise apartments is not going to solve the situation; buying homes is not going to solve the situation.

The only thing that will solve the situation is a mass attack on the lack of housing and a concentrated effort to build more housing. The only way you are going to do it, Mr. Chairman, is by taking all the money available and going into the home-building business, and making homes available to these people, even if it means going to the bank and borrowing at eight per cent or nine per cent or ten per cent; and in lending the money out by way of mortgages to people who buy these homes at eight, seven, six and five per cent, depending on what their circumstances are.

Not everybody will be entitled to the five per cent mortgage, not everybody will be entitled to the six or seven, or the eight per cent mortgage; it would be geared to income. But this way you would have the possibility that will enable people to be able to buy their homes.

They do not necessarily have to buy their homes. I think it is a shame that the Minister suggested selling houses to the people who live in them now, because the stock that he has at the present time does serve a useful purpose and that is emergency housing. But if he is going to sell all these houses to the present inhabitants what are you going to use for emergency housing? Are you going to keep people down on Richmond Street in the Armories, or are you going to keep them on Dundas Street in the old Red Cross Hospital? Are you going to keep them forever down on Seaton Street? If you get rid of all this housing what are you going to use for emergency housing?

I remember speaking to the Minister six months ago, pointing out that there was one woman with five children living in completely inadequate housing, which did cause one of her youngsters to end up in juvenile court. She still has not got adequate housing from this Minister, or housing department or both. She is now living in a home owned by a client of mine. It is still rather inadequate but it is better than she had.

Now, if you sell all these homes to the people living in them, what are you going to use in these emergency situations? You have to keep a stock of publicly owned housing to look after these emergency cases, and there is no way you are going to do that by selling all your housing.

So the solution is not all these Home Ownership Made Easy schemes, and these building society schemes, and the statements that you are going to look into it and you are studying it. This government has a record for studying things for 25 years. What the people want is a solution based on those studies. What are you going to be, professional scholars all your lives? Is it not time that you put some of your studies or benefits of the studies into practice and did something with them? Surely study must lead to some conclusion at the end; study must lead to some usefulness by the people who do the studying. Study just for the sake of study without utilizing it is absolutely useless. How about giving us the benefit of your study and provide the needy with housing?

Much has been said on this already, Mr. Chairman, and I am not going to dwell on it further. I was just thinking that earlier this year, or last year, I asked the Minister of Municipal Affairs (Mr. McKeough) about the standardized building code for the city of Toronto. They still have not adopted a uniform building code in this city. I think it is about time that your government, this Minister, or through some other department of government, imposes upon the municipalities of Ontario, a uniform building code and changes some of the laws so that we could build prefabricated units in the city of Toronto. I cannot help but laugh in desperation when I think that they will not let

them put up prefabricated housing in Toronto because of their code and a fear they might lead to slums. Yet during the war, we put up wartime houses, jerry built, and they were only supposed to last for ten years. They said they would not let them last beyond ten years after the war because they did not want to create slums, and yet, this housing which was only supposed to last for ten years, is still there, because it was maintained well, in excellent shape and is offering very good service to the people who are living in them, many units have been sold to their inhabitants. So it is about time that this government took the initiative and stopped playing footsies with the municipality and gave some direction, if not dictation, so this problem would be solved.

I tell you this, Mr. Chairman: This Minister is never going to solve the problem of providing adequate housing by continually telling the members in Opposition that he is studying the matter. We are getting sick and tired of hearing that he is studying it and we take it for granted that he has been studying it and will for the next two or three years until the next election. In the meantime, please let us have some action.

Mr. Chairman: The member for Sudbury East.

Mr. E. W. Martel (Sudbury East): Mr. Chairman, I want to deal with a variety of subjects all to do with housing. I do not know how the Minister wants to approach it, taking one question at a time, and replying, or the whole list.

As I have listened for the last three or four days, some of this could be comical if it was not so serious. The Minister of Correctional Services' intervention the other night and the cell that was trying to get him, was rather comical. He should start to compete with some of the noted writers in the United States and sell some of this material. The Minister's reply that other day that 50 years—

Hon. A. Grossman (Minister of Correctional Services): Would you repeat that, please?

Mr. Martel: The cell, the cell; the plot out to get you the other night. You know, it would be humorous if the housing was not so desperately needed.

Hon. Mr. Grossman: Why do you not make it clear for *Hansard*—

Mr. Martel: Oh, I am sure the Minister is going to rise on a point of order.

Hon. Mr. Grossman: —so that whoever is reading it will know to what the hon. member is referring. I take it he is referring to the fact that I said there were NDP cells attempting to take over ratepayers' associations.

Mr. Martel: Thank you, I am sure it is clear now, Mr. Chairman.

Interjections by hon. members.

Mr. Martel: Another thing that really struck me, Mr. Chairman, was the Minister stating that if need be we could go to 50 years for people on low income to purchase a home. Well, the average retirement age in Canada I think is somewhere around 65. I am not sure. This means that in order to have a home paid for by the time you are 65 you would have to buy it when you are 15. Now, if this is a solution by the Minister to resolve the housing crisis that we are confronted with, it is certainly lacking in thought, or in depth, or in any meaningful way to get rid of this problem. Fifty years of payments to pay for a house. What do you do, Mr. Chairman, for the other amenities of life and such things as trying to send children to university if you are going to pay on low income for 50 years for a house, providing you lived long enough.

Hon. Mr. Randall: May I ask the hon. member a question? Would he rather wind up with 50 years of rent receipts, and no equity?

Mr. Martel: Oh, that is an easy way of avoiding the question.

Hon. Mr. Randall: Would the hon. member answer the question?

Mr. Martel: No, no one wants to pay rent for 50 years, Mr. Chairman, but again we can get back to a point; let us start using some of the social capital that is available for social features. Unfortunately, the *Globe and Mail* quoted a figure the other day that was out by $400 million, in fact $453 million, roughly I think, when they said there was $40 million of teachers' pension available.

Mr. H. Peacock (Windsor West): Typographical error.

Mr. Martel: Well, it may be a typographical error. It was more in the neighbourhood of $496 million available. But as I say, the whole thing so far would be comical if it was not so pathetic.

Mr. S. Lewis (Scarborough West): Put that in the "Our Mistakes" box of the *Globe and Mail.*

Mr. Martel: I want to ask the Minister about Catkey Construction. Do I understand that Catkey Construction was employed by Ontario Housing to do some of the work on the urban renewal project in Sudbury? Is that correct?

Hon. Mr. Randall: They built some houses up there for us, yes.

Mr. Martel: Well, does not Catkey Construction have a history of disputes between labour and management. Have they not had several other strikes involved in—I think—St. Catharines, or Peterborough, or some area? I am wondering why the Minister, and Ontario Housing, would give a contract, in a predominantly labour area, to a man who refuses to hire union employees? What did you expect besides strike and strife and the delay that took place this past summer in the Sudbury area, and to go with it, the three or four court injunctions and the whole delay in housing now, by giving a contract to this outfit? It could not lead to any other position but one of labour unrest when you give a contract to this type of outfit which refuses to hire union employees. I think you are asking for trouble, and I certainly would suggest to the Minister that in future the area to which you are giving this contract had better be considered to avoid this unrest and delays such as occurred in Sudbury.

I want to go on to what my colleague from Hamilton had to say about the authority. As the Minister knows the Sudbury Housing Authority certainly had a pretty kettle of fish on its hands in the last year, and I must compliment the Minister, or his staff, for getting some of it resolved.

When I first drew it to the attention of the department, I was branded quite vociferously by the Sudbury *Star,* that great paper in Sudbury, as someone looking for publicity only. Lo and behold, the names I did submit to Mr. Mason, I believe, indicated I was quite right in the method in which houses were being delegated to people who did not have a real claim to them, and I was glad to see the situation cleared up. However, as I listen to other people in the House, Mr. Chairman, I am starting to wonder about the advisability of having these groups so autonomous that the complaints and the problems almost have to be—I am trying to think of a word to indicate the state of chaos that must exist before an investigation will take place.

For example, I am advised—and I do not know anyone in Guelph, but someone phoned me the other night to tell me—that out of the 77 evictions in Ontario Housing last year, seven at least were in Guelph. This represents ten per cent from the province. There seems to be a lot of flak, Mr. Chairman, from this particular group of people that phoned me regarding the situation in Guelph, and the fact that the council says that it is an autonomous group that it cannot get involved in.

Mrs. M. Renwick (Scarborough Centre): Very poor local management in Guelph.

Mr. Martel: I am wondering what we have to do, Mr. Chairman, so that there is some voice from the people who are living in those houses—so that the problems do not have to reach the proportions, and the conditions, that existed in Sudbury before they are thoroughly investigated.

If it is an autonomous group and it is acting in the dictatorial manner that was indicated by the hon. member for Hamilton, in seven at least of the cases from Guelph—and as I say I know no one from Guelph and yet they phoned me and asked me if I would raise it—there must be a certain amount of consternation in people's minds when they cannot get any of these matters investigated and all the time the people who are renting are at fault. This autonomy that these people enjoy, I am afraid, Mr. Chairman, is going to have to be destroyed, and they are going to have to be answerable to someone in a more positive and meaningful manner than at the present time.

There are a couple of other small points. I want to ask the Minister if any studies have been taken to indicate the amount of malnutrition involved among people who are in public housing? I have a report here which says the Family Services Association of Toronto found 21 cases of malnutrition among 23 of its families, and another of the Federation des Ouvriers de Montreal which found in a major survey of its clients that 50 per cent suffered from bad housing and 44 per cent from malnutrition.

I am wondering if OHC has developed any studies, Mr. Chairman, into the effects of going to rent in geared-to-income housing, let us say at least 30 per cent of income where this is taking a substantial portion of the wages and there is not a sufficient amount left for proper food for the residents and the inhabitants in this area, I am wondering if

any study could be done to assure us that this is not happening in Ontario.

By the way, the Minister has received an invitation to attend a meeting on Friday night in Sudbury by the tenants and he has indicated to the House a good number of times that he is in no hurry, he is not going anywhere. I am just wondering if he could take the time this Friday night to be in Sudbury to attend that meeting at the invitation of those tenants.

Finally, a last problem, Mr. Chairman, dealing with geared-to-income and rent. As the Minister knows we are in a very serious strike situation in the Sudbury area—one that has gone on now for roughly 100 days—and there does not seem to be much hope for a very rapid solution. Those people in the geared-to-income housing, who are laid off as a result of the strike and are on unemployment insurance, have had their rent reduced in keeping with the unemployment insurance. The other residents who are out on strike, and have no benefits except $20 a week, or $25 a week, have not had their rent reduced; but agreement has been arrived at whereby they will pay their rent after the strike and they will pay also 20 per cent of the arrears per month until they are caught up.

If the policy, Mr. Chairman, is such that when you get a raise—and I know there is a freeze on right now—but if you get a raise the rent goes up, if you go on unemployment insurance the rent goes down, by what criteria are you keeping the rents the same if they have no income and saying we will charge it all and collect it after the strike is over? This is going to pose tremendous hardship to these people and it would seem to me that if you are going to be true to your geared-to-income policy, and a man improves his condition or his lot in life, you take a bigger slice of the pie, that when the situation is reversed and he has no income at all, then the slice of the pie should not be the same.

The Minister cannot have it both ways and this is what he is doing. I would like to see this situation resolved and resolved rather quickly as I have had a number of complaints on it, and I have written to Mr. Mason regarding this situation.

By the way, I have not indicated to the Minister the names of the people who complained to me, although I sent them carbon copies, and for a very good reason—that which my colleague outlined, the fear of the residents of the people in your housing of reprisal by the government should they voice an opinion. This comes back to this matter of autonomy, and the problem of rent. I really believe this has to be resolved, Mr. Chairman, but also more fundamental, is this fear that the people have of the authority, and its autonomy and the power exerted by it.

Hon. Mr. Randall: Mr. Chairman, I think the matter the member mentioned of reprisals against the people living in public housing is totally out of order. We do not take reprisals against anybody. We look at the circumstances and if they are living in public housing and working up in Sudbury and they elect to go on strike, then they elect to go on strike. They are not unemployed and there is no reason why the state should subsidize them while they strike.

Mr. Martel: They have no income.

Hon. Mr. Randall: That is their fault; they can work if they want to work. If they are on strike let the union look after them; that is the union's responsibility.

Mr. Martel: Are you going to take a bigger chunk of the pie?

Hon. Mr. Randall: No, we are not going to take a bigger chunk of the pie. Their rents are frozen as of May 19, 1968, and let me just point out what happens on rent. The average tenant family in Metropolitan Toronto comprises 4.4 persons; 1.7 adults and 2.7 children. In the rest of the province the average tenant family comprises 5.2 persons; 1.8 adults, and 3.4 children. Senior citizens units are tenanted by an average of 1.4 persons per unit.

With the 24,915 units under management on August 31, 1969—22,233 families and 2,682 senior citizens—Ontario Housing Corporation was therefore looking after the housing needs of 110,713 persons; 48,753 adults, and 61,960 children. Tenants of Metro Toronto were paying an average monthly rent of $90 and had an average monthly income of $360, or $4,320 annually. Tenants with family units outside Metro were paying an average rent of $79.55 per month with incomes of $387 a month, or $4,644 annually. Senior citizens tenants had an average monthly income of $178, or $2,136 annually and were paying an average monthly rent of $40.

Mr. Ben: Would the Minister please repeat some figures there? I am sorry to interrupt, but do I understand the Minister to say that in the city of Toronto they have less income and pay more rent than they do in the rural areas? Would the Minister give those figures again, please?

Hon. Mr. Randall: In Ontario, they pay $90 and have an average monthly income of $4,320.

Mr. Ben: Average monthly?

Hon. Mr. Randall: No—average annual income of $4,320, a monthly income of $360. And outside Metro, the average is $79.55 per month, with an income of $387, or $4,644 annually.

Mr. Ben: Then I am right.

Hon. Mr. Randall: Yes, the member is right.

Mr. Ben: Always picking on Toronto and you people have the nerve to call it Hogtown.

Hon. Mr. Randall: I would suggest in that $90 a month, and in the $79.55, there are a good many people who get their light, heat and services. And if they had to pay for those separately, they would not live for $90 a month. Might I also point out that on the survey that we have made with reference to rents, the number of families paying in excess of $150 a month—and we hear about that 30 per cent—are between 1.2 per cent and 1.8 per cent of all the families shown; so certainly they are not being overcharged as far as the housing corporation is concerned. And their rents were all frozen as of May, 1968. If a man's income goes down, his rent is reduced; if his income goes up, which many of them have since May, 1968, just in the ordinary course of events, they have not paid any more, so I do not think they are getting too bad a deal out of the housing corporation.

May I answer the other question of the hon. member? We talk about the average owner purchasing a house over 50 years. I might say that regardless of who they are, once they get possession of the house, they look around to better themselves and I think the member will recognize, if he talks to some of the real estate people, that most people deal a house off every six, seven, eight or ten years. So, it is obvious their incomes do improve once they get ownership of their own place and I think Guelph is a good example. These people have their own places, they are starting to fix them up, putting fences around them, and perhaps in five years' time they will feel like dealing the house off and making themselves an extra dollar.

And I might say regarding the Sudbury housing authority which the member referred to, we recognize the problems up there and again I think Sudbury is another area where we will have area management as soon as it can be worked out. I think the hon. member knows the difficulties we had up there with reference to those situations.

The member mentioned the Catkey Construction Company; let me say to him that while we do not require any of our construction companies to be unionized, we do require all these construction companies to pay the fair wage schedule, as laid down by the Ontario labour board. We think this a fair approach to building housing under public housing. The situation in Sudbury, I appreciate, was a difficult one for us, as well as for Catkey because there were workers parading on that job who were not working for the construction industry; they were shifts off the mines, and what-have-you, and were just doing a little picketing, as you appreciate.

So I suggest to the member that we are living within the fair wage schedule and we do not insist that these construction companies be fully unionized, as the member already knows. As far as the malnutrition is concerned, perhaps I could tie that in with a comment that the hon. member for Humber made a few minutes ago. When I see the comparisons of people living in public housing with the juvenile delinqency and the battered babies, I wonder if we ever get any comparative figures of what happens in the other half of the society, who have just as many problems with alcoholic husbands or wives, and children who may get into trouble. If you go up to Yorkville here today, I bet you that nine out of ten of those kids do not come out of public housing, they come out of good family housing.

Mr. Ben: On a point of order, Mr. Chairman, I was not implying that these people were coming out of public housing, I am saying we need more public housing to cut down on it.

Hon. Mr. Randall: I just want to point out that all the problems in society do not emanate from people living in public housing. This is a misnomer and I think it is one that people in public housing do not deserve.

Mr. Ben: I never said they did.

Hon. Mr. Randall: I do not know, the member talked about people coming out of public housing and the trouble they get into and the problems they have. I am just suggesting that when we look at the trouble with

public housing and its malnutrition and anything else, it certainly is not just public housing; they come from all classes of society, and I think that should be remembered.

Now, insofar as selling the units off to those people, we have been told we should have a number of empty units so people can move into them right off the bat. We have an arrangement with Metro Toronto, through Mr. Anderson, the welfare commissioner, who will take care of emergency families. We have a number of houses where we move families into them from his hostels; they are kept there three, four or five weeks, perhaps, until we can find an Ontario Housing unit that will fit the family. So we have a good relationship there and we are taking care of those people.

If we had 50 houses vacant today with the number of people wanting houses, we would be crucified for having empty houses waiting for an emergency to happen. I think the member appreciates that. We are not trying to be difficult to deal with, we just simply say, "Can you have 50 empty houses sitting in reserve in case somebody runs into difficulty?" And I say, "no".

Now, insofar as the public housing units are concerned, we believe it is a good move on the part of the housing corporation and Central Mortgage and Housing to give people an ownership position. In the long run, they become citizens in the mainstream in the community. I think they have something to work for and certainly some of the difficulties the member expressed a few minutes ago, will disappear when people are working together to put a roof over their head.

As I said the other day when I mentioned 50 years, I do not care whether it is 50 years, if it takes that long to pay for it; they are going to wind up in 50 years with at least an equity in the house, whereas, right now they are winding up with nothing but rent receipts.

I would suggest that perhaps this is a better way of handling public housing today than ever before. I have suggested we are not cutting down on public housing, we have unlimited projects up in Ottawa waiting for approval; they are coming through; and we are going to continue to build public housing.

I think it was the member for Hamilton East who said this afternoon, "Why evict people when you have to find another place to put them, once you get them out?" That is why evictions are down to a minimum, because when people go out they have to go somewhere else, but at the same time if they get into difficulty with their neighbours and they become most difficult to handle—and some of them do—then for the sake of the neighbours we have to make some changes and we try to find other accommodation for them. But there are certain rules they have to abide by, and I think 99 per cent do; on the other hand, if they are difficult to handle, if they have a social problem that cannot be solved, then we have to make other arrangements so the rest of the neighbours do not become annoyed with them.

Mr. Ben: Mr. Chairman, I have to rise here to rebut some of the assumptions of which this Minister is guilty. First of all, I never discussed malnutrition, it may have been some other hon. member; I most certainly would not have attributed malnutrition to public housing. I may have attributed malnutrition to lack of adequate public housing, but certainly not as one result of public housing. Furthermore, I did not attribute either juvenile delinquency or drop-outs to public housing, but to the lack of public housing. But lastly, most certainly no one here suggested that the Ontario Housing Corporation should keep vacant units to make them available for emergency situations. The reason I gave for not selling public housing is that people in public housing are living there at a more reasonable rental. The Minister pointed out that in the city of Toronto, or Metro Toronto, the average rent is $90, so that at least they have a semblance of a chance to accumulate enough money to be able to buy a place of their own.

And when they do buy a place of their own, it then makes this unit which they at present occupy, available for somebody on that long waiting list—I think it was something like 15,000. Not for one minute does anyone suggest that the Minister keep units vacant, but if you permit the occupants of an Ontario Housing unit to buy, then he, by no stretch of the imagination, will be prepared to move out and buy himself another place when he can buy it so reasonably from OHC, and OHC is supplying very good accommodation. Why in heaven's name should that person want to move out of there except under the most extreme conditions?

By closing off forever those units to public housing, you are keeping that waiting list of 15,000 at that large number and you are going to perpetuate it unless you start a programme of mass construction of public housing. But do not get up and talk about keeping 50 units vacant, no one is suggesting you

keep one vacant. As a matter of fact, it would be a sin if you kept any vacant. But by selling them to the tenants, much as I would like to see everybody have the right to own his own property, you are almost closing the door to those 15,000 unless you immediately construct 15,000 units. Perhaps that is exactly what you should do between now and next year—construct an additional 15,000 units in that one year and you might be going a long way towards solving the housing crisis.

Mr. Chairman: The hon. member for Sudbury East.

Mr. Martel: Yes, I too have to reply to some of this.

On Catkey: Firstly the Minister made reference, Mr. Chairman, to the fact that some of the men on the picket line were not employees and this is quite right. There is a very good reason the Minister forget to tell us; was it not because there were three injunctions against the unions in the Sudbury area—three injunctions which led to a hearing here in Toronto? When the trade unions tried to find out who was responsible for hiring Catkey construction, they got the run-around from the city fathers and they got the run-around from the Ontario Housing Corporation. In fact they could not find out who was responsible for hiring Catkey construction, no one wanted to tell them, and the hearing that was held against Mr. Boivin was held down here in Toronto, not even in the area. There were three injunctions; I think one read that it limited them to six employees, and another one to three.

Hon. Mr. Randall: May I ask the hon. member a question?

Mr. Martel: Yes.

Hon. Mr. Randall: I do not know what you mean you got a run-around from the Ontario Housing Corporation. We put out a builder proposal, Catkey won it so he got the contract from the Ontario Housing Corporation; there was no denial there. I do not know what the city fathers told you—I cannot be responsible for them, but I am suggesting that everybody that builds public housing gets their contract from the Ontario Housing Corporation.

Mr. Martel: The point I am trying to make is that the unions were trying to find out who authorized the signing of the contracts and so on; who did the actual hiring, and they could not find out. It was a mystery, and you know three different court injunctions came out, Mr. Chairman, not one, and they were all changed. That is the interesting part of these court injunctions; they are none of them the same. One limited them to six workers, and I think the next one limited them to three, and one limited them to no workers employed, or some foolish thing like that, you know, and the great change. Imagine the concern; the unions did not know what to do and this was part of the whole game that went on up there for two and a half months.

Why was the hearing held here in Toronto? Why did you bring Mr. Boivin down to Toronto for a hearing of this sort? So I say, Mr. Chairman, you can have your own policy of hiring; it must go to the low bidders and so on, and I agree; but when an outfit that has had trouble in more than one locality, is sent into a city that is 95 per cent trade union, you are asking for trouble, and that is what you got this past summer and it delayed the housing in the Sudbury area by roughly three months.

I want to ask one other question. Who are housing authorities answerable to? And in relation to that, how many complaints are needed before an investigation will be conducted so that the people know just how far this repression can go on? I am not talking just about the unemployment insurance, I am talking about general conditions, Mr. Chairman; when people are fearful of reprisals if they make complaints, and it is general across the province.

Hon. Mr. Randall: The housing authorities report to OHC and when trouble develops w investigate it and we make whatever changes are necessary; and this is what we are doing in the case of Sudbury. I do not want to bring up the difficulties here, you know the difficulties we had. We moved in on it as soon as we found out about it, but you do not find out these things immediately; perhaps they go on for some time before we get wind of it. When we get wind of it we move in on it.

Mr. Chairman: The hon. member for York Centre.

Mr. D. M. Deacon (York Centre): Mr. Chairman, the other day the member for Scarborough West, discussed his feeling that the government and the Minister here have no comprehension of the needs of housing. I think I disagree with the member for Scarborough West in his statement because I

think any organization that is receiving 6,000 calls a day certainly has an idea of what the needs are, and I imagine they are being reminded by every call, by every means they can be of the need that people have.

What really appals me on this question is that this Minister does not seem to have any comprehension of the solution. We are getting here, the worst of both worlds. We have the matter of a socialist idea that we do not have here. We heard about the situation in Stockholm, which has a comprehensive approach to housing, and it is fine for all the very lucky people that happen to be in housing there, but it is very unfortunate for the thousands who have to wait five or ten years to get into housing and so they are not solving the problem too well.

Mr. Peacock: Our people wait just as long.

Mr. Deacon: Oh, the waiting in that area is far worse than it is here. People over there are moving back to this country because they can get better accommodation on this side and they—

Mr. Martel: What are the immigration figures for Sweden?

Mr. Deacon: Any person who went through a period of time restriction remembers how lucky the people were who were over here during the war, but how unfortunate were some who returned to try to find housing during that period. They know how undesirable the controlled approach to solving housing is. Here we have this so-called free enterprise government following a land-bank policy which is helping speculators; a Minister who says he is not sure how many acres of his 11,000 acres are serviced, and how many unserviced, when this is the key to the whole problem. This is the key to the whole problem.

Here we have a situation, which the Minister claims is premature, the one at Malvern, where 1,700 acres have been sitting vacant for 17 years, and during that time people all through this area have been crying for housing; and yet the Minister says that that development is premature. It is not any more premature than most of us who are born.

What is really unfortunate is that the municipality has been unable to provide the services required for the housing the Minister wants in that area. It is a matter of the municipality having to wait until it can get its proper trunk sewers and having a proper balance of commercial and industrial assessment, which will enable it to approve subdivision in that area.

We have another land bank being accumulated in the Kitchener area, when the rental problems in the Kitchener area are nothing like they are in this area. The big failure that we see here on the part of this Minister is in not filling the need where the real need is, and not filling it by the proper type of approach. If the Minister would get after this problem of serviced lots, the availability of plenty of serviced lots, we would certainly see the end to a major portion of our housing crisis in this province.

Pollution control is one reason that the OWRC holds back on development. They do not want to have these municipalities developing lots and buildings which cannot be serviced by the existing water and sewage plants. But $750, on an average per housing lot, would provide the basic trunks and sewers, the basic water supplies, that are needed for any housing we put in. This is a paltry sum in comparison with the price that is being paid by people to buy lots today, because the $750 is not being spent by this province to give the municipalities the basic services and thus enable the OWRC to give approval to the subdivision requests that are put forward day after day by those owning raw lands.

The present type of agreement which the government is insisting upon is not part of the Minister's department, of course, but the government of this province is insisting on onerous agreements which bear no relevance, and are not needed in any way, for the financing of the sewage and water plants that the OWRC is constructing.

There is absolutely no need for this, and yet we insist on these municipalities entering into an agreement that requires Ontario Municipal Board approval and also endangers the financial strength of the municipality concerned. The delays and the bickering are interminable, and the restrictions on other borrowings for needs that the municipalities have, in order to provide other services for housing, are greatly curtailed as a result of these agreements that this government insist on.

What this Minister should ask his fellow members of the Cabinet is to change their policy so that the OWRC operates like Hydro. It bills, it finances, and it sells its services wholesale and does not involve the municipalities in any agreements whatsoever. Then we will see plants built that do not just serve a certain municipality and which

ignore needed areas outside the municipality where there is also a great demand for housing.

The second thing this Minister should ask of his government to help him in his problem is to provide temporary financial assistance for low-cost housing. About 15 years ago, we saw the then township of Scarborough get itself in the position where it could not borrow any money on the open market to build the schools and to provide other services that were accompanying the very large amount of low cost housing that the municipality had approved. That housing was under construction, and the township was getting itself into a box which either would make it go bankrupt or force it to stop development altogether.

It was saved by the formation of the municipality of Metropolitan Toronto, an organization which took over the two basic functions that this province should take over, that is, providing the services and providing the financial back-up and balance, until such time as the municipality can get its industrial and commercial assessment in balance with its low cost residential. If this Minister would persuade this government to switch this $48 million over into the channel of filling the supply and demand here, we would see a change in the housing picture in this province in a hurry, especially if it were laid down as definite government policy.

This Minister well knows when he was selling refrigerators that if there was an over-supply of refrigerators on the market, the prices fell, and they fell fast, and he did his best to merchandise his over-supply on hand as fast as possible, because all his inventory did was eat itself up in carrying costs. And the same law provides here with building lots. You cannot have a shortage of building lots without having prices rise in the same way that if there was an over-supply the prices would fall.

Here we get an interesting situation, where a Tory committee is finally getting to realize this. I notice that an organization called the urban citizens' committee of the Toronto Progressive Conservative Forum is recommending that the province provide a basis of competition for the supply of land which would drive down excessive costs.

I would like to tell you a little of the experience of those of us who have had some experience trying to develop land. Back in 1955 I was approached by some Americans who had an option on the Thorncliffe Park property, some 400 acres of land ideally located close to the centre of this burgeoning metropolis. The price on the land was $9,000 per acre, raw land. Some of the land, about 120 acres, was ravine land and land that would be required for the roads going through the property. We organized one of the first public companies for the development of land because we felt it should be possible for the ordinary investors, not just the big speculators, to be able to benefit from the good development of a sound scheme for the provision of housing and commercial and industrial development in this city.

The stock was sold at $5.50 a share in 1955 and we had high hopes of getting the plan approved in the reasonably near future. A man by the name of Mr. Leslie Blackwell became the president of the firm. It was some three or four years later before the plan finally did receive approval. It is interesting that the land they originally paid $9,000 an acre for, ultimately was sold for as high as $200,000 an acre during the sixties. Yet, because of the carrying costs, because of the other charges, because of the taxes on both the profits of the land sale and other taxes, the shares of that company ultimately got only as high as $7.50 from $5.50.

The return to the stockholder was not much different than it would have been had he just put his money into government bonds during that interval. This is because this government has failed to recognize the true, proper role that it should be taking in this free enterprise economy, that is, of providing services and making certain there is not an artificial market which frustrates the buyer and frustrates the developer. All it helps is to assure those who want to speculate in raw land and deal in raw land that the land prices will go up because this government is assuring there will never be a supply to fill the demand. Let us see this government give us the best of both worlds, not the worst of both worlds. Provide the services, see that there is transportation to it as well as having the water and sewer supplied. What is the difference in the cost? Forty million dollars would service about 60,000 lots, and $9 million would provide the subsidy necessary for a municipality, to give ample financial assistance in a year to municipalities which want to approve housing of say, 800 to 1,000 square feet, housing that we needed a great deal of at this time, and to assure that municipality that it would not get into the same jam as the township of Pickering when it approved low cost housing, or the

township of Scarborough when it did. This is the role that the provincial government should be taking and this Minister, if he had his free-enterprise glasses on, if he recognized that the proper role of government is assisting free enterprise to do its job efficiently, would operate this way.

I remember well a situation where one developer, because of good co-operation with the municipal authorities and because the land was serviced, was able to construct a 22-storey building with 356 apartments. From the time he acquired the land to the time he actually had the 22-storey, 356-apartment building completed, took only 15 months. As a result he was able to provide apartments, rent the apartments quickly, and actually have it filled within 15 months from the time he first conceived the project. This is the type of operation that good developers want. They want to be able to get a fast turnover, do their job thoroughly, do it quickly, not be frustrated by interminable delays. This Minister should recognize that his role primarily is to see that this type of assistance is provided by this government. He then can solve the housing crisis. If, after doing that, the job is not done, then I can see some reason for him going into a land bank operation, but not until he has made it possible for those who now own land and want to develop it to get their land into operation. Even his own land, such as that at Malvern, should be included in this category, and I hope that this Minister will use his very fine selling ability to get this concept, which is a basic concept any economist readily understands, across.

Hon. Mr. Randall: Mr. Chairman, if I may answer the hon. gentleman, first of all the Minister of Municipal Affairs already has a committee set up to work on the bylaws and the problems of the bylaws. This committee consists of Mr. C. D. Carruthers, chairman, Mr. Keenleyside, vice chairman, Mr. William McCance, Mr. L. Sage, Mr. J. C. Hooper, Mr. A. H. Fleming, Mr. G. L. Duff, Mr. I. R. Robertson, Mr. A. F. Telfer, Dr. Leggett and Mr. Graham Adams. They represent all facets of the building construction industry, including representatives from the municipal, provincial and federal agencies, as well as engineers, architects, contractors and building material industries. This committee will be publishing its first report in October, 1969, so we are taking steps to try and get the municipalities to lift off some of the gold-plated services they require, and perhaps, while I am at it, if you can find anybody around who will service lots for $750 you bring them to me. I will give them all the orders they can take within the next ten years, because in the city of Hamilton it costs us $5,600 a lot for services required by municipal standards. In the city of Toronto it is costing us $3,600 a lot. In Sudbury it is $2,200 to $2,500 a lot, and I can assure you in the housing corporation we get our services as cheap as anybody. I appreciate if these lots are on the market and services could be made available, that many of the developers would be on the market, but certainly not at the prices that would enable the modest income families to buy homes. That is the reason why the housing corporation has in the past continued to get its hands on as much acreage as possible as quickly as possible—so that we will be able to take care of the modest-income families.

An announcement was made by the Minister of Energy and Resources Management (Mr. Kerr) just a few days ago that a $65 million pipeline is going to start at east Toronto and move up through Markham and Vaughan townships. This is going to make available a great deal of what I call "cow pasture" now, but unless we have options on some of that—unless we close it—I am quite sure there is not any private developer going to come along and give us a bargain to build $15,000 homes.

I have faith in human nature, but I do not have that much faith, and no matter how fast I sell refrigerators, I think I would have a hard job with some of these guys to part with the prices on land that we need to build modest family income homes.

We had to go along with our land-banking, and on that perhaps I could cover a point that the hon. member for Scarborough Centre asked the other day—I did not get a chance to answer it—but she said: "How many acres have you got in Metro besides the 1,705 in Malvern?" Well, there are 200 acres in Malvern that are now in the process of design, and we hope they will be available by the end of 1970. I am positive they will. In addition to that there are 4.46 acres at Edgeley, 36 acres at Thistletown, and 23.5 acres at Stapleford Farms. That is 63.9 in addition to the Malvern property. Then we have at Bramalea South, 50 acres on which there are going to be 1,037 units built —they are into that now; that is all serviced. At Flemingdon Park West, which is 1,472 units, there are 24 acres all serviced. In Thistletown Phase I, there are 15 acres, 296 units; Parkway Forest is 20 acres, there are 400 units going in there—the townhouses are already built; the people are starting to move

into townhouses, and the high-rise apartment, which is 300 suites, I hope will be finished very shortly. And then we have Edgeley Village again—another six acres, which will hold 115 units—that is another 115 units that are serviced, and being built on, or are ready to go immediately.

In addition to that there are 186 acres in Bramalea North, or Bramalea north of Highway 7, which will give 3,565 dwelling units; there are seven acres in Albion Silverstone, 142 units—this is in question at the moment because it is in negotiation with the contractors. In West Mall there are 15 acres that will take 306 units; and in Flemingdon Park, there are another 36 acres across the Don Roadway, which will hold 1,940 units.

So I suggest to you that there are 5,953 units that will be available in 1970, and at the present time there are 3,320 in the process of being built now, or going up. So if you say "What are we doing in Metro?" I think we are doing as much in Metro as anywhere, and we are providing what we consider medium-cost homes for families that require that kind of assistance.

Now as far as Malvern is concerned, as my hon. friend from Downsview knows, we put the facts on the record last Friday noon, and I suggest, if you were not here, go back and look at the dates that Mr. Campbell, and Mr. Chairman Gardiner, and all the rest of these people brought up, and you will find that we are right on schedule with their thinking.

Mr. V. M. Singer (Downsview): Oh come on!

Mr. Chairman: The hon. member for York Centre has the floor.

Mr. Singer: You are going to give all this in *Hansard* here, with your comments in it.

Interjections by hon. members.

Mr. Deacon: I am sorry I did not make it clear to the Minister. I was talking about $750 to provide the basic trunk water and sewers, and the plants for them. The $3,100, or whatever it might cost—it varies depending whether they are wanting underground wiring and a lot of other frills—is for the local services you are talking about.

I am talking about the provision of the wholesale trunks, sewers to the edge of the property being developed—and that is a matter that does come to about $750 on the average, according to statistics I got from several people in this Metro area a few months ago. It may have risen since, but it is not up all that amount. The principle is, the area of the hold-up is in the provision of the basic trunk water-mains and sewers to the edges of the property.

The people who are holding it up are also the municipalities. Sure they are worried about whether they are going to have sidewalks or curbs, or what width of streets and these things. But these are minor compared with the concern on their part about the revenues they are going to get on those homes, and whether those revenues are going to be sufficient to cover the cost of the services they have to provide. Education is one of the major items. And because this province is not providing an answer that will assure them they will get into the same difficulty as Pickering for example, they are naturally very loath to approve any subdivision agreement without a tremendous amount of stalling and delays in the hope that they will get in the meantime some sort of industrial commercial assessment that will make sure they are going to be all right.

You talked about $15,000 homes. Last year I mentioned this to you and you then said there would be no developers who would build $15,000 homes; and yet you were deluged afterwards with those who would like to do this, and would be able to offer such homes. But because of municipal restrictions, because of the many things that are in their way, they cannot do it. There was a developer in the township of Markham that was told by the municipality that he could not go on the market with $17,500 homes because it would endanger the ability of the municipality to service the needs of its people, and it didn't want to get itself into a financial straitjacket. And in the same municipality, the OWRC has still not given approval to go ahead for an extension to the sewage treatment plant. It is now proposing a great fancy $65 million project which might get underway, with the terms under which this government has been proceeding, after another ten years of haggling and negotiation.

In the meantime, the people do not have any houses—they do not have the houses that there is a great demand for. This is where the money should go. It should go into providing the basic trunks, and the basic sewage services. Get that $65 million project underway and see that this municipality can go ahead with its developers.

You should see that such municipalities can enter into agreements quickly and not have to worry about whether they are going to

go into the same financial difficulties as Pickering because they approve too much low cost residential housing. It is residential housing we need. We need residential housing where the taxes do not necessarily at this time provide the full cost of services to these people.

If this government will look at its job, and see the catalytic role it should be taking, then we can probably get on with the job and get out of this awful housing bind we are in. A multitude of people are bothering you with 6,000 calls a day, and bothering us as well. We do not want to see them continue in this plight. So let us get on with this job, and let us not talk about more reports. Let's get some action.

Mr. Chairman: The member for Hamilton Mountain has been trying to get the floor for some time.

Mr. J. R. Smith (Hamilton Mountain): Mr. Chairman, I have been very interested during the last few days to hear a number of very worthwhile proposals that have been aired in this House regarding possible tenant committees working in conjunction with the various housing authorities.

During the past eight or nine years I have had a number of dealings with the Hamilton housing authority, and I would like to say a few words about this authority, and the problems very often the tenants are faced with in trying to deal with the actual members of the authority.

I well recall seven or eight years ago appearing before this group to ask what their concept was for landscaping and the construction of fences in the Mohawk Gardens project on Hamilton Mountain. After they had kept me waiting in the hallway as long as I guess they dared, and they probably hoped I would decide to go back home, they finally allowed me into their committee meetings which are held in camera. After looking me through, almost like God's frozen people, they allowed me to put forward my idea and told me that the authority really had no definite plan regarding fencing in their projects, and they had it under consideration. Well, years later this matter, of course, is still under consideration.

Another time I had an occasion to appear before them along with a tenant who was forced by the authority to have her home exterminated, because of an infestation that was apparently caused by another child in one of the district schools. The authority refused to accept the responsibility, and it was about this time that I realized that very often tenants are frustrated in their attempts to deal directly with the authority regarding policy matters.

Now a very good relationship I feel exists between the administration and the paid officials. But I think, Mr. Chairman, it would be a great advantage to the residents of these various projects if there was some form of advisory committee that could act as a liaison with the authority itself, so that the authority members can have a deeper appreciation of the problems, and the wants, desires, and the programmes that the tenants might have in mind.

I am glad to see that the Hamilton Housing Authority several years ago did initiate a programme of beautification and many, many residents of the Mohawk Gardens project and Roxborough Park—the riding of the member for Hamilton East—won trilliums this year, and they initiated a programme of cash awards for home beautification. This is the kind of thing that can stem from resident participation and co-operation.

I think another problem we are faced with in Hamilton is the fact that the authority members in themselves represent the three levels of government and perhaps in this regard when matters of policy are decided, they are sort of between the devil and the deep blue sea. Some are federal, some are provincial and some are municipal, and I should hope that sooner or later this problem might be overcome and they might be all responsible to one level of government and not to the three. On that point I would also like to say we are hopeful that a policy will soon come forward regarding Mohawk Gardens, what the intention of Central Mortgage and Housing Corporation is regarding the future of that housing development.

Regarding the need for a tenant or resident advisory committee, they could serve a similar function in our senior citizens' apartment complexes. I was amazed once on city council to be called over to the Ada Pritchard apartments and shown through the hall to see the very shoddy maintenance, the paintwork and the damaged doors. When we investigated into this matter further, we found that the chairman had not even visited that project for two or three years and he was unaware of the conditions. As soon as he and other members of his committee saw the conditions, the painting and the repair work was forthcoming within several weeks. I might say at this point, Mr. Chairman, that

no reflection on the hon. member for Hamilton West is intended because this was many years after she was off that particular board. But similarly residents of those apartments and the Macassa Park apartments today are faced with being terrorized at night by young hoodlums who cross to their property from adjoining parkland. They have their doors and windows pelted with apples and other things, and there is no liaison between the tenants and the actual committee in charge of administration. Sure, they can speak to the caretaker, but why should the caretaker or the superintendent of the project be the one who has to bear the brunt of the abuse? They are probably minor complaints, but they are major ones in the lives of the tenants of the project. It might very well be, as the senior citizens' housing programme becomes larger and larger, that there is a greater need, in some of these very large projects, for a tenant advisory committee, to work as a team, as citizens and develop some initiative and self-respect through their liaison with the management board.

Mr. Chairman: Did the hon. member direct questions to which he would require answers from the hon. Minister? If we just wait for a moment, I am sure the hon. Minister will shortly return to his seat.

Mr. Peacock: These absences are getting longer and longer.

Mr. Chairman: So are the speeches.

Hon. Mr. Randall: As I understand it, he referred to the Ada Pritchard apartments, and these are limited dividend apartments under the jurisdiction of the Hamilton Housing Corporation and have nothing to do with OHC.

Mr. J. R. Smith: Mr. Chairman, I mentioned in my remarks that there was a need—

Hon. Mr. Randall: Pardon?

Mr. J. R. Smith: I just asked whether or not the same committee that administered the Ada Pritchard apartments administer the Macassa Park apartments, or if it was a separate company?

Hon. Mr. Randall: I am advised they are, but they are not under our jurisdiction.

Mr. Chairman: The hon. member for Scarborough Centre.

Mrs. M. Renwick: Mr. Chairman, one hardly knows where to begin in the housing estimates when we really would like to talk about the future development. We would really like to talk about Chapel Glen; we would like to talk about Malvern; we would like to talk about the 5,000 units that the Minister has said are to be constructed, and the 3,320 that are in the process of going up. We would really like to feel that what we have on hand now is working fine and that our real problem is a singular one of simply getting more accommodation with better facilities to override the problems that we have seen coming along by housing density in areas where there are not local facilities for recreation or shopping, medical services, and so on.

One would even like to isolate such a conglomeration as the Malvern project has become and spend some time on it, to let all of us, especially those who are members in Scarborough, really understand what is happening and has happened in the last 15 years, to say nothing of going back to 1953, with that parcel of land.

The Minister introduced the subject of the Scandinavian countries in his opening remarks, and held them up as being perfect examples of how public housing is not going to work, in fact quoted assurances from people from those countries that public housing is not the answer and held up waiting lists as a form of proof. And yet, Mr. Chairman, the Minister is a salesman of some renown and has been for many of his years. One could turn his argument right around and say, "Well, if there is a waiting list for it, it must be worth having."

Hon. Mr. Randall: Same as our housing here.

Mrs. M. Renwick: I would like to talk with the Minister, Mr. Chairman, about how the Swedes financed some of their first buildings as far back as 20 years ago when they had a purchase arrangement with tenants where the tenants financed ten per cent of the down payment on class A construction and five per cent of the down payment on class B. The third class construction, C, did not have a down payment, and was financed by the municipality or the province, and actually treated much in the same way as the Ontario Housing Corporation of screening applicants.

But I think, Mr. Chairman, that we would really be just jumping over some of the problems that are here and now. They have to be dealt with first before we can get some understanding of whether the government is seriously interested in making the 20,000 units or 25,000 units that it presently has in public

housing work, or whether in fact they were pushed into having to provide them and now really wish, like Topsy, they would just grow. They certainly are a reflection in many, many ways on this government's lack of responsibility.

I would like to start off briefly as a tenant who applies to this corporation. There is probably not a member in this assembly who knows all of the ramifications of what happens when a tenant applies for the Ontario Housing Corporation unit, nor are there many members in this assembly who would put up with the system without a large hue and cry. The hon. Minister himself, the Minister of Trade and Development, if he were on a waiting list for anything, be it a new boat, since the Minister has called himself and Mrs. Randall "weekend sailors"—I had to be a constituent of his, Mr. Chairman, to know that—be it anything, the Minister would not be satisfied if he did not have a waiting list that somehow had some relevance to him. There is no relevance in the type of waiting list of the Ontario Housing Corporation.

I will be as brief as I can but I will not let it slide by, Mr. Chairman, because we raised it in the last session. I would appeal to the Minister on the grounds of just looking at the 5,000 units, that he says he can fill 5,900 and 5,300 units coming up in 1970 for tenants. I would ask, Mr. Chairman, how much better would the administrators at the Ontario Housing Corporation, who admittedly have a very difficult row to hoe, feel? There is nothing worse than having too little of something while a housing Minister is promoting it from one end of the province to the other. Now, if the Minister could take these —I believe he said, 5,953 units—and could say to various applicants that in 1970 they will have a place to live, that is not too long in my view—from past performances of sometimes two and three years for people having to wait for places to live—to run a current running waiting list which would show approximately where the applicant is, according to number.

The Minister said his view against an open public housing registry, during the last session, and correct me if I am wrong, that these applications were private and somehow he shrank from this whole thing. I do not see why a sophisticated numbering system could not be used. The applicant has a number; he can come to the registry, and he can see where his number is, so that he is dealt with fairly. He is never at the mercy of whether or not there have been pressures from any outside force such as a member of Parliament, "Action Line", the children's aid society worker, or the many other factions. I am sure with a limited commodity, what else can a placement department do than to bow to pressure?

The Minister will say that when we have 20,000 to 25,000 units, it is not a very limited commodity. But, also, the Minister was using Sweden as an example, when he started out in his initial remarks and in comparison to those countries, we have 1.1 per cent in public housing in Ontario. I believe it approximates two per cent when you get around to development and include the development figures. Those figures do not fare very well in comparison with the Scandinavian figures of 29 to 30 per cent in public housing of one kind or another. I am sure, Mr. Chairman, there is nothing that restricts this Minister as to what kind of public housing he makes; surely he could make different kinds than just the two in which he is now engaged—those that can be purchased and those that can be rented.

When these applicants apply to this monstrous organization on University Avenue, and you have not got a public open registry, they have no idea where they are on the waiting list. The natural tendency for any applicant is to phone, phone and phone, and I would like to ask the Minister if the figures of the member for York Centre are correct that he does have, in fact, in his corporation 6,000 phone calls a day.

If he is going to continue to limp along with 1.1 per cent of the total housing starts in Ontario, and even when the units under construction raise it to 2.1 per cent, and since the Minister has added some more units to these figures which were garnered in the spring from the corporation, perhaps that is even higher, but it certainly is not anywhere near 20 or 30 per cent of the total housing starts.

The people who telephone the corporation are left to deal with whatever kind of person happens to answer the telephone. If it is a switchboard and the lines are busy, the people cannot get past the switchboard. If there happen to be lines open to the placement office, and there is nothing to offer them, I would like to ask the Minister specifically, how many lines there are to the placement office now?

I would like to ask how many people are handling the placement work? I would like to ask the qualifications of each of those persons,

whether they are a group of young clerks, assisting the central placement office, or the chief placement officer, or whether they are qualified, or if they are as qualified as the placement officer or almost as qualified as Mrs. Meredith is herself?

I am of the opinion, Mr. Chairman, talking to a number of applicants, that there are some pretty young and pretty inexperienced people handling those calls. I have a saying recently which could only be true, it came from so many directions, telling the people who are applying, that they would have to go and look around where they are.

Mr. Chairman, this is pretty silly because people surely, by and large, would not go through the rigmarole of Ontario Housing applications which invades their privacy and has to make it work on a proper point system, if they can go out around the corner in Scarborough or in the west end of the city and rent something as reasonable. It is a very simple fact of life that the people cannot rent in Metropolitan Toronto, and certainly not in the borough of Scarborough, for example, a two- or three-bedroom apartment, by and large, for the amount they can rent them even on what we consider a very high rent-geared-to-income system.

So, for people to be told in their desperate hour of need, by, I presume, young clerical workers on the telephone, that they have to go out and look around, they are finding this intolerable.

I think I might personally have had something to do with getting rid of the saying down at that board of, "Hold the line a minute, dearie," and, "You will have to write a letter, dearie." I think some of those things have gone by the board, but, for goodness sakes, if we do not have any other place in the corporation where we have talented people, let us have it in that final line of fire where we are placing people.

I understand that at one time anyone who applied to the corporation got a home visitor. Now the Minister can correct me if that is wrong, but that is the way it seemed to be working for applicants in my riding. Now I find I am getting letters saying, "In five or six weeks we will send out a home visitor", and I am getting calls from applicants saying, "We have never had a home visitor." Would the Minister clarify what has happened to the home visitor system?

I agree, Mr. Chairman, there is not much point in having 600 home visits and having six units to rent that month. But we have got to have it either one way or the other. But, let us, as legislators, understand very clearly how the system is working. I would like to ask the Minister what access members have to the Ontario Housing Corporation on University Avenue to enquire as to certain files or placements, or talking to the people, because I feel they have something for which really they, more than we in the New Democratic Party, should be singing, "Solidarity forever," outside of the gentleman, Mr. Audain, who used to be with them. Outside of Mr. Audain, I do not think anybody has ever breathed a word against the Ontario Housing Corporation if they are anywhere in the upper echelon of the operation. This makes it very difficult to right any wrongs that we see in the public.

We are not asking for stool pigeons and that sort of thing, but we do want somebody to say, "Look, we are wrong about this; we know we are wrong; we are trying to right it, and we are going to right it." But to be constantly told that everything is just fine with the system is too much to take. The system as it is going now, is rolling up 16,000 applications, then they get culled out, and they roll up and get culled out on a questionnaire again. Many people fill it out again. Some say, "Well, I have been waiting for a year or two years". They do not even fill it out again. Some move, and so on, so that actually the waiting list system is something short of being an accurate system.

I hope the Minister will not resort to facetious remarks during these estimates, as he did last year, because I do not think there is any time here for these or sarcastic remarks, as he called my remarks the other day, Mr. Chairman. Incidentally, they were never intended to be.

"We have not the time for such remarks," I believe the Minister said in the last estimates. "We had a lady come down and break off a pop bottle and hold it at the face of somebody in the reception area, demanding to see somebody, and so we cannot have an open public housing registry." That is what the Minister was implying—because of this type of conduct. This is facetious. There is certainly not one person in thousands who is going to go to the corporation with a bottle in their hands, though, mind you, they are driven to desperation of that kind by the frustration of the system.

If they could know when they applied that they are 200th, 400th, 500th on a waiting list,

then maybe they would not call every morning, and maybe they would call when they are being evicted.

On the other hand, we have at University Avenue, what I consider, personally, very nice offices with a very modern system, which if it had a modern open registry, would certainly go well. And as I said to the Minister in the last estimates, one thing is certain, if it was a department he was really trying to promote, he would have it on the ground floor, where people could come and go from it. Instead of this the Minister has a public relations department, with a caravan. I noticed this in the estimates and I would like the Minister to comment on it, if he would. I believe it cost about $70,000 to operate and has doubled to about $151,000 in the last year. I would like to know what this caravan did; what is it selling, Mr. Chairman?

You know, there used to be a salesman called Elmer Wheeler and I guess maybe the hon. Minister, being in sales most of his life, might well know that this man was a very able person in the field of sales. When the products were in short supply during the war, he toured Canada and he promoted a theme: "Sell The Sizzle, If Not The Steak" and I would like to say to the Minister that if, in fact, the Minister is selling the "sizzle"—why? Why, with public funds, are we promoting something we have not really got—or we have not got enough of, that is for sure?

Why are we scrapping this large caravan; why are we leaving it at the Canadian National Exhibition? I did not know about this last year. I would like to ask the Minister if it was there. Certainly it was there the year before and I sat and listened to every recording in it and it recorded all sorts of vital information, which I made a note of. There were, at that time, 7,089 units under development and it had 5,593 units under construction, and I think we have to ask the Minister, where is the difference between development and construction?

I think that is a very important question. I think that these were figures that they were quoting as of the end of July, 1968. They were active in 165 communities across the province and they had housed 70,000 tenants in 14,512 family units and 1,372 senior citizen units.

I can go on with those figures for no good reason other than to show that we are seriously interested in what this caravan is doing because the caravan failed to say, Mr. Chairman, that there is a huge waiting list—well, if it said it, it said it in a small voice. Surely they would not be naive enough to put records that did not say it at all. It did not imply that the situation was already choked to the gills with 12,000 applications, or whatever the thousands happened to be in the fall of 1968.

I really question what the Minister is doing. He has some sort of housing corporation workshop. I think there is one coming up—let us see. I would like to ask the Minister if there is a conference in Kingston, October 19 to 21? Would the Minister answer that question, briefly, Mr. Chairman, and allow me to continue? Is there a conference for the Ontario Housing Corporation in Kingston, October 19 to 21?

Hon. Mr. Randall: I understand that it is the Ontario Association of Housing Authorities meeting.

Mrs. M. Renwick: But not sponsored by the Ontario Housing Corporation? The Municipal Housing Workshops are what the Minister has been promoting. An afternoon of activities, concluded by a dinner. I would like to ask you, are tenants invited to that sort of workshop, in order to bring first-hand local information on the operation and if so, how many were invited to the various workshops?

Hon. Mr. Randall: I cannot tell you how many. It is open to the tenants if they wish to come, they are given an invitation. I cannot tell you how many came to all those conferences but they are invited to come.

Mrs. M. Renwick: Are they advised by letter, may I ask, Mr. Chairman?

Hon. Mr. Randall: Yes.

Mr. Peacock: Does the Minister pay his registration fee?

Hon. Mr. Randall: If I go, yes.

Mrs. M. Renwick: Would the Minister supply us with the number of tenants who attended this sort of workshop? You have a registration, I presume, at the workshops across the province?

Hon. Mr. Randall: I do not have any figures on how many attended except that there was a great interest in it, and we are going to continue with it.

Mrs. M. Renwick: You see, Mr. Chairman, I think what I am trying to say, without saying it in a too unladylike fashion, is that I question whether this public relations is public relations for the Minister and the Ontario

Housing Corporation or whether it is public relations to inform the people—

Hon. Mr. Randall: You take your choice.

Mrs. M. Renwick: Well, I think it is important as to where the money is being spent and for what reason, Mr. Chairman. It is very important whether public funds are being used to promote the government to say "What a good boy am I; we have 20,000 to 25,000 housing units," or whether the money is, in fact, being used to bring out information from tenants and bring in information from possible applicants, and what has been derived from that.

I think it is a very important question then, and it is not just my question, Mr. Chairman, by any means. I believe since we had our estimates last, that the Minister has made what is called "tenant relations officers." There are maybe eight to ten of them.

Hon. Mr. Randall: I will find out for you; go ahead.

Mrs. M. Renwick: I am told that it is not working too well, Mr. Chairman. I wonder if I could ask if the Minister feels that this body of people is doing a good job? Are they truly trained and really open-minded to the whole democratic aspect of tenants participating in any form along with the management of the housing corporation? We are not saying, Mr. Chairman, that the Ontario Housing Corporation does not have units, is not building units, is not coping with a degree of the problem. Personally, I feel we are definitely saying that the quality of the development and management and tenant relations and system of application has not been good, and is not good enough for a government body.

If one goes out and looks at the many government buildings in this city, one will see that the care of those buildings is usually exceptionally fine: clean, orderly, with grass, flowers, trees. I could see why the Minister would want to sell some of the Ontario Housing Corporation developments right now, Mr. Chairman, because a stranger seeing them and not understanding that there are some good ones, would be disturbed. There are areas of this operation that obviously very little thought has gone into. One really wonders just where to begin.

We could begin if you like in my own riding at 3190 Kingston Road, at the area adjacent to unit 25. Perhaps the very last item that I took up with the Minister in the last estimates, was a small petition I had been given, dated I believe it was June 17—it was certainly given to me that day—of about 50 people in this particular development who were asking for little safety precautions for their children regarding some huge flower pots. I have since gone out to see them, and they were empty of flowers. They had originally been designed to "prettify" the place. I will grant that, Mr. Chairman, but if children—and they could easily climb into these pots—fell below, they would fall 15 feet to concrete where automobiles go down into the garage. At the time I raised that problem with the Minister, Mr. Chairman, I raised with him a problem right in Flemingdon Park, where children could fall through and land in front of automobiles in the garage at 20 St. Dennis where I was living at that time. The Minister fixed that almost immediately, Mr. Chairman, but nothing has been done about the flower pots in the drop-out at 3190 Kingston Road in a year, unless they were fixed quite recently. Would the Minister please tell me if they were? One child did fall, and was unconscious from the fall.

I might point out that children would not be perhaps so inclined to climb on these areas, although there is nothing to prevent them from doing so, but there is very little recreation area at 3190. There is a problem area which I am sure that if the Minister is not familiar with it, certainly someone in the Ontario Housing Corporation is, anyone from Mr. Suters and Mr. Whaley down. Anyone working with tenant relations should be aware of it. And if any of these items have been fixed in the last while, Mr. Minister, I would not only appreciate your telling me, I would be very grateful to know that they can go off my long list.

But when I looked at that particular development last, the play-area that was being used by children was about the size of the centre of this Chamber, between housing units on each side. It was a concrete area intended originally for walks. There was a survey taken to put in grass, and while I have spent some time in units in my riding in the last few months, I have not been down to 3190 and I would ask the Minister if that grass has been put in. There was a request to make sort of a front-yard-unit out of the homes, because of what was in fact happening there. I see Mr. Suters is very busy giving information to the Minister and I hope he is giving information that this has all been rectified—

Hon. Mr. Randall: I would not know about the flower pots. I would have to get the

information from the person who knows about flower pots, so I am trying to get it for you.

Hon. Mr. Grossman: That is a pot to put your flowers in.

Mrs. M. Renwick: Mr. Chairman, when the Minister speaks and does not rise, the mikes do not go on, and it is very hard sometimes to hear on this side of the House.

Hon. Mr. Randall: You referred to Mr. Suters getting notes—I am just suggesting that my staff is feeding me with the details that perhaps you want with regard to the flower pots. Now if I get up and say I do not know about the flower pots, you will say, "Well, why do you not know about the flower pots?" I just simply say I do not know about all these things, but I think somebody back under the gallery here does.

Mrs. M. Renwick: I am sure, Mr. Chairman, that somebody does. I just think that it needs the type of personality that will cause some of these things to be fixed, orderly, quickly. The area that is being used for play, as I explained, is between two sets of housing rows, and balls are being thrown through the windows frequently. People might very well injure themselves with glass.

Hon. Mr. Randall: It happens in Rosedale frequently.

Mrs. M. Renwick: I am sorry—

Hon. Mr. Randall: It also happens in Rosedale where the kids play.

Mrs. M. Renwick: The kids in Rosedale, Mr. Chairman—and this is the sort of remark that really makes me wonder about some of my finer statements about the particular Minister's ability—the children in Rosedale are not playing in a space the size of this red carpet between the Opposition rows and the front government rows of this Chamber, and when you get 15 children playing ball with sticks in that confined space, with new housing on each side, it is not only chaotic, it is dangerous for the tenants.

Mr. Chairman, I would say to the Minister, that if there are only 167 or 200 units, not units, but projects, in Ontario, somebody should go to each project and should just stand and look it over, and ask what would I do with this to make it a little better, because there is not much point in making some make-shift arrangement.

And in this particular development, Mr. Chairman, if anyone stood and looked at it, there is a huge vacant field behind it, and it has been vacant for a long time. Surely an investigation in some of the surrounding area there might provide a playing field. This development is right on Kingston Road which is a heavily travelled roadway with four, six and almost eight lanes, it seems to be some days. It is not as though the children can go out and play there. And the tenants do get together and have an organization there.

Or look at 410 McCowan Road, which has gone up in the riding of Scarborough Centre since 1967 where, because there are not any facilities nearby, there seem to be frustration of all kinds erupting—I am told to a point where when tenants call the police, it is just another call to them. They do not act; they do not come as if a private citizen is soliciting their assistance or their help.

I am told that there are young people playing guitars and so on underneath windows until all hours of the night, and that only if the superintendent contacts the police is there any action. I am told that the hostility there until a month ago was pretty rife to say the least, and I think that with tenant officers and meetings in that area, a lot of this can be absolved, Mr. Chairman. It does take additional money; it does take money besides building walls and roofs and making land deals. There is more to making housing communities and I am sure the Minister must know this. He has put community development consultants into Malvern and certainly part of his staff was involved with the original Flemingdon Park project which was a total environmental plan for people. I think the Minister must know from his experience at Edgeley that he cannot have housing that is government housing, and not treat it as a total environmental area. Where the Minister is now proposing housing in Flemingdon Park, there are no commercial sites, he said, I believe in last week's estimates on this department, and the children will have to go considerable distance to go to stores. A drug store and medical building—these are all things that are a part of putting 1,400 families, or 3,000 families, or 5,000 families, together. The Minister has a plan in there of 34,000 families, Mr. Chairman. We are not talking about some small isolated community. I would like to deal with management of those areas separately, Mr. Chairman, because the management is at a point where some answers certainly have to be given.

I guess the best thing to do is to go into management now, Mr. Chairman, because it all ties in with this whole tenant relations

problem. A lot of the frustrations that the tenants build up within themselves are being built up because of lack of communication. The Minister said at the end of last week that by handing the management of the Ontario Housing Corporation over to Montreal Trust, he was in fact eliminating that dreadful situation of a superintendent being the boss and the head man running an apartment building. Well it is funny, Mr. Chairman, that this government can give that view one day from one of its Ministers of the Crown, and yet we can bombard the Minister, like the Minister of Financial and Commercial Affairs (Mr. Rowntree) with examples of hundreds and hundreds of this type of operation going on in the city where the superintendent is in fact wheeling and dealing lives "in" and "out" of apartment buildings willy-nilly because they happen to cross swords with him, and there is no really good business operation. But the Minister of Trade and Development has said, "I am giving something better to the people." I believe what he implied was that he was giving something better because people resent a superintendent managing where they live.

This is a business type management, where the people such as the Minister's own constituents in Flemingdon Park, have certain hours of operation and they have under this new management, superintendents who I believe work from 8.30 to 4.30. The Minister could correct me if I am wrong, but if anything goes wrong after hours with appliances, plumbing, or heat, water, or windows, there is not any one on duty in Flemingdon Park.

The other day a lady reported the bottom had fallen out of her hot water heater and the water was flooding in the basement. She telephoned the number to locate the superintendent, but it rings in a little workshop and the superintendent, if he is doing anything at all, is not in the workshop, he is out doing the job. The lady with the water pouring out of the hot water heater, dialled the telephone to this little workshop and finally, the lady tells me, she got Mr. Butcher himself to come over—Mr. Butcher is in the "office end" of Flemingdon Park for Montreal Trust—and turned off the water.

I am told that there are tenants living in that particular development who go without hot water for two or three days, tenants with small babies, often without heat, because the boiler has broken down. I do not see how the Montreal Trust, with its fine hours of superintending, can possibly handle the needs of those people.

I would ask the Minister if he would answer the rumour that the Montreal Trust want to opt out of this managerial post that it has taken on, by the end of the year.

Hon. Mr. Randall: The Montreal Trust are quite happy.

Mrs. M. Renwick: Mr. Chairman, I can probably say, with some conviction, that in that case the chances are pretty good that the Montreal Trust is managing the Ontario Housing Corporation in the way it wants to. It is getting around to dealing with the problems when it wants to, because that is the only way they would be able to stand this type of operation.

Hon. Mr. Grossman: You are damned if you do and damned if you do not.

Mrs. M. Renwick: There is a family in the Minister's riding, in Flemingdon Park, who tell me they were five weeks without a bedroom window until finally, in a rain storm about ten days ago, it was put in.

These are very important issues, Mr. Chairman, if you happen to be the tenant on the other side of that open window. They may not be very important issues if you happen to operate in the high world of trade and development, but it simply shows that a man, if not men, should be on the job in Flemingdon Park.

They have hours of work and obviously they do not work after those hours. They work from Monday to Friday. One of them, according to one lady, said he would not come to fix something at her house after dark; he was afraid to be in Flemingdon Park after dark. That, I think is an overstatement, Mr. Chairman, but the Minister should take some interest in the quality of the operation of Montreal Trust, not just in Flemingdon Park.

I would ask the Minister about the other companies that were consulted on the contracting out and I would like to ask him if he would tell me how much is being paid to the Montreal Trust for the privilege of managing the Ontario Corporation units? And does the Minister not agree that this is adding another level of bureaucracy for the people already in those units—after having gone through the frustration of being placed there in the first place?

Would the Minister explain to me the difference between an on-site superintendent and an off-site superintendent? In some areas, not in Flemingdon but in some areas, such as

in my riding, there are superintendents who live on the site, and work on the site. But in comes a man hired by Montreal Trust, and he is what they call I believe, an off-site man. Now, who is this off-site man responsible to, Mr. Chairman, I would like to ask the Minister.

There seems to be some friction arising from the fact that the on-site man has certain chores to do, then the off-site man arrives. Sometimes the on-site man has already done some of those chores, so the off-site man does what he thinks he would like to do and leaves. Then the man who lives there says, "Oh, but he did not do the steps down" or he did not do something else. He comes to pick up the papers but the man on the site has already picked them up.

Now, I presume, Mr. Chairman, and the Minister will correct me if I am wrong, that the on-site man answers to the Ontario Housing Corporation, and the off-site man answers, I presume, to Montreal Trust. But where does this leave the relationship between the two men trying to do the one job for 100 tenants on the site? The men who are doing these jobs, Mr. Chairman, tell me that they have a very long time to wait before they get supplies—wax, paint, raincoats, the things they need to have to do their job, Mr. Chairman. They may be very small things to the Minister but as we go down the ladder in the Ontario Housing Corporation, they must be somebody's responsibility.

Hon. Mr. Randall: If I could answer the member's question, we do not have on-site and off-site superintendents. When the Montreal Trust Company takes on the building they have a resident caretaker; they have people on the job to do specific jobs and that is their responsibility. Now if a man does his job and goes away and it is not completed, that is why the superintendent would come along and perhaps report him, I do not know. But they are paid to manage the project—that is their responsibility, not that of the Ontario Housing Corporation.

Mrs. M. Renwick: The additional men who come in, Mr. Chairman, are actually answerable only to Montreal Trust, not to the Ontario Housing man who is resident on that site and in charge of that site?

Hon. Mr. Randall: They are Montreal Trust.

Mrs. M. Renwick: Would the Minister tell me then, in his view, and in such a simple procedure, when the Montreal Trust man comes onto the site and neglects to do some work, who catches that neglect? May I ask the Minister, who catches that mistake?

Hon Mr. Randall: If a job has not been done, I would think it would be reported to the supervisor from Montreal Trust, and he would reprimand his own people for not doing it. The same as we would if Ontario Housing Corporation was running it.

Mrs. M. Renwick: But then you see, Mr. Chairman, it is left for your man who is on the site to do that, and he is not the boss over the Montreal man who comes in. Is that not right?

Hon. Mr. Randall: We have an area supervisor, we do not have anybody living on the properties where Montreal Trust is operating. They are all Montreal Trust people, their employees.

Mrs. M. Renwick: But some live on the site and some do not? Is that right?

Hon. Mr. Randall: They did when they were in Ontario Housing Corporation. Some of the superintendents lived in the buildings or some came to work, but now they are Montreal Trust people, that is all I can tell the member; they run the project; they get paid for running the project; Ontario Housing Corporation is not in there at all.

Mrs. M. Renwick: Mr. Chairman, is that quite clear then; the Minister has said that the Ontario Housing Corporation does not have any caretakers or whatever you want to call them; superintendents I call them—

Hon. Mr. Randall: My understanding is that Montreal Trust took over any caretakers we had, or put their own in.

Mrs. M. Renwick: Well then, Mr. Chairman, I certainly will look into the situation that I came across in my riding. I presume this has not changed in the last six weeks.

Hon. Mr. Randall: If the member sends me a letter on it, I will check into it for her. If the member has the information, let me have it and I will be glad to check into it.

Mrs. M. Renwick: Very well. I would like to ask the Minister if in his takeover of the Toronto Housing Authority, I believe those people are no longer connected, except perhaps with the senior citizens' applications with the Ontario Housing Corporation. Is that right?

Hon. Mr. Randall: In the takeover of the Toronto Housing Authority, they are no longer connected with who?

Mrs. M. Renwick: In the takeover of the Toronto Housing, through the Toronto Housing Authority you are completely severed from any inter-relationship with the city hall offices that used to be the Toronto Housing Authority where people used to apply and then it was relayed to you at University Avenue.

Hon. Mr. Randall: I think the answer to the member's question is that of those people who go to the Metro housing register, we took over the majority of the staff of Toronto Housing Authority and they are on our payroll.

Mrs. M. Renwick: Is there a Toronto housing authority now?

Hon. Mr. Randall: No.

Mrs. M. Renwick: It does not exist?

Hon. Mr. Randall: No.

Mrs. M. Renwick: Could I ask why there is one in Guelph?

Hon. Mr. Randall: Could the member ask what?

Mrs. M. Renwick: Could I ask then why there is a Guelph Housing Authority in Guelph, and there is not an Ontario Housing Corporation?

Hon. Mr. Randall: It is an entirely different project in Guelph. The housing authorities out of town look after the properties out of town. We are quite capable of looking after them here in town ourselves, we do not have a housing authority here. When we took over the Toronto Housing Authority, we disbanded that organization, otherwise we would have a duplication.

Mrs. M. Renwick: How many authorities does the Minister have in the province?

Hon. Mr. Randall: I think, roughly, 41.

Mrs. M. Renwick: Forty one. What sort of financial arrangements, Mr. Chairman, are there between the Ontario Housing Corporation and the housing authorities?

Hon. Mr. Randall: Carry on, I will get the figures for the hon. member.

Mrs. M. Renwick: Is there a tenant relations officer assigned to the problems in Green Meadows, Mr. Chairman?

Hon. Mr. Randall: Green Meadows—

Mrs. M. Renwick: In Guelph, Ontario.

Hon. Mr. Randall: Of the tenant relations officers—perhaps I should give you the complete complement—there is one director, a community relations officer; one community relations officer, two supervising tenant relations officers and 11 tenant relations officers, for a total of 15. We had two in 1957, six in 1965 and we have 15 today, and these people service the province. There is no direct tenant relations officer in Guelph, that I know of.

Mrs. M. Renwick: I am sorry, I will have to ask the Minister to repeat that about Guelph.

Hon. Mr. Randall: I say there is no tenant relations officer appointed to Guelph, he is one of the 15 we have here, or I should say, she is.

Mrs. M. Renwick: Mr. Chairman, might I ask the Minister, of the people in Guelph, the people who originally organized the tenants' association on Vancouver Drive and so on; have they not pointed out repeatedly—and I might even find a copy of a letter which I would like to ask if the Minister received—about the lack of management on the part of the Guelph Housing Authority that is consistent with the policy of the Ontario Housing Corporation? I just do not understand, perhaps there is an explanation, why there would not have been a tenant relations officer on the problems in Guelph, with the Guelph Housing Authority.

Hon. Mr. Randall: We have a housing authority in Guelph and we are not going to supersede the housing authority until we do, as I said earlier today, if we are going to replace it with an area director we will replace it, but we are not going to have a housing officer go in there and supersede the order of the housing authority's. There is no use having it if we are going to do that.

Mrs. M. Renwick: Mr. Chairman, there is no use in having the Guelph Housing Authority in error on OHC policy, is there? And if we do not have anyone going in there and saying to the Guelph Housing Authority, "The rent freeze does apply to Mr. Messi, and you should not have asked him for more money simply because he got a small raise", then I do not see how the Minister hopes to operate public business.

Mr. Chairman, if the Guelph Housing Authority made one or two mistakes, fine,

anyone human, doing any sort of administrative job, particularly out at the local level, is going to make mistakes; but, Mr. Chairman, I would say to the Minister that this one mistake alone would have prompted somebody being sent in and I would say to the Minister, I think he was very fortunate to have tenant relations officers to send in and not have to send in a supervisory person to check their books and check how they are operating.

If he wants to keep the interest of public relations between the Guelph Housing Authority and the Ontario Housing Corporation, then what more ideal way, Mr. Chairman, than to send in one of the—I believe they are all ladies of the tenant relations branch—to settle some of these differences before they are created beyond the one or two cases that we have.

I would like to ask the Minister, Mr. Chairman, about the case of Mr. Messi of 44 Mohawk Road. He moved in in July 1968, the rent freeze went into effect in June, 1968. When he moved in July he was earning $135—and this is what his rent was based on. In October he changed jobs to work for Silk-Knit Limited in Hespeler and earned from October to the end of December, an average of $608. Because he thought he was covered by the rent freeze, he did not bother to notify the authority, because it was pretty common knowledge, there were only about 70 tenants, I believe, Mr. Chairman, if I am not mistaken, in the Vancouver Drive area of Guelph, and there could not be, I think, any more than 100 and something, up in this Mohawk area, word of mouth on a rent freeze, you can imagine, spreads very quickly.

Mr. Messi, I am commenting myself, was perfectly correct in the fact that there was a rent freeze, Mr. Chairman. It was the Guelph Housing Authority that was wrong and they must be able to administer public units, purchased of public funds the same way that the units would be administered here, needless to say. In January he got a letter from Mr. Suters quoting the $608 earning, and that his rent would go up to $195; I presume they mean per month, Mr. Chairman.

When he enquired about this, he was told by the secretary that the freeze only applied to those tenants who occupied units in May, 1968. Now that was when Mr. Messi enquired locally, Mr. Chairman. Mr. Whaley wrote a letter dated February, 1969 saying: "Those tenants who move in after May 1, 1968, have the rent calculated initially on the income which applied at the date of the tenancy but thereafter the rent was frozen except again in cases of decrease in income."

In other words, Mr. Chairman, the Guelph Housing Authority was not acknowledging the rent freeze that The Department of Trade and Development had placed on all tenants' rents of Ontario Housing Corporation. I would not worry any further, Mr. Chairman, if the Minister would say, "yes, that was a flagrant error and we do not like it, that they should not have been allowed to do it, and we are going to make retribution to Mr. Messi." But Mr. Messi, I believe, was an Egyptian. He was scared of the whole prospect of what would happen if he did not up his rent, and he left in January, 1969. There is no present address, but apparently he is still at Silk-Knit. I do not think the Minister can just fluff off that sort of operation.

Here is another tenant from the Guelph Housing Authority, a Mr. Scott. Mr. Scott was on programme five, and paid $79 a month rent, when he was employed by Lakeshore Die-Casting, and he earned $700 a month. OHC were notified through the rent review, but they did not put his rent up. Mr. Chairman, when the OHC does not put rent up, it does not mean that when the man is unemployed that they do not have to take it down, and this is also what I see happening in the rental developments. It says here he worked for 14 months. On July, 1969, he had to quit because of health reasons and went to work at the University of Guelph, earning $90 a week. There is a big difference, Mr. Chairman, between earning four times 90, $380 a month, instead of $700.

Finally, when he was on this new lower scale at the end of June he was notified by letter that his rent was going up effective September 1. Effective September 1, and it was going up, notified in June. Well, Mrs. Scott called Mr. Lotteridge—Mr. Lotteridge, Mr. Chairman, is at the Guelph Housing Authority—and was told that this new rent was based on Mr. Scott's wages at Lakeshore Die-Casting, that he had been trained for.

She told him that her husband was working at the University of Guelph; she was then told that they had better have the money to pay the rent because her husband had made good money while he was with Lakeshore. Mrs. Scott told him there was no way they could pay. It says here, Mr. Chairman, that Mr. Lotteridge told her it would be worth their while to stay in these lodgings even if they had to borrow the money. By now the tenant was earning $90 a week approximately and he had spent his high earnings after

being on a restricted budget at school. It is not an uncommon case.

I see cases like this right in Flemingdon Park. The Minister does not have to go to the Guelph people to find the sort of case that when the man's wages go up, Ontario Housing Corporation has not seen fit to change its system of billing so that the man is billed higher for those months, nor are they consistent in adjusting the rent geared-to-income when the man's wages go down, or when in fact they disappear altogether, Mr. Chairman.

I had one family in Flemingdon Park, Mr. Chairman, about which the Minister might like to know. The man was a $3-an-hour seasonal worker. When he was unemployed he lived for two weeks on his earnings and his rent was paid for that two weeks. He went on welfare for two weeks and he worked for two more weeks for something like $23, which would be about a day's work for him. Ontario Housing Corporation still wanted $195 a month rent, Mr. Chairman, this was his correct rent on rent geared-to-income if the tenant had been working.

The tenant, when he had been on welfare for two weeks and he had been working for a few days of the other two weeks, certainly did not at any time in that month, have an income of $195. The Ontario Housing Corporation in that particular case, by the time they dealt with it, the family now owed the corporation two-and-one-half times the $195 which now gets to be something they are never going to overcome when they owe $500 or $600, whereas, if they had been able to go to the office with their "T" forms from their weekly earnings and get their rent reduced reasonably soon, even within a week or two, they might not be in such arrears.

I would like to ask the Minister what he feels is going to happen? First of all, I would like to ask, Mr. Chairman, if the Minister would tell the House what the judge's findings were on the eviction of the Krusky family, and the other family in Guelph that are to be evicted by the end of this month—I understand there is another one.

I would like to ask the Minister if he would explain how he feels about the fact that the Kruskys' income was down through unemployment. I notice from the latest figures from this particular family that both the man and the lady in the family were working and they were paying their rent at $142 a month. And even though one unemployment insurance cheque of $36 had been received and work for a couple of days of $23 each had been all that had come into this family, back in the months of January, February and March and the family was still paying the OHC $142 a month rent.

I would like to ask the Minister—does he feel that the Ontario Housing Corporation owes the Krusky family that money?

Hon. Mr. Randall: May I suggest this to you. The hon. leader of the Opposition asked questions about the two people up in Guelph and I deliberately suggested we did not want to embarrass these families with the information we had available and I still feel the same way. I would like to suggest to the hon. member that if she insists I will bring the information and read it in the House. But I do not think it will do the families any good; it will be rather embarrassing.

I will be glad to let you have a look at the report we have and then you can decide whether the housing corporation is wrong or right. I simply suggest that in their interests I do not think it is good public relations on our part or your part to try to air their problems in this Legislature. If you insist we will bring them in and do it.

Hon. Mr. Grossman: The member should not have mentioned the name.

Mrs. M. Renwick: Mr. Chairman, the Minister certainly has frightened me away from insisting on anything which sounds that way. I hope that it is as bad as the Minister has made it sound to justify the Minister's remarks.

Hon. Mr. Randall: We have looked into both these cases very carefully and if we are wrong I am prepared to be reprimanded for it. If we are right I would suggest that rather than embarrass these families we do not air it.

Mrs. M. Renwick: Mr. Chairman, I met this family during one visit I had in Guelph. They have nine children, they are a young and attractive family that really appreciated their house on Mohawk. As they said in their letter, even though they felt they had overpaid in January, February and March—because the Guelph Housing Authority did not see fit to adjust their rent geared-to-income according to the true income of the family—they did not want to rock the boat; where else could they find a place to live with nine children—

Hon. Mr. Randall: I might say this to the hon. member. The families have both been down to the housing corporation and the housing corporation people are now talking to both the families and the housing authority, and I think we can resolve their problems. If they have been overcharged they will get a credit, and I can assure you we are looking at it on the basis of trying to be fair with them because we recognize maybe they had some difficulties with the housing authority up there. But on the other hand there are two sides to the story and you have only one side. We have both sides and I do not want to read that into the record here, I think it would embarrass the families, and I think you would agree that this is a good place to drop it.

Mrs. M. Renwick: Maybe the Minister would give me the other information privately. Surely he did not have any difficulty with the housing authority visiting and checking on the family. They wrote the family and said that specifically the deficiencies found in their unit—and this was February 12, 1968, were: 1. Clean up your basement. 2. Repair your screen. 3. Burn on the counter top.

I think there might even have been a dispute about the counter top. If the family has not obeyed the basic rules of enjoying public housing then I think the Minister certainly might have some sort of case.

Regarding the second family to be evicted. Would the Minister just tell me briefly, is the second family being evicted on a petition signed by only seven people?

Hon. Mr. Randall: I am informed that this went to court and was ruled on by a judge. The housing authority took them to court and it was ruled on by a judge, and on the basis of that ruling we are now, as I said, looking at both cases to see if we can find some solution for those two families.

Mrs. M. Renwick: On what basis, Mr. Chairman, did the Ontario Housing Corporation take the family to court?

Hon. Mr. Randall: We were not involved, the housing authority took them to court. The Guelph Housing Authority are the ones that issued the writ and took them to court.

Mrs. M. Renwick: Mr. Chairman, is the Guelph Housing Authority such an autonomous body that it can evict and take people to court without the Ontario Housing Corporation having a hand in it whatsoever?

Hon. Mr. Randall: Yes, they are given the responsibility of managing those properties. That is what the 44 bodies are there for, to manage the properties; to be there on the scene, and find out what the facts are, and on the basis of the facts they make a decision. If they are wrong we are the court of appeal; we will take a look at it, and if they are incorrect we will adjust it. If they are not; if their assumptions are correct we will have to live with them, and I say we are investigating these two cases because there are circumstances here that have not appeared on the record.

Mrs. M. Renwick: But does the Minister not feel that you cannot have it both ways, Mr. Chairman? How does the Minister justify this?

I am seriously interested and concerned in this problem because of the inflation that was created in Guelph, no doubt by those housing units going on rent geared-to-income, instead of on the $65 a month for the two-bedroom houses. If you want to say the tiny dinette with no clothes cupboard is a third bedroom, you may, apparently. That is the way they are being promoted.

How does the Minister justify that the Guelph Housing Authority can take over the approximately 70 units for which people have been paying $65 a month for 12 years, and put them on a rent geared-to-income so that some of these rents go anywhere up to a hundred and some dollars? It was such a shocking jump that the Minister could not do it overnight.

The Minister had to feed the scale in by an additional $5 a month on these tenants while they came up to rent geared-to-income and they lived with that "carrot in front of the donkey" that they could purchase these homes when finally the legislation permitted them to do so.

How does the Minister say, "I am marching in and I am becoming the Ontario Housing Corporation in Guelph," and then march out and leave it in the hands of the local body that had it before? Why would it not be administered locally, Mr. Chairman, by employees of the corporation in order to ensure that the standard of service and the standard of operation was consistent with the corporation? And to ensure that when the rent freeze went on in Ontario, that Guelph could not somehow opt out with no repercussions from the Minister whatsoever?

That is where the Minister has failed the people who are tenants in the 20,000 or 25,000 Ontario housing units that he has,

because he is now going to opt out of the care of the units. He has that in the trust company's hands; he is not taking any responsibility for the administration at the municipal level in the 40 or 50 areas the Minister mentioned were under 1,000 local housing authority. Yet he has put the whole of the province in a rent-geared-to-income scheme that is absolutely inflating local communities.

The Minister will say that is a lot of nonsense, I am sure, but last June, at the time of these estimates, Mr. Chairman, the ladies who were the president and vice-president of the Green Meadows Tenants' Association, Mrs. Pat Fortune—whom I am told the Ontario Housing Corporation refuses to recognize now that she is a homeowner, she somehow cannot even speak for the previous tenants, the tenants around the—

Hon. Mr. Randall: She is a private tenant now, why should she?

Mrs. M. Renwick: Because she is familiar with the background and the work that has gone on.

Hon. Mr. Randall: That does not make any difference, she is not a housing tenant.

Mrs. M. Renwick: I would say, Mr. Chairman, that if the Ontario Housing Corporation will not deal with Mrs. Pat Fortune, until such other bodies are active for the tenants, then the corporation is not really interested in tenants' associations. The one body has to hand on the ground work that has been laid, and the ground work that has been laid in that particular area is a pretty good tenant organization. It is maybe that pretty good tenant organization that the Minister does not want. But at the time the Minister put in the rent-geared-to-income system, Mrs. Fortune arrived here in these galleries, and she had with her an advertisement from Kitchener, where a four-bedroom apartment with ceramic tile, the usual accoutrements of an apartment, could be rented for $140 a month, which was considerably less than some of the tenants were having to pay under the rent-geared-to-income policy for those 12-year-old, two-bedroom houses in the Green Meadows Association.

Hon. Mr. Randall: That was in Kitchener, that was not in Guelph. They did not want to move to Kitchener to save rent, did they?

Mrs. M. Renwick: Well, people who live and work in the Guelph-Kitchener-Hespeler-Preston area, Mr. Chairman—

Hon. Mr. Randall: In Atikokan they can rent an apartment for $60 a month.

Mrs. M. Renwick: Atikokan is a long way from—

Hon. Mr. Randall: So is Kitchener.

Mrs. M. Renwick: —Guelph, Kitchener, Waterloo, Hespeler.

Hon. Mr. Randall: So is Kitchener.

Mrs. M. Renwick: Mr. Chairman, the Minister really sells his good capabilities short by trying to pull a red herring over something of that kind. He knows that the Ontario Housing Corporation rents inflated the community. One lady, an interested bystander not even connected with the Green Meadows that I know of, even wrote to Ron Haggart, saying, please will somebody expose the inflationary tactics of the Ontario Housing Corporation by coming in here and putting these homes on a rent-geared-to-income system? Well, if the Minister wants to say that things are working fine in Guelph, then the Minister is really only kidding himself because the Guelph problems are not settled yet as long as the Guelph housing authority is allowed the free hand that it is allowed.

I think that the hon. Minister, if he has tenant relations officers, should certainly try to spare one for Guelph.

I would like to say, Mr. Chairman, to the Minister, when I lost my cool on Friday because of the lack of numbers of people in the government benches, it was at a point when I was looking at only two Ministers and only two backbenchers in the benches opposite.

I was discussing places like the Albion Road, Thistletown community, which the Minister says may be negotiating with the Becker Milk Company Limited for a store. The Minister assures me that there are no stores in that huge, monstrous development there even yet. No drug store? No doctors' offices? And the Minister is saying there are no types of commercial endeavours included in a housing package. I believe that was the Minister's answer to Chapel Glen. Well, if there are no commercial endeavours somehow in a package, or if it is impossible for the Minister to incorporate commercial enterprises along with housing, how does the Minister work out a deal like the student building at Charles Street and Yonge where—is it Mr. Reuben's building? Is it Mr. Reuben who has the lease on the stores, the Yonge Street stores, for 25 years, Mr. Chairman? Are there some other

stores adjacent to Ontario Housing Corporation developments that are leased to the developers for 50 years? What is the deal on stores, surely the Minister can comment on that without Mr. Suter's comments?

Hon. Mr. Randall: Yes, certainly. The student housing on Charles Street is a business proposition worked out by The Department of University Affairs, and all the Ontario Housing Corporation did was put up the building. They made the financial deal with the developer with reference to the arcade and the stores, and you could not put that same kind of arrangement out in our public housing, out in Thistletown, or somewhere else, unless the federal authorities would be agreeable to paying 90 per cent of the development—if you put in retail stores and the things you are suggesting.

I might point out that we are trying to provide these facilities where we can, but where the federal authority will not advance their 90 per cent to build stores there is not much we can do about it. If they come round to a point where they say: "Yes, we can have a business development in there," then we will be quite prepared to go ahead and do it and reduce the number of houses.

Now, I have listened to you all afternoon, and a few others squawk about us not having enough houses. We try to build houses and now you talk about the facilities we should have and the problems of the people. Well, the Ontario Housing Corporation is not all things to all people. We have to build houses and we appreciate that we are going to create some problems. We try to recognize that those problems are going to be there when we build the housing but we cannot find the answer to all these social ills just because we are the builders of houses.

Certainly there are other agencies responsible. The municipalities have responsibility and you can go around and find difficulties everywhere you go. You can always find somebody dissatisfied with what he has got; he is unhappy about this, he is unhappy about that. But in the main, with 25,000 units under management today, we are going to have some of these problems, and 100 years from now we will not have Utopia. We would like to have Utopia but I do not think it is possible and I think the Ontario Housing Corporation is doing an excellent job serving over 25,000 units, or 105,000 human beings in this province of Ontario. God knows they are going to have a broken window now and again, they are going to have a step that is not fixed, they are going to have a leaky toilet, they are going to have water running once in a while. These things are going to happen. You cannot have Utopia. But I just suggest to you that we will put in the business establishments if, and when, the money is available from the federal authorities and we have the housing problem solved.

Mrs. M. Renwick: Mr. Chairman, I think the Minister is really trying to whitewash an otherwise bad situation by saying that you cannot have a Utopia. I do not think you should begin to aim for anything less than a Utopia if you are dealing with several thousand families. Aim for nothing less. If the Minister is saying: "Yes, I would like to put in things that would make the community a better community," if the Minister were an architect. There are very few architects who would possibly, even in this day and age when architects are a pretty enlightened group as far as the sociological makeup of communities is concerned; I do not think for a moment that an architect handling housing for the government would say that housing was your answer. Just to house, to ignore the fact that they do not have any amenities, that they do not have a recreation centre, that they do not have stores, they do not have a doctor's office. I would ask the Minister if he would be quite happy to live that way? Do we have to live that way, or is there another way that we can expand an operation into making a total community? And if the Minister wants to have a little advice from the hon. Minister of Correctional Services, let us just stop the debate while he gets it.

You see, the problem, Mr. Chairman, is that the hon. Minister of Correctional Services does not believe in public housing.

Mr. Chairman: Order. We are debating the estimates of this particular department, not the hon. Minister of Correctional Services.

Hon. Mr. Grossman: How did I get into this thing?

Mr. Chairman: I have no idea.

Mr. D. C. MacDonald (York South): You are so innocent, you get into trouble without trying.

Mrs. M. Renwick: Mr. Chairman—

Hon. Mr. Grossman: Certainly I am in order to ask the Minister of Trade and Development how his wife is.

Interjections by hon. members.

Mrs. M. Renwick: You know, Mr. Chairman, if the Minister of Trade and Development lived in that community he would not be satisfied with living there. And this dissatisfaction is coming back on to his hands with all sorts of problems of the communities. Someone in the corporation has got to face up to the fact they have got to change the community, and if they have to ask for 90 per cent from Ottawa and fight until they get it, more power to them. But they will only do it, Mr. Chairman, if they believe in public housing.

The Minister held up Sweden and its waiting list, and the fact that public housing was not the answer. Well, a student of Sweden, Marquis Childs, who wrote a book in the thirties and updated it after the war—you do not need a later book than this on housing in Sweden, because by this time Sweden had gone through fifty years, Mr. Chairman, of inadequate policies of public housing, and then through their 50 years' experience they devised better schemes.

Interjection by an hon. member.

Mrs. M. Renwick: It does not make more houses, it just makes better ones!

We as a new province, going into public housing for the first time, should have emulated the things that some other country, about the same size as our province, had struggled through to get the answer: the different kinds of finances, the "Magic House", where the whole family goes out and helps put up the house. There are five kinds of housing when it comes to the type of condominium development that the Minister is talking about in Chapel Glen. Five kinds for five different income groups. The Minister can say this is not the job of government and so on and so forth, as do several other Ministers and other members of his Cabinet. But what is his answer then, to something like Mr. Kirkup's report, which creates a very poor picture? He must realize that this indicates a crisis, and only a crash programme can solve what Mr. Kirkup has said about housing.

So the Swedes struggled all through it, Mr. Chairman, and the people in Ontario who pioneered some public housing, and I must say I congratulate them again on starting off with a good purchase like Flemingdon Park to show that they certainly were not going to build at inferior locations. And so on and so forth, but let us not go backwards from the type of development that was purchased in Flemingdon Park to something that turns out to be crammed out on the horizon like Thistletown.

The first point that was made on low-cost housing was that Sweden was pretty well 20 years ahead in its public housing from other parts of the world—certainly in our hemisphere. But above all was the realization that private business could not provide housing for the lowest income groups on the ordinary basis of private profit; and that is exactly the situation that we face, Mr. Chairman. On the ordinary basis of private profit, these thousands of people will never be housed. Fifty years of agitation, and slum clearance for better housing has made that quite clear.

It has been said that Sweden is without slums, either in city or country, and while this may be over-generous the idea was certainly being approximated—

Mr. P. D. Lawlor (Lakeshore): Oh, I do not know! With all those blonde gals out there? Come on!

Mrs. M. Renwick: In Sweden, those who were interested in promoting better housing had come to the realization 20 years ago—and this was in the forties Mr. Minister—that there would be very little progress until the interest of the group to benefit from improved housing was enlisted. And therein lies the key to the Minister's problems in his own units; unless he enlists the help of the interested persons that are living in his units, he will not get those units operating the way that would be most suitable.

There was a broad background of social and economic education, and I am sure that the corporation tries to do some public relations work on education about public housing units. I know it has certainly had two or three approaches from my own riding, which suddenly seemed to blossom in OHC developments, and this could be a very good use for the large caravans, telling the social and educational aspects of public housing, not just what we have achieved.

A housing shortage existed before the outbreak of the Second World War, and it was made acute by non-combatants who sought refuge in Stockholm. Every garret, every cellar was occupied; the threat of slums as a breeder of disease and social decay was very real. Numerous remedies had been tried: philanthropic building projects of one sort or another, municipal lodging housing, and municipal farms for the poor, but they had all proved to be temporary expedients or worse. Rents at the close of the war were

outrageously high in all the larger cities; real estate interests were combined in what was in effect a housing trust.

In 1916 the Stockholm Co-operative Housing Society was organized and sponsored by the central labour union—a powerful force in the political and economic life of the country. It was the first time that prospective tenants themselves had made up the organization. They had the right to determine what kind of housing they would have, and six years later proved their worth with the accomplishment of half a dozen co-operative apartment houses.

A national organization, the Tenants' Saving Bank and Building Society was formed. In Swedish this is the HSB, which had a remarkable growth. In Stockholm—a city of more than 600,000 population—at least 15 per cent of all families live in co-operative apartment housing. Building continued through the depression, the construction programme being carefully planned and financed several years in advance through 1938.

That is a long time back, Mr. Chairman, but this country recognized that the piecemeal type of approach to public housing is not sufficient. And I would ask the Minister could we not have a five-year-plan on housing, or a four-year-plan, if he wants to look at a term of office?

The HSB has competed in the open market; members have been attracted by the fact that the co-operative apartment houses are superior to others in almost every respect, besides being lower in price. They are designed for light, air, convenience, and privacy, the newer units being in the functional style adopted by young Swedish architects; the older buildings are somewhat more conservative in exterior design.

One man, Sven Wallander, played an important part in the success of HSB. He combined remarkable skill and inventiveness as an architect with a keen business sense and a capacity for organization. Although Wallander has been perhaps the chief factor in the achievement of HSB, it has long since passed beyond the stage of dependence upon one individual, and I think that is what the Minister has to strive for in Ontario, Mr. Chairman: an organization that is no longer dependent on University Avenue—but not by farming it out, contracting out, losing the taxpayers' money for high contracting costs in all likelihood—but letting the people take a part and take a role in that whole community development of which they have a part.

HSB builds apartment houses on three budgetary levels:

Type A—a co-operative apartment in any house where the tenant must pay ten per cent of the cost of his apartment. I will skip the figures because of the difference in the currency.

Type B—the co-operator must put down a five per cent deposit and his rents are geared down annually because of that large deposit, Mr. Chairman, in each case.

Type C—the houses have no deposit at all. This is because the state and city provide virtually the entire capital for this type of co-operative apartment.

Through their deposits in constructing, the A type members furnish ten per cent of the capital. Private banks and insurance companies add another ten to 15 per cent, and the city and state 75 to 80 per cent.

For the B type, the members' deposits represent but five per cent of the necessary capital and the city and the central government contribute correspondingly more, that is 80 to 85 per cent. While the C type are organized on a co-operative basis by HSB, they are really built by the city and all member tenants must be approved by city authorities.

Initial deposits made by future tenants are treated just as is capital from other sources.

Mr. Chairman: Order, please. It seems to me the hon. member is reviewing quite extensively some book written by some person and while I do not see any objection to making an occasional reference to some book, the hon. member does appear to be entering into an extensive review of the book with the odd comment in between. I do not think this constitutes proper debate in the estimates.

Mrs. M. Renwick: Well, I think a new type of financing, Mr. Chairman, must be necessary for the Minister to go into the kind of public housing that is required, and I thought that the Minister would make some comments on different types of buildings. The Minister is going into a condominium plan, where only one income structure will be able to purchase homes, one and above. And we all know how difficult that is with 50 per cent of people in Ontario earning less than $7,000 a year. Perhaps the Minister could think about different kinds of programmes that would involve more people with lower income by using some moneys for deposit.

Hon. Mr. Randall: May I ask a question? Do they give the square footage for those

different classes of homes? Do they tell you how many square feet you get in A, B and C that you are referring to?

Mrs. M. Renwick: I believe they go from one- to five-room homes, and at the end of 20 years the deposits are returned, and the annual rentals are automatically decreased then by 20 per cent.

Rather than just commenting on the waiting lists in the Scandinavian countries, would the Minister comment on what housing schemes he saw in the Scandinavian countries that he would like to see implemented in Ontario if the funds permit, other than just a straight purchase of a home? The Minister is probably familiar, after having visited the country, of the five kinds of houses that can be erected besides the purchase of apartments.

Of course, all this, Mr. Chairman, is 20 years ago, and when the people have an opportunity to purchase homes at different prices, homes for instance that come with the poured basement, and the family, plus whatever help the desire, to engage in building the house; homes where the bathing facilities are in the basement because it costs less in that case than to put them up above—homes then of a standard type as we know them, with one and two washrooms, two and three washrooms. They did not stop with one class of public housing, Mr. Chairman; this is what I am trying to say to the Minister, to interest him in other kinds of housing, besides rent-geared-to-income which is a dead-end street. With the other kind of housing, if you earn enough money, you can buy a house, which Mr. Kirkup is saying is getting to be an impossibility for 93 per cent of our population. Would the Minister comment then perhaps in the evening as to whether he has investigated into some other types of financial arrangements and other types of building of houses?

The "Magic House" was in 1926, Mr. Chairman. These were prefabricated predesigned units. The apartment houses were designed with their day nurseries, with their restaurants, with the things that it takes to make a proper community, or does the Minister intend to go on building communities such as the one out at Thistletown where there are never ending rows of nice white plaster houses, and dirt around them and very little else around them? It seems to be in one of the starkest locations in the city of Toronto, and I think the Minister has to let us know whether he is simply going to go ahead with the sort of development that he has produced, or whether he has any new ideas. If all he is going to do, Mr. Chairman, is produce more of the same, contracting out their management, which is not being done properly—because it is on a work-day basis, a five-day week basis—then the Minister has failed in the quality of public housing, in spite of some good locations, such as Flemingdon Park.

It being 6 o'clock, p.m., the House took recess.

Legislature of Ontario Debates

No. 181



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, October 14, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969



Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, October 14, 1969

Estimates, Department of Trade and Development, Mr. Randall, continued 7025

Motion to adjourn, Mr. Welch, agreed to 7067

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, OCTOBER 14, 1969

The House resumed at 8:00 o'clock, p.m.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(continued)

On vote 2208:

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, perhaps I could answer some of the questions that the hon. member posed this afternoon.

May I first say that we have had considerable experience with Montreal Trust, and I think if we go into the future with some of their management policies we will find they are going to do a good job. I have a letter here from a man called Mr. David J. Saul, and he wrote this to Montreal Trust, 96 Eglinton Avenue, to senior property manager; and he said:

> It seems to be man's nature to sit down and write letters to property managers only when there is some complaint. I wish to alter this procedure.
>
> On behalf of my wife and myself, and speaking unofficially for many of my fellow tenants of 30 Charles Street, West, I congratulate Montreal Trust for appointing Mr. John Nicholson as property manager of the Graduate Student Housing complex on Charles Street.
>
> Not only has this gentleman a most engaging personality, but he also is most efficient and very understanding. We are more than happy to deal with him. He seems to be always available and the hours he puts in are staggering.

Mr. E. Sargent (Grey-Bruce): Are we still on housing?

Hon. Mr. Randall: To continue:

> In the few months I have been resident here I have heard nothing but complimentary remarks about Mr. Nicholson, and that in itself is quite an impressive recommendation.
>
> Dealing with graduate students is reputed to be an onerous job, but I am sure your company can rest assured that if anybody can do the job well you have the man in the position already.
>
> Please pardon me for expressing these views if they are old news to you.

Now sometimes people like to hear some of the good things we say about them as well as the criticism.

Questions were brought up this afternoon about telephone services at the Ontario Housing Corporation. We have six full time operators on centrac qualified to deal with applicants by telephone. We have four on the counter for personal interviews, plus a staff at Metro Housing Registry in Toronto. So I think we have a staff big enough to handle the number of people that want to come in and talk about housing.

In the month of September, we received 7,184 calls—I do not know where the 6,000 a day comes from but we received 7,184 in the month of September. There are eight lines to the centrac machine; there are six locals to other staff—14 lines altogether.

All visits are conducted in order to maintain a bank of eligible applicants. Some idea of the number of home visits conducted can be based on the average of the number of families housed, and this is 400 to 500 per month; so we are certainly making home visits on the rate of 400 to 500 a month. The visits in September totalled 681.

The municipal workshops discussed this afternoon are self supporting from the registration fees. They are intended to familiarize officials selected and appointed at the local level of the HOME plan. That covers all housing under the HOME plan and also public housing. I might say that these workshops have been very successful and we intend to continue them at every opportunity.

With reference to the housing authorities, let me suggest that we administer federal-provincial housing on an annual budget which is recovered by OHC and CHMC. The authorities' operating expenses are taken from rental revenues and the balance is remitted to the federal-provincial partnership on a quarterly basis, so that the income the housing authorities derive is taken out of the rents.

All OHC houses are administered by housing authorities on a fee basis, and OHC pays all the maintenance costs. The books of the housing authorities are audited at the end of each year by the local auditors, and if there is anything wrong with them certainly that is the time that we find out what the problems are and if there are any rebates required. If it is not brought to our attention before then, why certainly we are quite prepared to make sure these adjustments are made.

I do not wish to argue about Sweden again, but I would just like to bring up a fact that I think may be of interest. I have looked at housing in Sweden and I am quite sure that some of the housing would not be acceptable over here on account of the square footage.

The housing there runs anywhere from 600 to 900 square feet, and prices for a home over there are much higher than they are over here in relation to dollars earned. In fact, I think the rent of a two-bedroom suite over there is $225 per month Canadian. That gives you some idea of prices in Sweden; and certainly they have their problems with housing their people the same as we have.

In Canada, of course, the minimum square footage on an average is about 900, and it goes as high as 1,100 or 1,200 and 1,300. As you know, under the HOME programme we are providing housing from the $13,000 bracket up to $17,000 without land. I think you will also find, if you check the situation in Sweden, that the land is maintained and owned by the municipality and the houses only are sold on the basis you were talking about a few minutes ago—unless they have changed their system.

Mrs. M. Renwick (Scarborough Centre): Would the Minister permit a question on the figures just given?

On the $15,000, $16,000 and $17,000 ceiling on the price range, how does the Minister get around the HOME policy which states that appraised value of the proposed dwelling, to be placed on the lot exclusive of land or services, shall not exceed $15,000? In the Chapel Glen, units are going to be $16,000 or $17,000.

Hon. Mr. Randall: As you know, our formula is $15,000 for a three-bedroom home, $16,000 for a four-bedroom and $17,000 for a five-bedroom house, plus land. At the moment land has never been over $7,000 for a five-bedroom home. When you get into apartments, where there may be a one-bedroom apartment or two-bedroom apartment, certainly those apartments would be sold for less than $15,000; and the land cost would be appropriate.

Mrs. M. Renwick: Am I wrong then, Mr. Chairman, in understanding that the HOME plan, as set out in the original large yellow booklet—and I do not think the legislation has been changed, has it—that exclusive of land and services, prices shall not exceed $15,000 for any house purchased under the HOME scheme? Will legislation be enacted to change that?

Hon. Mr. Randall: No. The yellow book was brought out at the time we were going to build, and at that time we were only to provide three-bedroom housing. Then we got a number of requests for larger families, in certain areas, who said they had to have four bedrooms, otherwise they were ruled out of this housing entirely; there was just no use in their getting a three-bedroom unit. And then later still we decided that some of them must go to five-bedroom units—and that is the way the programme evolved from $15,000 to $17,000.

Mrs. M. Renwick: Was this perhaps a federal requirement, when it was being financed?

Hon. Mr. Randall: No, not necessarily.

We got a number of calls from—say the city of Ottawa, where we had a lot of white collar workers with large families—and they said a three-bedroom house for $15,000 was a good buy, but it was no good for a family with four or five youngsters. So that is the reason we permitted the HOME programme to go to the $17,000.

Now maybe I could just comment on these other questions here.

Mrs. M. Renwick: Was there something written on that change, Mr. Minister? Is there something written where it is changed, to say where it can exceed the $15,000? Is there a new pamphlet or anything written stating that?

Hon. Mr. Randall: Yes, there is a brochure given out to all the purchasers, which has all been changed since that yellow book; that is the first booklet we had, and since then we have got new booklets available on the prices that are now being offered on these lands.

On the Swedish systems, as I said Friday, one of the Swedish systems builders is going to start building homes here in Canada and we will have an opportunity to see what they

can do with the 900- to 1,400-square-foot homes. I am quite sure they can adapt a system to build over here as they have done in Sweden, if that is a quicker way to build homes, but until the system has been tried out in one or two projects, we are not in a position to say whether it would be less costly or more costly at the moment. There does not appear to be any saving in the structure but there may be a saving in time. We will know better in a year's time perhaps, if the systems building is as good as what we are doing.

I might say also, as I think you recognize, in Sweden the credit terms and the pricing are entirely different to what they are here, and my suggestion is that we are going to try and work out, as I said earlier, a mortgage arrangement that will include more people with lower incomes in a position where they can buy homes for themselves.

The hon. member was quite confused this afternoon when we were talking about the 9,700 units. These are all under the HOME programme and are for sale on the condominium basis. We have already stated that we have sufficient land being serviced now which will provide 3,320 building units starting August, 1969, and they will be building this year and going into 1970. In addition to this we will also have land starting in 1970 on which we will start the service for another 5,953 dwelling units, and again this is condominium style under the HOME programme.

These figures do not include Saltfleet, Waterloo, or anything that will be done in Malvern, and on top of that on public housing we expect to finish—

Mr. V. M. Singer (Downsview): How about Harbour City?

Hon. Mr. Randall: Just listen carefully, you are going to need this information.

Mr. Singer: Oh, I certainly will.

Hon. Mr. Randall: In public housing in 1969—with all the troubles we have had—we expect to start 7,000 starts and have 7,000 completions. In 1970 we expect to do the same thing, to start 7,000 units and have 7,000 completions, that is if federal funds are available. I have every reason to believe that Mr. Andras will make funds available for public housing. I think the figure today is that we have about $165 million in the works now in public housing, so public housing is going ahead, as I told you last week. We are talking about 97 out of 100 units on the HOME programme and we are talking a finish with 7,000 completions this year, and starts and finishes of 7,000 in 1970. I think it is obvious that we are carrying on both programmes at the same time and we will have a very elaborate programme, I would hope, by the end of 1970, to complete our proposition on housing with reference to public housing as well as for the HOME programme.

I know my friend over here is interested in Malvern again. You brought the question up again today, and I would like to put on record a letter we received on May 10, 1963, from the town clerk, Mr. C. A. Tripp, and here is what Mr. Tripp had to say:

> Subject: Federal-provincial property now in the township of Scarborough.
>
> The council of this municipality appreciates your courtesy in deferring the communication—March 15, 1963—from the chairman of the interim housing committee in order to give Reeve Campbell an opportunity to discuss this matter with officials of the municipality. The following comments are submitted for your consideration:
>
> Scarborough Official Plan:
>
> The township of Scarborough official plan provides for orderly and progressive development of the township by dividing it into three broad phases of development, and providing that successive phases will not be commenced until preceding phases have been substantially completed. The 1,800-acre Malvern project is situated in the extreme easterly portion of phase II, with a small section extending into the southerly portion of phase III. In the normal course of events, phase II is expected to be developed, working progressively from west to east and from north to south.
>
> The availability of a serviced lot and capital works programme: Council is presently considering a report of the planning board provided for its assistance in preparing its capital works programme with a view to establishing the priority of various servicing areas necessary to the substantial completion of phase I. This report indicates that 4,071 residential single family lots will be available in the year 1963 for building purposes and it is anticipated credit came down—cash demand—that the number of building permits issued in 1963 will approximate 1,500. Additionally with phase I are four areas which require servicing, and which will yield a further 4,200 residential single family lots.

Now this is Scarborough's plan, not ours.

> Within phase II and lying to the west of the Malvern property are some 6,500 acres of land shown on the township official plan as residential neighbourhood, and based on past demands these lands may be expected to be utilized at a maximum rate of 500 acres per year, and therefore development from west to east. Some ten to 12 years would elapse before the tide of development will reach the Malvern project.

I just recall, Mr. Chairman, that this is the clerk of Scarborough saying that in 1963 he expects that the development will reach in 10 or 12 years to Malvern, that is the clerk, not me.

> Services: the first prerequisite to establishing servicing areas and thus making way for development is the provision of storm and sanitary sewer facilities. The easterly portion of the Malvern project comprising some two-thirds of its total area, is dependant for servicing on the extension by Metropolitan Toronto of the Highland Creek village sanitary trunk sewer, while the westerly portion is dependant on the Malvern Branch Trunk Sanitary Sewer, both of which projects are not anticipated to reach Malvern area until 1971. A further small portion could be serviced by the Malvern Branch sewer, however. Its natural drainage is to the south via the township's proposed Little Road Sanitary Sewer whose construction is not anticipated for several years. The township's capital works programme does not allocate any funds to the servicing of sewers of the lands comprised in the Malvern project. Another important prerequisite to development is the provision of pipe-water supply, and while a main will be extended to the intersection at Sheppard Avenue and Highway 48, Markham Road, in the year 1963, no provision has been made in the township's five-year capital works programme to extend the mains easterly to the Malvern project.
>
> Balanced assessment: One of the principles upon which the townships official plan is based, is a system of development which will provide a reasonable balanced relationship between industrial and commercial assessment on one hand, and residential assessment on the other hand. To this end, the plan envisages an orderly and progressive development in which the major land use categories are grouped so as to provide for the function of an area as an integrated unit. To thrust into this balanced programme an extremely large development consisting almost exclusively of housing accommodation would seriously affect the equivalence sought to be built up and maintained even where the proposed development located in an area in which were already provided the major necessary services. To establish such a development in an area which will require the provision of costly extensions to major municipal services is even more disruptive, and by the drain on capital funds imperils other aspects of the municipal capital works programme where claim on the tax dollar is more legitimate. For instance, included in phase I are two prospective development areas, the servicing of which will require a substantial capital expenditure and which would rank in priority to any extension of services into phase II.
>
> Public transportation: Public transportation facilities linking the project with the major labour market would seem to be essential, and for the Toronto Transit Commission to extend its services to this project, so long as to do so would involve traversing an extensive non-revenue producing area, would be impractical.
>
> Housing provided by Scarborough: Scarborough during the past war years, absorbed a large share of the low-cost housing required for the growth of the Metropolitan area and in the last few years absorbed 43 per cent of all limited dividend projects for low income families in the Metropolitan area. Scarborough in striving for a balanced assessment to support this low-cost housing has managed to obtain a 33 per cent industrial commercial average compared with 30.9 per cent in North York, 41.9 for Etobicoke, and 61.5 for Toronto. To illustrate the tremendous amount of low-cost housing which has been absorbed by this municipality, a comparison of the assessment per person gives a startling indication. Scarborough, $7,600 approximately per person; North York, $10,500 approximately per person; Etobicoke, $12,200 approximately per person; and Metro average $12,500 approximately per person. It is obvious in comparing these figures that Scarborough cannot afford to provide all the municipal services required for a large-scale low-cost housing project at the present time without further widening this assessment per person gap between this municipality and richer neighbours in the Metropolitan area.

And the recommendations from the clerk state:

> For the above reasons it is the respectful submission of the township of Scarborough that the formation of a planning committee to prepare a preliminary plan for the federal-provincial partnership property at Malvern is premature and that the recommendations of the interim housing committee to the Metropolitan planning board in this regard ought not to be adopted.

Interjections by hon. members.

Hon. Mr. Randall: Do you not believe it? Go up and tell Mr. Campbell, his man wrote it.

Interjections by hon. members.

Hon. Mr. Randall: There it is, read it!

You are all caught flat-footed on this Malvern deal and you do not want to admit it.

Interjections by hon. members.

Mrs. M. Renwick: When I rose to speak in the House, the Minister said he had a few answers that he would like to give the member for Scarborough Centre. I am afraid the Minister got some of our remarks confused, because he did comment on the 6,000 telephone calls a day which of course were not my remarks, and also the Malvern project, which were not my remarks. I would like permission from the chair to answer the Minister for the statement he addressed as answers to the questions of the member for Scarborough Centre.

Mr. Singer: No, with great respect, Mr. Chairman, that is not a point of order at all. The Minister delivered a statement about Malvern and surely it is up to anyone who catches your eye, Mr. Chairman, to speak in this debate which continues until the debate is over. As I understand it, Mr. Chairman, I caught your eye. Am I correct in that?

An hon. member: You are correct!

Mr. Singer: Now, Mr. Chairman, let me say to the Minister—

Mr. Chairman: Perhaps I can sort this out. The hon. member for Scarborough Centre had posed one or two questions to the Minister. She resumed her seat two or three minutes to six. The hon. Minister was in the process of replying to those one or two questions.

Mr. R. F. Nixon (Leader of the Opposition): That does not mean she can go on afterwards automatically.

Mr. Chairman: No.

Mr. S. Lewis (Scarborough West): But he tried a Machiavellian diversion.

Mr. Chairman: So; the Machiavellian diversion had some specific reference to Malvern in which the member for Downsview is vitally interested.

Mr. Singer: Thank you, Mr. Chairman.

Mr. Chairman: He will answer the questions very shortly.

Mr. Singer: Now, Mr. Chairman, I am very happy that the Minister has had his assistants delving through the files and has come up with this all-revealing document. They have just disinterred a letter written by one C. A. Tripp, the clerk of the township of Scarborough in 1963. It is very fascinating. The Minister has really now asked for the whole history of Malvern to be revealed and we have researched—

Interjections by hon. members.

Mr. Lewis: See what you have done?

Hon. Mr. Randall: You are right; but I did not ask for it.

Mr. Lewis: You deserve to get it!

Interjections by hon. members.

Mr. Lewis: Provocative and inflammable! I am not sure that *Hansard* will bear me out on that.

Hon. Mr. Randall: I do not think it will, but I will accept your apology.

Mr. Singer: Mr. Chairman, as far back as 1961, on March 2 of 1961, as it appears on page 1780 of *Hansard*, Mr. Nickle was the Minister of Planning and Development at that point, and he had some remarks to make about Malvern. He was being asked, by one of the members, on March 2, 1961. I asked the Minister a question this afternoon in regard to the Malvern project and I got no answer. Things really have not changed over a period of eight years at all, have they? How many houses have been built in the Malvern project since March 2, 1961?

Hon. Mr. Nickle: The Malvern project is being held up for the reason that the Metro council are not prepared at this time to put in the sewers.

The member goes on—

How much money was invested and how much did the provincial government spend for the purchase of the land?

Hon. Mr. Nickle: About $1.6 million.

The member again:

If I recall correctly, this land was expropriated in 1954. It took three years to get it cleared through the courts because of the way the government had handled it.

Even at that point your left hand did not know what your right hand was doing.

Hon. Mr. Randall: At least we are consistent.

Mr. Singer: Yes, you certainly are. Then the member said, "$1.6 million was the amount the government had to pay." And then Mr. Frost got in there, "No, no, quite wrong." Mr. Frost does not bother to get into the explanation. Then the question is:

The hon. Minister delivered a personal attack, using the immunity of the House, on a fellow member of his profession.

And that was Mr. Brewin, I thought you would be interested to know. It was all Mr. Brewin's fault back in 1961, that it took three years to purchase the land, and Mr. Nickle was very incensed that Mr. Brewin who was acting for people who had owned the land, had held up this important project for a period of three years because they were arguing about the price. So Mr. Nickle, together with Mr. Frost, were blaming Mr. Brewin for the delay at that point. Then the member goes on and says:

The hon. Minister finally misled this House by saying now that he had this roadblock removed—

And the roadblock was Mr. Brewin.

—now that he had disposed of Mr. Brewin he was going to get on with this project and that. By the end of the year—

The end of the year 1961.

—he [the Minister, Mr. Nickle] would have it in operation.

That is part of the 1961 story. This story goes on through page 1731 of *Hansard*. The member says:

What is happening to this land? Is it rented back to the people from whom it was purchased? What is happening at the moment?

Hon. Mr. Nickle: Sewers were to be installed by Metro in the year 1960, and now they have changed their plans and will put the sewers in in 1963, and until those sewers are put in there is nothing we can do.

Then Mr. Frost came in with a very illuminating statement:

It is a plain matter of altered schedule.

So, Mr. Nickle says:

Altered schedule, orders of the municipality.

The land was originally purchased on a partnership on a 25-75 per cent basis. The original negotiations started with the federal Minister of Public Works—as a matter of fact, Robert Winters, in the St. Laurent administration.

We thought, they thought, Metro thought that the sewers would be installed in 1960. They changed their plans and made it 1963. We found ourselves with a piece of land and no sewers, so we did what I think—whether the hon. member thinks so is of no concern to me—we have leased the land to the people in the area, and there is nothing we can do until those sewers are in.

The hon. member comes back and says:

Why did the hon. Minister mislead the House in 1957 by saying: "Now we have got Mr. Brewin out of the way we will be working on this project by the end of the year"?

So really, the ministerial statements go back to as far as 1957, 12 years ago, when the predecessor's predecessor was making grandiose statements as to how we were going to get Malvern started. And at that point they were blaming everybody; Andy Brewin was the scapegoat at that time.

Mr. Lewis: He was a CCF'er at that time.

Mr. Singer: Yes. So we are blaming Andy Brewin, and we are blaming Fred Gardiner, and we are blaming Ab Campbell, and we are blaming C. A. Tripp, and we are blaming Eli Kolmay; I have forgotten who else is on the Minister's hate list in this regard. How about Bill Nickle?

Hon. Mr. Randall: You!

Mr. Singer: I recognize I am on your hate list; and it is going to get worse before it gets better, I can assure you of that; and it is well deserved too. It could not happen to a nicer Minister, either.

Mr. Lewis: It is love-hate.

Mr. Singer: That was the programme, Mr. Nickle says, and we had it changed for us. But the hon. Minister said he thought it would be going in 1967. That was the 1961 episode.

On March 6, 1961, I was into the debate and I suggested to the Minister at that point:

Mr. Chairman, we have been talking in this House over many years about the development of Malvern, the partnership-owned development. Along with that one and several others there are over 3,000 acres of publicly owned land in this area, and there has not been a house built there in these last four years.

That was on March 6, and that did not bring any great reply. My colleague from Parkdale (Mr. Trotter), on March 26, 1963—we are skipping forward, I am just touching

some of the highlights here—had this to say to the Minister:

As far as the Malvern area not being serviced, this land is in the township of Scarborough. It is not serviced, but the intention was originally to build a subdivision there, and if they are going to have a subdivision certainly they could arrange to have the services put in for the university.

This kind of debate carried on in 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966 and I have some more *Hansards* here from 1967. At that point I was asking questions of this Minister:

Would the Minister advise the House whether the Malvern property, February 1, 1967, in the borough of Scarborough, is to be used in the home ownership programme? If so, what consideration is being given to the supplying of municipal services to the land?

Hon. Mr. Randall: Mr. Speaker, I am not going to thank the hon. member for asking the question today.

He did not thank anyone for asking the question at that time, he certainly is not thanking anyone at this time. At that time he said he had an excuse because: "I am suffering from the politician's disease, laryngitis. However, these are short questions and I can give the member a short answer. Here is the short answer, and I am sure the Minister would like to have his memory refreshed:

All the lands held by the federal-provincial partnership are being considered for use in the HOME Plan. The Malvern project is now under study.

That was 1967, February 1, election year, Mr. Chairman, in case that point might have slipped your mind.

The Malvern project is now under study with reference to the services and we are talking to the municipality and helping them put the services in there.

That is 1967, February 1, two and a half years ago. Then I suggested to the Minister that in view of the fact that it pretty clearly indicated the services will not be available to Malvern for another five or seven years, and I was giving the Minister the benefit of the doubt:

When does the Minister expect the houses will be erected on the Malvern property?

And I would ask the Minister to note his reply very carefully:

Hon. Mr. Randall: Well we do not quite agree with the member's statement of five or seven years.

That was with my statement—five or seven years.

I would like to go back and point out that the Malvern Planning Committee was set up in the middle 1950s. They were told by the metro council that they could not get services for five or six years, or five years I should say, then it was decided in 1965 that they could get services and the committee was reinstituted. We anticipate that the services can be in a lot sooner than we anticipated and we are working on that now.

Well, that is one of the Minister's typical answers. It says absolutely nothing through three sentences, so I came back and asked him: When will there be houses? Mr. Randall's illuminating answer was:

As soon as we get the services in, the member's guess is as good as mine, I have no magic wand.

That was on February 1, 1967. On February 3 of 1967, the Minister, as shown on page 197 of *Hansard* had this to say in reply to four questions posed by the hon. member for Scarborough West, and I alluded to one of those the other day. I might as well put his whole series of questions on the record because I am sure the member for Scarborough West will want to refer to them in due course.

Mr. Lewis: Indeed, I appreciate it.

Mr. Singer: So Mr. Lewis' first question was:

What precise discussions, if any, took place between the officials of your department and the elected representatives of the municipality of Scarborough prior to the government's announcement of the Malvern Housing Project?

The Minister's answer was this:

The answer is the Malvern Planning Committee was established in the mid-1950s consisting of representatives from Central Mortgage and Housing Corporation, the province of Ontario, the municipality of Metropolitan Toronto, and the township of Scarborough. The representative from Scarborough on this planning committee was the director of planning, Mr. D. F. Easton. The committee was established to ensure the highest and best use of the land. Activities of the committee were discontinued in 1959 when it became known that trunk services would not be available for a number of years.

In 1965 the committee was reactivated as a result of the report from the metropolitan planning commissioner regarding the possibility that trunk services would be available in 1967.

Now let me break off from my quotation at that point, Mr. Chairman, and bring the context of that sentence into the remarks of the statement that the Minister just made. The Minister quoted at some length from a statment written by Mr. C. A. Tripp in the year 1963. Now by the Minister's own words delivered to this House and recorded on page 198 of *Hansard* on February 3, 1967. The Minister says two years later—so it shows you how current his information is; how eager he is to seize on a report no matter how irrelevant it is to the subject under discussion—two years later this is what he had to say:

In 1965 the committee was reactivated as the result of a report from the Metropolitan Toronto Planning Commission regarding the possibility that

trunk services would be available in 1967. In addition, the corporation received many communications from the industrial commissioner of Scarborough requesting the early industrial development of the land. At the request of the municipality of Metropolitan Toronto, the Ontario Housing Corporation has undertaken a substantial public housing programme and monthly, the officials of the corporation meet with representatives from the Metropolitan Toronto housing advisory committee, which committee was established by the Metropolitan Council. It should be pointed out that in all the housing activities of the corporation in Metropolitan Toronto, discussions are conducted directly between the Ontario Housing Corporation and the Metropolitan Toronto housing advisory committee, and periodically the corporation reports to the Metro welfare programme.

A meeting was held on September 21, 1965.

With all of this information at the Minister's fingertips, and it should have been just as readily available to him as an ancient and hoary report dredged out of his files dated 1963, the Minister has the cheek and the unmitigated gall to read that report to this House tonight as though it were definitive. With all this information at his command this is what he continued to say in 1967.

A meeting was held on September 21, 1965 . . .

Hon. Mr. Randall: You are scraping the bottom of the barrel.

Mr. Singer: The Minister says I am really scraping the barrel. Well I must admit, as I said the other day, sir, that when I have to quote the Minister's remarks in reply to the Minister I am afraid I am scraping the barrel, because the Minister's remarks are so inconsistent, so ridiculous, and so irreconcilable, that it is a shame to have to embarrass this Minister with words that he himself put on the record of *Hansard*.

Now I do not think, Mr. Chairman, that I can quote a better authority which would unfortunately force me to scrape the bottom of the barrel to embarrass this Minister who does not remember from day to day, from month to month, or from year to year, what he has last said. Now if the Minister will keep quiet, I am going to read the rest of his remarks on to the record and just let him bring us up to date as to what really is happening in Malvern. Which statement on which day from this Minister do we believe? Do we believe a statement he makes in 1969, or one he made in 1968, 1967, 1966 or 1965. Or, do we believe a statement that he has dragged out of the depths of his files, resurrected in fact from the bottom of his barrel, written by the clerk of the then township of Scarborough in 1963.

Now that, Mr. Chairman, is really what motivated me to bring the motion that is now pending before this House. Unfortunately, Mr. Chairman, the Minister has condemned himself out of his own mouth. There is nothing that he says in this debate that is meaningful, or sincere, or continuous, or part of a continued programme that indicates in a real way to the people of Ontario what his department is doing and what he is doing about the development in Malvern.

This is the sad thing, Mr. Chairman, and the Minister has to say himself, that I am really scraping the bottom of the barrel. With regret, I must agree with him, because as I have to quote his remarks back to him, I am in fact, with substantial regret, scraping the bottom of the barrel.

Now let me continue.

Mr. Lewis: The bottom of the barrel.

Mr. Singer: To continue:

A meeting was held on September 21, 1965, between representatives of the federal-provincial partnership in Metropolitan Toronto. The Ontario Department of Municipal Affairs and the Township of Scarborough Planning Commissioner subsequent to meetings held on November 23, and December 7, 1966, both meetings being attended by the clerk of the township and the planning commissioners.

Now the clerk of the township is the same gentleman whom the Minister quoted a little earlier, the gentleman who wrote the report dated 1963. So the Minister certainly had more current information available to him if he had even bothered to read through his bottom of the barrel old speeches. Here in 1967 he is referring to something that happened in 1966, and why tonight he had to go back and dig out, disinter, the 1963 report, only the Minister can know. I would suggest, Mr. Chairman, it becomes patently obvious that this is just another one of the Minister's favourite red herrings full of sound and fury signifying absolutely nothing.

So then there were the meetings on November 23 and December 7, 1966, both meetings being attended by the clerk of the township and the building commissioner. It is to be assumed that the officials of the municipalities and government departments keep elected representatives in the picture as far as development goes. Now that was the answer to part one of the question posed by the hon. member for Scarborough West. It is a four-part question, and part two was:

What discussions, if any, have taken place since that time between the same two groups?

The Minister replied:

I believe the answer is given in the first paragraph.

Question three:

Can the Minister give details to the House about the project re (a) cost of servicing, and what division of cost will be between provincial and municipal governments; (b) the total estimated cost of the actual project by the provincial government, and (c) the number of years before full occupancy is achieved, and the estimated number per year until that time. That is a pretty all-embracing question.

Here is the answer. I do not know whether the answer came from the bottom of the barrel or not, but let the Minister judge. This is what he said:

The answer to (a), Mr. Speaker: At the request of the committee it is proposed that the Ontario Housing Corporation engage a firm of consulting engineers to carry out an engineering feasibility study.

Whatever happened to Mr. Nickle, and all the studies he was doing back as early as 1957? Ten years later, this Minister is doing another. This Minister is doing another feasibility study, which report will make reference to the cost of servicing. Back to the Minister's reply:

The division of costs will be a matter of discussion between the federal, provincial, metropolitan and borough governments when this study has been completed.

The answer to (b): This will be determined following the receipt of the engineering feasibility study in the event that the area has to be developed by sections as related to engineering considerations. The answer to (c): The information can only be obtained when the engineering feasibility study is completed.

My interpolation at this point, Mr. Chairman, is obviously that nobody around here paid any attention to poor old Billie Nickle when he was the Minister trying to tell us what was going to happen to Malvern as early as 1957, let alone the importance of that significant report that the Minister read, written by C. A. Tripp in the year 1963. In any event the eminent Minister who now stands before us with his estimates, or sits before us with his estimates, in 1967 came to the eminently sensible conclusion, without scraping the bottom of the barrel, I am sure, that it was time to do an engineering feasibility study. Because he did not have the study available, unfortunately he was unable to answer those intelligent questions posed by the member for Scarborough West at that time. One would presume, Mr. Chairman, that the Minister was about, at that point, to run out and quickly hire some engineers to do a feasibility study. Well, more of that a little later.

Question four, that the member posed was:

Is the Minister absolutely confident that the construction will start in the spring of 1968?

The Minister's interesting reply was this:

The answer to this, Mr. Speaker, is on the basis of preliminary information received, and providing we receive the full co-operation of the other three levels of government, which we have in the past.

Could I pause at that point. It is strange that on February 3, 1967, the Minister was able to say to the House, that we in Ontario have the co-operation of the other three levels of government. That is not quite in accord with what he has been telling us through the few days of this debate, because he has been blaming everybody except himself. I would have thought that perhaps I am unfairly putting words in the Minister's mouth, that it was somebody else's fault, and perhaps he really was not receiving the co-operation, but here the Minister says, and it is recorded on page 198 of *Hansard* and it is dated February 3, 1967:

We have been receiving the co-operation of the other three levels of government—

I would like to know whether the Minister really believes what he said in 1967 or whether he believes what he has been telling us in the last few days. However, he goes on to say:

—which we have had in the past. It is possible to have construction commence in the spring of 1968.

Is that not an interesting thought? That is what the Minister said on February 3, 1967.

It is possible to have construction commence in the spring of 1968. The actual priority of development by area will to a large extent depend on the findings of the engineering feasibility study.

Mr. Lewis: There were no supplementaries. I was completely satisfied with your answer.

Mr. Singer: I can just picture the Minister on that particular afternoon, dashing out of the House, calling his assistants to rally around him saying, "Get me some engineers to start on a feasibility study tomorrow morning."

Mr. Lewis: You probably said to yourself—

Mr. Singer: Yes, it had to be done. It had to be done, that was what the Minister said.

Well, let us go on. On February 13, 1967, there is another series of questions. I am not sure who posed them; it might have been another series of questions by the same member, the member for Scarborough West. In any event, on February 13, the member for Scarborough West was quite determined to try and get some answers, because I think Malvern is in his riding, is it not?

An hon. member: No, but they wish that someone had muzzled the member for Scarborough West.

Mr. Singer: Mr. Randall had this to say:

Mr. Speaker, I will be delighted to answer the question. I must ask the hon. member if he will allow me to provide information for the first part of his question when my staff gets back.

I guess he had to find out which engineers he had hired to do the feasibility study.

They were getting ready for the Ontario Housing Corporation Conference last week and will be out of town for the first three days of this week, but I will get the information for the first part of the question and see that it is tabled.

On the second part of the question—does the Minister intend to discuss the Malvern project directly with the elected representatives of the Borough of Scarborough and, if so, when?—I would say yes, as soon as it is convenient to the mayor of Scarborough, who attended the conference on Friday morning with myself. We had a discussion across the room at the time and I was trying to get hold of him this morning, so I am quite sure we will get together some time this week.

Mr. Lewis: Can you not picture it? "Hey Ab, what about Malvern?"

Mr. Singer: Yes, "Let us have a meeting". A little later, Ab and Stan had a drink together. I think we will come to that very shortly.

Mr. Lewis: Sort of like meeting the PM at Expo.

Mr. Singer: The second question is:

Is the mayor of Scarborough correct when he asserts that there is no possibility of starting the work on the project in the spring of 1968 because the needed services could not possibly be provided by then?

I would suggest, Mr. Chairman, we ought to examine that question against the background of what the Minister said just ten days earlier on February 3 when he said:

I would think we could get going in 1968 if everything goes well with our engineering feasibility study.

Then Ab says he does not think it is too reasonable and the member for Scarborough West says:

What do you think about that, Mr. Minister?

Hon. Mr. Randall: The answer to that question, Mr. Speaker, is that the mayor could be quite correct in his assumption with reference to the starting time on the project, without having discussed the difficulties he foresees with me.

Poor old Stan. Nobody talks to him; nobody. His engineers do not talk to him, his assistants do not talk to him, he got no message from his predecessors in office, and it is all somebody else's fault.

He went on:

I do not know what he foresees as difficulties until I talk to him.

One wonders, Mr. Chairman, what these engineers were doing or saying who were conducting this feasibility study which the Minister dashed out of the House to arrange and to give instructions to.

However, it is our considered opinion that the work on the project can start in the spring of 1968.

Our considered opinion.

Hon. Mr. Randall: Not a promise, an opinion.

Mr. Singer: No, our considered opinion. The Minister continues:

As the intentions of the Ontario Housing Corporation and our federal partner, Central Mortgage and Housing Corporation, are to proceed to achieve results as quickly as possible.

At that point, I think by way of supplementary, the hon. member comes back again, and says—

Mr. Lewis: I was tenacious.

Mr. Singer: The hon. member says:

I will, of course, be interested to hear the specific content of the proposal put by the Minister; it will shed light on whatever follows. But does the Minister not believe that he could have avoided much of the ill feeling and hostility that has been aroused in the borough of Scarborough by a previous consultation with elected representatives?

That would seem to be a basic sort of question. I mean, rather than yelling across the room, "Hey Ab, let's have a discussion about Malvern," or meeting him at a cocktail party, one would have thought that he and the mayor of Scarborough, or the then reeve, could have managed to get together in a room and talk to each other—not to have received the odd report from C. A. Tripp, dated 1963, which now on October 14, 1969, is enshrined in the records as the answer to all this specious Opposition criticism about the lack of action in Malvern.

Hon. Mr. Randall: It makes you look bad.

Mr. Singer: One would have thought that, but not this Minister.

Hon. Mr. Randall: Mr. Speaker, I answered that question last week when the member was not in the House. I said we had a consultation. Members of the Scarborough board, the civic authorities of Scarborough, had been meeting with our people since September, 1965.

The Minister was puzzled. Who? Us? Not consulting with the people from Scarborough? For goodness sake, we have been talking with them since 1965. How can there possibly be any difficulty? It is our considered opinion we can start in the spring of 1968, and 10 days earlier we were retaining all these engineers to do feasibility studies.

Then, a little further on, on page 439, the Minister said:

May I also point out, Mr. Speaker, that the statement made by the Minister, 10,000 houses, was not made by me. I was not even in the country when the statement was made.

And that is when we got into that great confusion about mysterious headlines appearing in the Toronto Evening *Telegram*, saying, "Great Housing Development in Malvern." And then everybody denied it.

The poor Minister, he was in Florida at the time, he knows nothing about it; but in Malvern there were going to be 10,000 houses. And the Minister comes back and says, "I did not say it, do not blame me".

As I think I quoted the other day, Mr. Bryden at that point got into the act and he was quite perturbed about all this, and I think Mr. Suters got in there at some point and said that everybody had just better be careful. I think that was Mr. Suters' contribution to the particular discussion.

Fascinatingly enough, the Minister, other than saying he did not make the statement, did not say the statement was untrue, so that part and parcel of the plan of the approach of this government, this Minister, his predecessor and his predecessor's predecessor, has been to lay all these fairy tales before the public in the hope that someone would really believe something was going to happen in Malvern. Now I read the exchanges between the Minister and Mr. Bryden the other day, so I am not going to belabour the House again with those. Time moves on a bit. The discussion with Mr. Bryden took place April 16, 1967 and is recorded on page 1815 and 1816 of *Hansard*.

The matter comes up again April 11, 1967, and my hon. friend from Grey-Bruce (Mr. Sargent) got into the act, and he became concerned about Malvern. The scandal had spread as far as Owen Sound at that point and being the conscientious member that he is, the member for Grey-Bruce thought it was time that he asked a question or two. He was asking questions of the Minister and the Minister said:

Oh, no, I will not forget anything. You will not let me forget anything, believe me. In the summer of 1967 in this same area of Metro we are negotiating for 494 [units, I guess it is] in west Metro; for 453 in west Metro; 500 in west Metro; and 200 in east Metro, or 1,647. That does not include the area my friend from Parkdale mentioned, Malvern.

And then we go on to page 2060 on the same date, and Mr. Randall says:

Let me just clarify my position again.

And this is where he said he was in Florida and I read on about who made these statements that appeared in the headlines of the Toronto *Telegram*.

Mr. Lewis: That was John Bassett.

Mr. Singer: Yes. This is what the Minister said:

It just appeared in the press as an announcement by the Minister of Economics and Development, who was not in the country, that we were going to build 10,000 units out in Malvern. Let me go back to Malvern for a minute. The question is brought up, why did we not build public housing out there on that 1,700 acres?

I think the answer is very clear. Until we have developed the HOME programme so that you can build higher residential buildings and commercial buildings there, so that you did not put 10,000 low-income families in Scarborough, I do not think we would get with it. I think you can appreciate that until we put out the HOME programme, it did not have any interest to any people in Scarborough and they wanted to know how we were going to develop it.

I have had two or three appointments with Mr. Campbell, the mayor. Unfortunately, last Wednesday I had to cancel out on account of the estimates. I had to cancel out this Wednesday, but as soon as I am through we are going to sit down with Mayor Campbell and see what can be done in his interest as well as our own to develop Malvern.

This is notwithstanding, Mr. Chairman, that they were shouting at each other across the room at the housing conference, or that the Minister and his people have been meeting with the people from Scarborough since 1965. "The question comes up," says the Minister, "why did you not develop it before? Well, we did not have a programme like the HOME programme." The Minister has forgotten that he said everything could happen in 1968:

Whereby we could take that property, develop it ourselves commercially, put in the internal services and sell off enough of that property for commercial purposes to arrange for schools, shopping centres, high-rise, and keep a certain percentage of that acreage for the kind of homes we are talking about in the HOME programme plus low-income housing. This is the thing we want to discuss with Mayor Campbell—

and the member for Scarborough West will appreciate this little touch:

—and we have already discussed it with him. I met him at a cocktail party at CFRB, and we talked about it for 20 minutes or so.

Now, what more could any Minister do than that, what more?

An hon. member: In the line of duty!

Mr. Singer: Yes.

And as soon as I am free I intend to sit down with him and see whether we can work together to get Malvern finished.

Great pronouncement, April 11, 1967. The sacrifice of this Minister knows no end. He will just go to any lengths to put housing on Malvern, providing he does not have to do anything more than make speeches about it, or meet people at cocktail parties.

Mr. N. Whitney (Prince Edward-Lennox): What about the $12,000?

Mr. Lewis: What did they ever do for Prince Edward-Lennox?

Hon. Mr. Randall: What is the motion?

Mr. Singer: The motion is here. I just was not going to let the Minister get away with that fact in the form of a 1963 statement interjected into the debate, completely out of context by a Minister who must know better.

This Minister is not a stupid man. He knows exactly the whole sequence of events as I have outlined it, and I have outlined them factually from *Hansard*, and outlined them using the words of the Minister himself. Does he really think that either the members of this House or the people of the province of Ontario are stupid enough, foolish enough, inane enough, to fall for this kind of nonsense that the Minister introduces by bringing in a 1963 report which has no bearing on this subject in any manner whatsoever?

Mr. Chairman, I have *Hansard* reports here from 1968, but I think I have established my point. The member for Scarborough West is going to join in the debate—do you want the second part of this?

Mr. Lewis: No, no, I feel you have—

Mr. Singer: The point is there, what I cannot understand, Mr. Chairman, for the life of me, is why has the Minister not got enough faith in the people of the province of Ontario to get up and say, "We have had trouble with Malvern, there have been all sorts of difficulties. Yes, we made some statements, they were a little high flown, they were a little over-optimistic, but we have had difficulties. There is no immediate knowledge within our control, no immediate ability within our control to tell you when houses are going to be built on Malvern. We made a mistake and we are sorry. We are going to try and do better."

That we could understand, Mr. Chairman, but not this nonsensical persiflage that the Minister tries to spread around in these ridiculous statements that he brings before us. Surely, Mr. Chairman, the Minister must have some greater respect for us than to think we are stupid enough to believe this pap that he brings before us time after time. Surely, Mr. Chairman, as we have for him, we have respect for his ability and his intelligence, he must have some respect for us and for the people of Ontario.

It is time he came clean and told the story as it really it. He is going to be in no worse a position if he says he has made a mistake and he is trying to do his best. When he lies to the people of Ontario, Mr. Chairman, there is just no excuse. This is in fact what has happened and this is why this motion that is now before the House must be supported.

Hon. Mr. Randall: On a point of order, the member for Downsview said I lied. I have never lied to the people of this province about Malvern and the record will prove it. I have never made a promise I have not kept.

There were indications by the other Ministers of what could happen at Malvern, but they were not promises. And the first promise I made, I have right here on the record. At the start of 1967 I said I would do something about Malvern and I did. You take that back. I have never lied to the people of Ontario.

Mr. Singer: Mr. Chairman, I recognize that the world "lie" has an unfortunate connotation in this House. Let me withdraw that word and say that it is unfortunate that the Minister has misled the members of this House and the people of Ontario with the unconnected, unrelated and peculiar statements that he has delivered over the years about housing.

Mr. Lewis: How do you like that?

Hon. Mr. Randall: Mr. Chairman, I have not misled the people. The Opposition, with their criticisms among them misled the people. The statement itself will prove right here that Mr. Tripp said it would be ten or 12 years before Malvern could be developed; that was in 1963. It is on the record. And we are developing Malvern right now, two years ahead of time.

Mr. Lewis: The Minister is taxing patience, he is really taxing patience.

Mr Singer: Ahead of schedule!

Mr. Chairman Order, please. The member for Scarborough Centre has the floor.

Mrs. M. Renwick: Mr. Chairman, at 8:00 o'clock, the Minister read some answers into the record, answers to questions placed to

him earlier. It is pretty hard for me to recall all of them in the hour's lapse of time, because the Minister answered the member for Downsview and the member for York Centre (Mr. Deacon) all at one time. In the interest of the time of the House, I think we have to proceed with whatever I can recall out of those answers that I think needs clarification.

Mr. J. W. Snow (Halton East): The member is worrying about time now, is she?

Mrs. M. Renwick: One: the Minister said, I believe, in the beginning of his remarks, that the Montreal Trust is going to do a good job. Does that mean, Mr. Chairman, that it is not doing a good job new?

Hon. Mr. Randall: It means they are doing a good job and we think they will continue to do a good job. I might also say that the union itself is satisfied, in comparing their work with Montreal Trust, that Montreal Trust is doing a good job at the present time.

Mrs. M. Renwick: Mr. Chairman, actually the Minister gave me that as an answer to my inquiry about Montreal Trust. My question was not if they are doing or are going to do a good job, my question was how much it is costing to have this type of contracting-out and what other bids at how much were passed by in favour of Montreal Trust?

Hon. Mr. Randall: Well I gave the member a list of six or seven bids the other day from companies that were able to bid. Montreal Trust was the lowest bidder. And if the member wants the figures—

Mrs. M. Renwick: Well Mr. Chairman, the Minister—

Hon. Mr. Randall: Could I suggest that if the member wants the figures, I will have to dig them out and send them? We do not have those bids here with us.

Mrs. M. Renwick: The Minister listed the companies that had been considered but not the cost. Does the Minister have the cost of the Montreal Trust bid; what it is going to cost the corporation for the balance of this year?

Hon. Mr. Randall: I will have to get the figures. I do not know what the contract arrangement is now, but it was the best of the six or seven companies that we talked to. It may not have been the lowest price, but it was the best company to do the job that we wanted done.

Mrs. M. Renwick: Is the Minister saying that out of all the members of the Ontario Housing Corporation who are here tonight, no one knows what the additional cost to the corporation is because they are using Montreal Trust as managers?

Hon. Mr. Randall: I do not think there is any additional cost. We would have to compare their figures when they have had a year's experience with what we have been paying to get the job done otherwise.

Mrs. M. Renwick: That is what I would like to get at. If that is possible, that is fine, because I am looking at figures—to quote them quickly—such as in the Minister's own riding, and the answers to questions placed before the commission hearing. Flemingdon Park, for example, has 524 units on which the subsidy per month per unit is $56, according to the answers given in the hearing on commissions. I would ask the Minister if he sees or foresees that that subsidy will in fact have to be increased in order to now contract-in another level of bureaucracy in the management of these units.

Hon. Mr. Randall: I do not think we are contracting another level of bureaucracy. The contracts that we have with Montreal Trust are on a fixed basis, and if they come back for a new contract, the same as the unions do, and wages have gone up, certainly we may have to increase the next contract. But the contract we have with them now is for a period of time, and as soon as that contract expires, we will have to negotiate again the same as we would with a union.

Mrs. M. Renwick: Well, Mr. Chairman, could I ask the Minister quickly if this was not handled before by the corporation directly?

Hon. Mr. Randall: What was handled before?

Mrs. M. Renwick: The management and the operation, the caretaking.

Hon. Mr. Randall: Yes, it was handled directly with the union—with our own union people in there—and we tried a comparison—

Mrs. M. Renwick: Now, is it not going to cost more to have some outside body come in and do this?

Hon. Mr. Randall: We do not think so.

Mrs. M. Renwick: Do we not know? Do we never consider additional cost?

Hon. Mr. Randall: We will tell you when we have an opportunity to find out what the comparison is at the end of a certain period.

Mrs. M. Renwick: Is the Minister aware that they have a contract in Flemingdon Park, it would appear, where they do not sweep steps; they sweep flat surfaces but glass on steps and so on is not their job?

Hon. Mr. Randall: I am not aware of that. We will have it checked into.

Mrs. M. Renwick: Thank you. Could I ask the Minister about the subsidy per unit per month? In the answers that were given in the hearing, how do we get such a variance as a subsidy per month per unit of $119, as an example, in Sault Ste. Marie? We have $105 subsidy per month per unit in Barrie. We come down to communities around Toronto and we seem to hit a $50 and $60 a month subsidy; Flemingdon Park, the fairly recent acquisition, as an example, gets $56. In Lindsay and Ottawa, the subsidy per unit per month is $36 and $39. Is there an explanation of the variance between that and $105 and $119?

Hon. Mr. Randall: It can vary all over the province, depending on the income of the people, the cost of the project, the year that the project was finished, the interest rates that we have to pay on the money that goes into the project. It is obvious that projects that are being built today are going to cost more than projects built four or five years ago. So there are many factors with reference to the difference in the subsidy required in the various units.

Mrs. M. Renwick: All I can say is that the OHC did not have very many units four or five years ago, right?

Hon. Mr. Randall: Oh, I do not know. They had about 6,000 units four or five years ago.

Mrs. M. Renwick: Would the Sault Ste. Marie units be old or new units?

Hon. Mr. Randall: The first project, I understand, was 100 in the mid-1950s, and the balance have been in the last two or three years.

Mrs. M. Renwick: I believe the Minister could correct me: That is one of the highest income areas in the province, is it not? I did not understand the variance in the 30 units in Barrie and subsidies of over $100 a month. Could the Minister tell me how many units are being offered for sale right now in Toronto by the Ontario Housing Corporation?

Hon. Mr. Randall: No units are on sale in Toronto at the present time.

Mrs. M. Renwick: When will they be?

Hon. Mr. Randall: I do not know. I am waiting to hear from Ottawa.

Mrs. M. Renwick: Exactly what sort of income will a family have to have to purchase them?

Hon. Mr. Randall: I would think we would work out the same kind of arrangement we worked out with our friends in Guelph.

Mrs. M. Renwick: Which was what? $6,200 or $6,700?

Hon. Mr. Randall: Could be. Could be lower.

Mrs. M. Renwick: Might be lower than $6,700?

Hon. Mr. Randall: I do not know; it depends on the cost of the project.

Mrs. M. Renwick: The Minister brought up Sweden again, and as he said—I hate to mention it again—but in Sweden in 1965 35 per cent of all construction was dwellings. That was broken down, Mr. Minister, into the public sector, 39,000; co-operative sector, 21,000; private sector, 35,000. Out of the private sector, there were 21,000 units individually owner-built. This is from the Swedish Institute for Cultural Relations with Foreign Countries, a fact sheet from Sweden. I am referring to information on their gross national product in 1965 and the scope of building and engineering in the construction industry.

Can the Minister comment on how it would be that 21,000, almost 22,000 units were individually owner-built? Are the Swedes using, from the Minister's most recent visit, the "Magic House" scheme where the whole family can participate in putting up a prefabricated house on a loan basis not using taxpayers' moneys at all?

Hon. Mr. Randall: Mr. Chairman, I would not be able to answer that. I could not tell you.

Mrs. M. Renwick: With the Minister's knowledge of trade and development, have we got any sort of plan for assembling houses in the same way we assemble cars? It seems like the only answer from where I sit.

Hon. Mr. Randall: I think that is what is being done now by the smaller builders working on the HOME programme. For instance, if a man could get 50 units to build, he can dig 50 holes at one time, get 50 doors delivered, get 50 roofs, 50 joists—this is why we say that if mortgage money is available we can get people to assemble houses like General Motors assemble Buick automobiles; they bring the parts in from various manufacturers.

But if they only get two mortgages at a time and they have got to bring the excavator in and send him away and bring him back a few weeks later and by their bits and pieces, a quarter of a dozen assorted, you can see how the cost will run up.

Mrs. M. Renwick: Can the Minister appreciate where the Swedes were knowledgeable and wise in using the social factor of the whole family participating in erecting housing, that somehow this brings the family unit to a goal, a goal of creating a home on a prefabricated basis? When they run into rock, when they are digging and excavating, the city amortizes the cost with all the home owners?

Hon. Mr. Randall: I think our people under the HOME programme are doing somewhat the same. When I say the same, they are buying under the HOME programme today; they are finishing off their basements; they are finishing off their patios. The reason we get into the HOME programme, is that we said people do not necessarily have to have a completely finished home. Let them do something themselves with sweat labour. This is as close as we got.

Mrs. M. Renwick: I would think this would be very valuable if the Minister could pursue this valuable lesson as far as family unity goes and the occupation of members of the family that would like to have a common goal which they cannot reach in the housing market of the $30,000 to $40,000 homes.

The Minister had some remarks to make on Malvern to the member for Downsview. I would like to ask the Minister how much money has been forwarded from this government to the borough of Scarborough for Malvern development.

Hon. Mr. Randall: We offered to put in up to a million dollars. They have not called on any yet, but they are going ahead with the work. When they are ready to send us the bill we are quite prepared with the million dollars.

Mrs. M. Renwick: We are committed to the one million. Nothing is happening—nothing has happened with that transaction.

Hon. Mr. Randall: That is for the services they asked us to help prepay. We agreed to prepay them as soon as they send us the bill.

Mrs. M. Renwick: How much would that land have cost originally, Mr. Chairman?

Hon. Mr. Randall: I have heard—

Mrs. M. Renwick: I have heard $1,000 and I have heard $2,000 an acre.

Hon. Mr. Randall: I have heard $1,000 an acre; and then if you take six per cent for 18 years and add it to that, it brings it up over $2,000 and you take $18,000 or $20,000 or $30,000 or $28,000 to service; I do not think there is any bargain out there.

I think Mr. Hellyer said that if the land was bought for $1,000 an acre that would be a lot of cheap lots. But he forgot that there is a lot of expense involved in servicing this land before you put it on the market. But it would still be good serviceable land in Metro as most of the HOME lots that we have are.

Mrs. M. Renwick: Will the province sell any of this land at the new market prices?

Hon. Mr. Randall: The federal government is our partner in Malvern as you know, and our intentions in Malvern are to have an integrated community. The only land we will sell off there for commercial purposes, will be where they want a shopping centre or where the school boards have to put in schools. But then, we hope to use that profit off that—of those commercial services, to lower the cost of land for the people that are going to move in there under the modest income families plan.

Mrs. M. Renwick: Does the Minister have any comment on the *Globe and Mail* editorial of June 1969 which said that they would have the speculative profits plowed back into the business, so to speak?

Hon. Mr. Randall: That is what we intend to do on all the big projects that we are developing. We are not going to wind up with a major profit. We are going to take those profits and put them back, I hope, in the community centres and into such things as the hon. member mentioned the other day, day care centres.

This is where, I think, we can do the job that has to be be done in housing of all

kinds. With integrated housing we can provide those kind of facilities.

Mrs. M. Renwick: I think, Mr. Chairman, from where I sit, where we put the money in one government department like that, we certainly would appear to save it in other departments of government and the integrated programme is the important thing.

We have approached the commission with some questions. Our last questions, which were not answered, we placed before the commission on May 12, 1969. I believe the chairman, Mr. Evans, took those questions. I wonder if the Minister was given those questions. I mentioned them on Friday.

Hon. Mr. Randall: I think the questions that the hon. member is referring to were on the reports from the committee on housing which my people attended and there was a list of questions to be answered; those answers are being prepared and they will be sent back to the committee. I do not have all the answers to those questions here tonight. But we have a list of them and we will see that it is forwarded to you.

Mrs. M. Renwick: Mr. Chairman, I think I have to ask the Minister for a small clarification there. We appear before the commission hearings on housing in a series and the last one has been completed. We have no opportunity of coming before this commission until next year, and I think that it is important that these questions, which were submitted in the last meeting, be answered.

Hon. Mr. Randall: If I do recall, my staff appeared at three meetings. They answered all the questions that were directed to them. But these were somewhat political questions on which they said they would have to refer to the Minister and his staff to get the answers and we will provide those answers.

Mrs. M. Renwick: Did the Minister say these were somewhat—

Hon. Mr. Randall: Somewhat political!

Mrs. M. Renwick: Somewhat political?

Hon. Mr. Randall: They are policy statements and we believe that the Minister has to make the decisions on what answers are given to these questions and I will do that.

Mrs. M. Renwick: We call them, Mr. Chairman, partly a follow-up on replies of the corporation. In other words, the replies precipitated these questions and they include some requests for information on matters which were not covered in the previous appearances of the corporation before the committee, owing to a shortage of time, and these questions are numbered on this list.

Did the corporation manage to meet its commitment to the Indians in Moosonee on its 20 units for 1969 and its 15 units in 1968, as per a letter to me as of July 1968 from Mr. Pullen?

I think Mr. Pullen follows that up by saying that the final date for completion on those units would be extended from July 29, 1968 to August 6, 1968.

Hon. Mr. Randall: To the best of my knowledge we have been asked to build 15. They are almost completed and the other ten, we told you, are being built by the Indians themselves with supervision.

Mrs. M. Renwick: But the 20 for 1969, Mr. Chairman?

Hon. Mr. Randall: There are only 15 for 1969. I do not know of any 20. We were not asked for any for 1969.

Mrs. M. Renwick: Could I just clarify that just for a moment? The letter from Mr. Pullen, of July 19, Mr. Chairman, says:

> The board of directors of this corporation has approved a two-year project in Moosonee whereby we intend to construct 15 units of family housing this year—meaning 1968—and 20 units in 1969.

Unfortunately, there is a big difference between ten and 20.

Hon. Mr. Randall: I am somewhat confused. The only information I have available is that they asked for 15 units in 1968 and those units are being completed now. As far as the 20 units are concerned you say Mr. Pullen wrote a letter, I will have to check up on the letter and find out what letter was written.

Mrs. M. Renwick: "A proposal document" is that what this is hanging on?

Hon. Mr. Randall: A further 20 units are going to be built after these 15 are completed.

Mrs. M. Renwick: And the 15 are not quite completed?

Hon. Mr. Randall: They are just about completed.

Mrs. M. Renwick: How many families, Mr. Chairman, did we manage to place out of the emergency housing unit this year so

far? I know it is sometimes difficult to place the number of families. I have a figure here that out of 476 families the Ontario Housing Corporation placed 25 as of May, 1968.

Hon. Mr. Randall: The statement I have here, during 1968, is that of the 2,759 families housed in Metropolitan Toronto, 1,006, or 36.5 per cent, were given notice to vacate the premises which they were occupying when the application was filled. This is a further indication that the Ontario Housing Corporation certainly plays a vital role in dealing with families before the emergency becomes a crisis. As long as the family has made its situation known to the corporation and it is not one of its own creation, I think as far as we are concerned, we have moved most of those people into housing.

As you know, I think I said today, they go into Mr. Anderson, of Metropolitan housing, who looks after them immediately, and then move into some of the housing we have available that he is able to keep in his portfolio; from there they are then allocated Ontario housing.

Mrs. M. Renwick: Mr. Chairman, my final comment to the Minister would be this: The Minister does realize that when he was answering questions addressed to the member for Scarborough Centre that I did not speak about the 6,000 calls per day. Might I ask the Minister was it 700 calls per day which he said his organization receives roughly?

Hon. Mr. Randall: It was 7,100 in the month of September, so if you break that down into working days, you—

Mrs. M. Renwick: Seven thousand one hundred for the month?

Hon. Mr. Randall: Yes, 7,100 for the month. And you break it down to working days and you can see what the calls are.

Mrs. M. Renwick: How many units per day on an average did the corporation have free to give to tenants?

Hon. Mr. Randall: I do not know how many units we have free, but I mentioned earlier we have been housing between 500 and 600 people a month.

Mrs. M. Renwick: A month?

Hon. Mr. Randall: I think in the month of September we said something like 630 were housed. So this is the way the units are coming into production.

Mr. Chairman: The member for Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): Thank you, Mr. Chairman. I had no intention of actually getting into the discussion but after listening to the cogent arguments of my colleague, the member for Downsview, how could anyone else refuse to stand up on his feet and support him?

After listening to the debacle this government has gone through with the Malvern project it certainly does remind me of back in 1961 and 1962, when the previous Minister of Energy and Resources Management, under whose department housing happened to be one of the responsibilities, was going to have the whole problem solved by the time of the 1963 election. Come 1963 and the problem aggravated itself. In 1967 it had got worse. It has got to the point now where how can one in all sincerity really take the word of any of the Ministers there opposite?

The Minister himself is a most capable and able gentleman, but he is a salesman primarily. He can sell housing, sell the ideas, but he cannot build houses. He does not have anyone in the department that really can go through and take care of the housing problems in the province. I will attempt to point this out in some of my presentation a little later.

Mr. Chairman, the problem of housing back in my own community is probably the most serious problem we have had since the days when the Ford Motor Company decided that they were going to pull up stakes and move the major portion of their industry into the Golden Horseshoe area, into the Toronto area. We had, at the time they left, in the community, approximately 12,000 unemployed. We had approximately 3,000 housing vacancies in the community.

As a result of federal government programming and the auto trade agreement, now we find that instead of having 3,000 vacancies, I would say that we have well over 3,000 requests for housing in the community. The requests for housing disturb me more so when it affects the senior citizens. Those individuals working in the auto industry at least do make a level of income that can provide some type of housing accommodation for themselves. But, the senior citizen, who is on a limited income or a fixed income, or receiving only $109.20 a month, finds himself in a most embarrassing position.

I do not think it could be a more embarrassing position, because time and time again

I get requests from constituents who, with the $109.20 a month, have had rent raised on them from $40 to $85 to $145. How would you expect a senior citizen at $109.20 a month to be able to afford $145 a month rental? Yes, they can afford it by taking in boarders, sharing accommodation. In that fashion, probably with three others, they can cut down the actual cost to an individual on $140 a month rental to approximately $35 apiece. But, then, their accommodations in the first place were not the best, they were a little scanty, and that is the reason why the senior citizen stayed there.

The answer to the problem is a lot more housing. I know the Minister will come along when he gets on his feet and will say that the city of Windsor has been blessed with a lot of governmental housing. That may be quite true, Mr. Chairman, but no community has had the auto trade agreement affect them to the extent that the city of Windsor has. No community has been affected by wage parity as much as has the city of Windsor. As a result of both wage parity and the auto trade agreement, large numbers of people from all parts of Canada have settled in the community. If they had some type of savings, they were able to gobble up the cheaper type of accommodation or even buy second hand and used homes and provide for themselves. As a result, this left the senior citizen in the position where he had to resort to accepting substandard, and in some instances, extremely substandard housing.

In the city itself I would say at the present moment there is a demand for between 1,600 to 1,800 senior citizen housing unit accommodations. I cannot foresee the filling of this demand even with the four or five substantial projects that are under way at present in the community. In fact, some people who have seen the publicity given to the project have turned around and told me that they have applied for them and have already been told that they have been completely filled as far as requests for the use of the accommodations. Where does that put the senior citizen now? Even those who had tried to put their names on the list are in a position where they cannot now get accommodations. It puts them in a most mentally distressing position.

Now, Mr. Chairman, I think that the only answer to all of this is a real crash programme as far as housing is concerned. We have the land in the community, and today I would say we have the serviceable land, or we have areas in the city in which substandard housing may exist. They could be redeveloped into a more substantial type of housing so that the number of accommodations per given area would increase substantially and you could accommodate more of the senior citizens. Remember when you do provide housing to many of the senior citizens in the community, that same senior citizen may be giving up a home that, because of lack of accommodation, he or she lives in alone. It could provide accommodations for a fairly large family.

There are a lot of these one person occupied homes in the city that the individual refuses to leave because he cannot find any type of satisfactory accommodation for himself or herself. Very often, Mr. Chairman, people who have contacted me have also said they have contacted the housing authorities in the community and very, very often they say the line is busy. It is always busy; they likewise say: Well, I do contact them and it is almost like talking to a stone wall. I get no encouragement from them whatsoever, I am treated as if I am just another statistic. Why are you bothering us, they say. Find your own type of accommodation.

I think, Mr. Chairman, from the public relations point of view alone, the local office of the housing authority should certainly have some sympathy for these people who are trying to find accommodation, who have begged and begged them time and time again to find them accommodation. They always throw at me the fact that: Well, I know there are accommodations available because my friend lives in an apartment and right next to it the party has either died or has moved out and yet when they contact the housing authority they are told there are no accommodations.

This really does hurt the senior citizen, or anyone, in fact, being told there are no accommodations, yet walking by and knowing accommodations are there. Maybe there are no accommodations for them but at least the housing authority should tell them that: The accommodations that you are talking about have already been spoken for and have been allocated to someone else.

But to point blank tell them there are no accommodations, when they see there are, is not good public relations at all, Mr. Chairman.

The situation in the community is not getting any better. There are a lot of homes being built but the homes that are being built are prestige type of homes, homes that one year ago were listed in the paper at $21,000 to $30,000. Today they are up to $25,000 and $35,000, and tomorrow or a year from tomorrow they will be $30,000 to $50,000 homes. How can the average indivi-

dual afford accommodation in a $30,000 range when he is probably in a salary category of $7,000 or $8,000, or even much below that amount?

Mr. Chairman, there are plenty of homes in the $30,000 bracket and up, but the people who are looking for housing do not want the Cadillac style of home. They will take a Volkswagen style of home if you provide that type of accommodation in the community. Everybody seems to be building only the Cadillac or the Lincoln type, the best type of home. A family with three or four children is interested in accommodation. They would like to have the prestige homes, but they first want a roof over their heads.

I can cite example after example of people who tried to find accommodation in the community at half decent rental and have not been able to find the accommodation. They tried throughout the country and they cannot find accommodation. In fact, Mr. Chairman, I brought to the attention of the housing authority a family with four children where two of the children were living with relatives in one home, another two with relatives in the second home, and the husband and wife in a third accommodation. Here we have a family broken up so that they are residing in three different accommodations. How do you expect that to lead to good citizenship when the individual in this case has begged, pleaded and everything of that sort with the housing authority and is turned down or is told there is no accommodation available? This is just indicative of the seriousness of the situation in the community.

Mr. Chairman, the situation can be eased and it could have been eased when four years ago I suggested to the Minister in this House the use of mobile homes. I mentioned then the need for 10,000 mobile homes. Maybe today, Mr. Chairman, it should not be 10,000, maybe it should be 25,000 or 30,000 homes that would be needed to take care of the housing situation.

It is funny that the government seems to resent the idea of mobile homes, yet every department in this government, when they want temporary accommodations, always uses the mobile home or the trailers for accommodation. St. Clair College in the city of Windsor uses two of them, The Department of Tourism and Information used one in the city of Windsor for years and they found it satisfactory at the time. I cannot see why this department would not take a more serious look at the mobile home situation and see if it could not—in fact, I should not say "see if it could not"—come along and provide financing or assist the mobile home industry so that the housing situation could be remedied after a fashion. It is funny that in the United States this is used all the time. In fact, I understand one out of five homes that are built in the United States today is a mobile home .Why can we in the province of Ontario not look forward to the use of mobile home facilities as part of an answer to the housing situation?

There are a lot of mobile home courts that are being developed in the Essex county area and they are being developed solely because of the acute shortage of housing accommodation. I doubt if any of us would care to live in mobile homes for the rest of our lives but we certainly would not mind living in a mobile home for a period of time, knowing that in the foreseeable future we would be able to move into more substantial accommodation.

Mr. Chairman, I would now like to turn to one topic, and that is one of the subdivisions in the city of Windsor, the Glengarry Court apartment. Now, it does seem strange that when people in the Glengarry Court wanted to have recreational facilities constructed on the vast expanse of land they had there, that they ran into so much red tape. They tried and tried and tried to get the area developed as a park. If it was not Toronto that interfered, then it was Ottawa, but the two never seemed to be able to get together. Finally they did get together and now they at last have some recreation facilities for the children living in the Glengarry Court and other apartments in the vicinity. However, in the construction of any of these types of projects, Mr. Chairman, I would strongly suggest to the Minister that the projects contain all types of facilities. There is no use providing a matchbox into which to place the people if you do not come along and provide meeting rooms for them, provide recreational areas, provide day care centres so that some of the people living in the geared-to-income housing could perhaps even go and accept employment, like a widow with a family, and eventually get herself so that she is no longer a burden on the community, but self-subsistent. You should have counsellors in there, because if you do not provide these facilities you are only going to aggravate a human living problem in the area.

The Glengarry Court people were so concerned about their younger families that they even went to the point of having a stage presentation so they could raise sufficient

funds to buy a bus to transport their youngsters to the sports facilities in some of the high schools. Just as The Department of Education will transport students from a given area to a school, I think it is incumbent upon The Department of Trade and Development here, the housing branch, to likewise have bus facilities available in the community where you have these large housing projects so that they could take these youngsters from that area where they do not have recreational facilities and transport them to the facilities and bring them back home. If not, make some type of working arrangement with the board of education in the community so that the school facilities that have recreational areas could accommodate the youngsters of parents living in the large housing subdivisions.

Mr. Chairman, if we do not come along and do that today, we will pay for it tomorrow in added welfare and other types of costs.

One of the things that did impress me, Mr. Chairman, in returning from the land down under with the election reform committee, was the fact that in Australia they pay rents quite often on a weekly basis and I think for people who have difficulty budgeting themselves in housing, it might be a good thing to experiment in some housing project with a weekly payment of rental. Then, the individual knowing he is getting "x" amount of dollars has no difficulty in budgeting himself.

Mr. Chairman, I would like to make another suggestion to the Minister and that is, in the case of geared-to-income rent, that there should be some portion of the geared-to-income housing kept back or put into a fund to enable the individual living in the geared-to-income housing to save sufficient funds so that eventually that person can get out of the geared-to-income housing and into his own housing accommodation. It might be a sort of compulsory savings or something of that idea but with a lot of these people we have to help them save so that they can purchase their own accommodation as years progress and as their incomes improve.

The last topic that I would like to touch upon, Mr. Chairman, is the sale of the homes in some of the projects in my own community. Back in 1967, on October 14, 1967, to be exact, the headlines said "Bridgeview Homes To Be Sold". Now that happens to be, Mr. Chairman, two years to the day. Today is the second anniversary of that headline. I have asked the Minister, Mr. Chairman, at least four times in the House in this year and then by letter several times, when the Bridgeview project homes were going to be for sale.

Surely, Mr. Chairman, over the last two years the Minister's department or the Minister could have come to some type of an agreement with the federal authorities or applied sufficient pressure on them, if they were the ones that were holding up the sale of the homes to the tenants, should have applied sufficient pressure so that these homes could have been on to the tax rolls rather be with the housing authority. I think a home is always better taken care of when it is lived in by the owner of the home than when lived in by a tenant.

Now, Mr. Chairman, I have made several suggestions to the Minister and I hope he does take them very seriously because, as I said, nothing has been more serious since the days when Ford Motor Company left the city of Windsor than housing in the city of Windsor today. This can be solved, Mr. Chairman, but the Minister simply has to come along and work at it a little more vigorously than he has in the past especially, Mr. Chairman, in regard to senior citizens' housing. There are too many senior citizens who are getting very, very despondent and are even saying now: What am I living for, I cannot get accommodation, I cannot get accommodation that I can afford. I applied for accommodation, I am told there is none which I can rent.

Yet nothing seems to be done to remedy their situation quickly enough. We always hear that it will be taken care of in the foreseeable future but, Mr. Chairman, as we were told back in 1962, housing was going to be solved in the province of Ontario. It is seven years later, and solved? It is much, much worse than it was back in 1962 and if we think that our economy is going to continue to boom and we wish that it continues to boom, we are going to have to provide housing facilities in greater number for all segments of our society.

Mr. Chairman The hon. member for Lakeshore had been trying to get the floor for some time.

Mr. C. G. Pilkey (Oshawa): For three days.

Mr. Chairman: I cannot remember that far back.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, anxious as I am to get on with the Attorney General's (Mr. Wishart) estimates, I think that a word or two touching the critical condition of housing nevertheless

might be in order. I shall try to keep the remarks short, pithy, and unplatitudinous—which is quite unlike, I think you would agree with me, Mr. Chairman—the rest of the debate.

Mr. E. W. Sopha (Sudbury): Germane, trenchant!

Mr. Lawlor: And even, perhaps, novel in some of its aspects.

The thing that bemuses one about public housing or about housing as such is that it is a capitalization where the government stores up largesse. It becomes a quantity on the assets side of the ledger and it is not a give-away programme. On the contrary, with this particular accumulation of capitalization or resources, you would have thought that the modern governments would be able to make better use of the same.

I am thinking in terms of bond or debenture issues. If they were backed to some extent by capital holdings in mortgages, than which particularly, in first mortgages, nothing can be safer, that would give an extra impetus or increment to your borrowing potentialities on the international market.

Why does the Minister not accumulate mortgages to government auspices in this way and utilize them as collateral security? The second thing that strikes me about it is this. This would work in well, I suggest, with the Minister's proposed—and it is not really his, of course, and I suppose it is not really Hellyer's but Hellyer was the one who brought it to public focus and attention—the business of the loan and savings corporations. If you had such associations in existence and you held banks of such mortgages in your own right, in co-operation with the federal government, then you might consider mortgaging those mortgages through those facilities.

This would involve perhaps a slightly higher interest rate to make it palatable. On the other hand, it would give great flexibility on the market because you could then redeem your own mortgages as you saw fit. You would have a wide swath to market them. You could then deal with the current interest positions and the level of credit at any particular time in order to keep these mortgages flowing back and forth between yourself and these loan corporations.

I have never heard of governments mortgaging mortgages, they usually either assign them or sell them outright. I think we need all the skill and all the finesse that we can possibly garner. I think the Minister will agree with this from his conversations of the past few days, due to the difficulties he is encountering on the financial margin.

I want to repeat, Mr. Chairman, the somewhat bromidic phrase by now: socialism for the rich and free enterprise for the poor in this particular regard. It is certainly true and it goes to the heart of your contemporary system, of the whole structure of things that you boys defended over there. You can trace it through from department to department. In the farm policies—

Hon. A. Grossman (Minister of Correctional Services): You have got more millionaires there than we have got in the whole House. You, the NDP!

An hon. member: You know it is true.

Mr. Lawlor: —policies in the educational ministry and in the other policies that you are onto. In the utilization made by subsidy and by tax incentive as he calls it—or loopholes purposely created—donned by the Minister of Mines of this province (Mr. A. F. Lawrence). You go through the whole industrial complex of this country and you are subsidizing all the way along the line. But when it comes to subsidizing the little guy, your eyes turn slightly blue and you back up 20 paces.

But this is part of the system and it is called the social industrial complex. For the sake of my groaning friend over there who has suffered from some kind of stomach ailment, I am sure, I would recommend to him Michael Harrington's "Towards A Democratic Left," to prove, to carry out, to demonstrate this particular fact. And it is no truer than in housing. This is where the weight really falls. Let us take a look at the situation in housing so far as your sources of financial strength are concerned.

In the Hellyer report he says at the end of 1967, the total mortgage portfolio held by the life insurance companies amounted to $6.6 billion, or some 50 per cent of their total assets. Trust and loan companies held $4.8 billion in mortgages, 62 per cent of their total assets, while the chartered banks, back in the market after being inactive since 1959, held mortgages totalling $836 million, or 3.3 percent of their total assets. Such is the record of our institutions.

You may say the loan and trust companies holding 62 per cent of their assets in the form of mortgages are doing a fair job. That I think can be granted. I think that the Hellyer task force—that reactionary and splenetically free enterprise body—felt that they

could do a good deal better. They say so in the course of their report, if they were given a sufficient nudge, not less a needle, by the powers that be including this government.

The mortgages that come through NHA, Mr. Chairman, and through CMHC of course, are all guaranteed mortgages. In other words, these mortgages bear a competitive yield but they are no risk. Even without any risk, and even with the competitive yield, it proves insufferably impossible to obtain from these highly responsible and socially minded financial institutions the necessary wherewithal to build houses.

If the mortgage goes bad do they bear any brunt of it? Do they have to go around forcing collection procedure? Do they lose a dime in the course of the thing? Not a dime; there is no risk; that is guaranteed, written into the mortgages.

As a member of this House and as a public spokesman, I think it is a matter of the highest disrepute that the financial institutions, the banking institutions of this country, who have lent 3.3 per cent on mortgages keep on withdrawing from the field because their profit margins are not sufficiently great. They find elsewhere a greater potential for maximizing profits, which obviously run counter to and in direct opposition to the best interests of society as such in this market, if not elsewhere.

Now you may argue that insofar as the banks are concerned, it is better that they retain a certain deposit so that there is a wider area in the lending market for a variety of business enterprise, and so on, that they may indulge in. I suppose there may be some argument in this particular direction. On the other hand, is this not precisely the direction that all the rest of the financial institutions are presently heading in? Is not the reason for withdrawal of funds, the recalcitrance, the refusal by mortgage companies? Eon after eon every fall since I have practised law—and that is a long time now—the same thing occurs: a drying up of mortgage funds as you come in towards the new year.

The drying up of funds has crept further and further back until it is deep into the summer now. My suggestion to you is that the reason itself is they have found more lucrative sources of outlet for their investment portfolio. They believe that equities bring a better return than mortgages. Mortgages, you know, are a bit inflexible; they are long term things, at least five years. They have, until recently, built in inflexible interest rates, except if it was not for fluctuation.

How many of them threw up their hands to high heaven and rolled their eyes when they had ten year mortgages at seven per cent which they are carrying today? I am sure they are standing in the corner wringing their hands at such an impossible investment considering that the going rate may be ten per cent this afternoon. This, then, is the measure of the social consequence involved in this particular thing.

What does Hellyer say as to your possibilities? He more or less adopts the same conservative position you do, but I think he may go a little further. His emphasis is a little different. It has been suggested to the task force that rather than seeking the cooperation of the private lenders on a voluntary basis, the federal government and the provincial government should legislate to require that a certain percentage of these institutions' assets be invested in residential mortgages.

Given the importance of housing and the urban development to the economic and social well-being of Canadians, this proposal appeared worthy of some consideration. I hope the Minister also considers the proposal worthy of some consideration because the gist of my argument is that you are not going to get it any other way. On balance, however, the task force believes that the implications of such direct interference with the investment portfolios of private lenders, and thus with the capital market itself, are such as to upset the undeniable benefit of an assured mortgage supply.

While rejecting this form of compulsion, however, the task force feels that every effort short of it should be employed to ensure that adequate mortgage funds are made available by the private lenders. I say to Hellyer, and I say to the Minister, Mr. Chairman, and if it is not so, with all your overtures, with your pleadings, with the shameful spectacle of a Minister on his knees in front of the Royal Trust Company, with the cost of beseeching, with all the heckling at your command, with all your salesmanship ability, you still cannot get hold of a dole and are therefore unable to carry out your plans, what do you propose to do? Do you propose to go as far as the Hellyer task force indicates?

Hon. Mr. Randall: You are not talking to me. Last year I got $60 million from the banks and I got $50 million from the Treas-

urer. I have raised my share of the money—that is $110 million I raised for mortgages.

I know there is a difficulty with the financial institutions and both Mr. Hellyer and I tried. Mr. Hellyer tried to solve it and I am trying to solve it with the suggestion I made with reference to building societies, but I certainly suggest to you that as far as I am concerned, I raised $110 million. I would like the other guy to put his money where his mouth is.

Mr. J. E. Bullbrook (Sarnia): But you have the legislative ability.

Hon. Mr. Randall: No, I have not.

Mr. Bullbrook: Oh, surely you do.

Mr. Lawlor: I do not want to flog this particular horse too much. I shall just mention a paragraph from Harrington on the degree of grudgingness, on the degree of recalcitrance that you are quite likely to encounter and I think you probably have already encountered. Taking such sociological advantages into account is precisely what is desperately needed if America is to emerge from its present crisis. It was both scandalous and utterly logical for the FHA—the Federal Housing Administration—to wait until just after the Detroit rioting to decide to give mortgage insurance to blighted and economically unsound neighbourhoods. The insurance companies which pledged $1 billion in ghetto rehabilitation delayed, of course, until the FHA got around to thus insuring their investments, their funds were to be directed to a rent subsidy housing.

Harrington, of course, has some hard things to say about rent subsidy housing and he points out that the major corporations and financial houses are in favour of this as against public housing—very much in favour of it. Why? Because a goodly percentage of the money placed in terms of subsidy either directed to the tenant or to the landlord, flows back into their coffers, designedly flows back, and so it is of benefit. But, the need is so great, the imperiousness is such, that I will not inveigh against subsidized rental housing—as you shall see—over against any other form.

It seems to me that any device that may be snatched at in our present condition is salutary. There is no sense in cutting a thing to pieces simply because it happens to redound to the benefit of favoured groups who are seeking their own advantage. Let them seek their own advantage, but let us have something *quid pro quo* in return in the form of living accommodation for people.

The pension fund plan, as set forth by Hellyer has a great deal of merit, he does think, and I am sure the Minister well knows his contentions and his conditions.

There are four different conditions that have to be brought into law before you could even consider really bringing that into the use of pension funds. But he thinks there are substantial sums available. He mentions the large pension funds in Canada Packers and Air Canada, whose mortgage holdings amount to 60 and 37 per cent of assets respectively. Mortgages can be good investments for these funds, especially in diversifying the portfolios and balancing equities with long-term fixed income investments. And in this particular kind of operation, as well as in those operations which have long-term fixed indebtedness to third parties, paying long-term fixed term mortgages over against them offers a similar type of lure or benefit.

I will not bother going into the building society scheme. Hellyer, of course, proposes that on the next following page. But, what emerges out of the whole Hellyer report, of course, is a resignation. The question I want to ask now, Mr. Chairman, is really whatever did happen to Paul Hellyer? You know, that erstwhile courageous soul of a yesteryear. I brought along for your delectation tonight a copy of the *Telegram*. A headline on the day in question, Friday, April 25, 1969, says: "I'll Fight For My Views Says Hellyer," and he has not fought once since.

Hellyer says:

> Mr. Trudeau wants six nations, not deux nations, and that is the dead issue. Should we have ten economic provinces with the federal government much weaker than it is now, or should we have strength in Ottawa? My resignation will be neatly put aside by the weekend but I will be there to fight for my views.

Well, surely we need Paul Hellyer to fight for the views of the constitutional notions and the abortions that have come out of Mr. Trudeau's mouth in the segregation of this country, but where is he when the chips are down? Is the Liberal Party so powerful in Ottawa that it could suppress a figure of the size, the monstrous size, of Mr. Hellyer? What kind of a party is it that can bring its repression to bear—

Interjections by hon. members.

Mr. Lawlor: Well, where is he, what is he doing? He paraded up and down for them.

Interjections by hon. members.

Mr. J. B. Trotter (Parkdale): Mr. Hellyer has already spent a good time of his summer touring Europe looking into housing problems.

Hon. Mr. Grossman: What happened?

Mr. Trotter: Well, you wait!

Mr. Lawlor: He has been unconscionably quiet, Mr. Chairman, and I suspect will remain so if he knows what is good for him.

Interjections by hon. members.

Mr. Lawlor: So you are left with the New Democratic Party to defend the citadel of the Constitution within this country.

Hon. Mr. Grossman: How many houses did the NDP build?

Mr. Pilkey: Housing by headlines from this government.

Mr. Lawlor: Well so far in this speech we have had several *nostrums*, one of them is that you must make a direct confrontation with no mealymouthed pretenses to the financial or mortgage people. There must be no bones about it if you are going to get on with your task. And you must get, in my opinion, a direct percentage commitment from the banking institutions in this particular regard too.

Mr. Singer: It is a little bit beyond provincial power.

Mr. Lawlor: Well he can approach them, he can confront them, he could talk to them.

Mr. Singer: He cannot legislate them.

Mr. Lawlor: No, he cannot legislate on that.

The third possibility has been the alleviation of the situation through pension fund allocations. The fourth has been the savings.

Interjections by hon. members.

Mr. Lawlor: The fifth idea was the HOME notion, and I will just have a word to say about the HOME plan, the easy plan.

Mr. Chairman, perhaps it is possible to cut down the plethora of documentation. Many lawyers—I mean, not of my political persuasion, heaven knows, because not too many are, it is not financially sound to be that way—approach me and say: Will you say something in the House about the pile of papers that appear every time I have a HOME deal coming through my office?

I am sure they must charge double the fee because it is double the work, particularly if afterwards the individual exercises the option and picks up the land. But the amazing pile of documentation! I do not intend to go to any length on this, although I was going to produce a file to show this House just what a pile of papers are involved.

If it was an ordinary real estate transaction, we would have a quarter of an inch, this has a good half to three-quarters of an inch of accumulated documentation and papers. Now as I said, I shall look it over and before our next estimates I will try to give some positive, affirmative way of perhaps cutting down in all the clauses and all the phraseology. I do consider a lot of it nonsense that can be excised from these documents and save everybody concerned a great deal of time and worry and the enormous cost of printing that goes into all this documentation too.

Well, there are many other ways, as the Minister well knows. Why they have not been taken while they seem to be talked about *ad nauseam* quite escapes me. The Minister is a forthright man, he can seize the nettle, if he has the will to do so. Do not let his free enterprising predilections act always as something in his throat, so he cannot breathe properly.

There is the business of the alleviation on the 11 per cent sales tax. But, really, how can the Minister speak out against the federal government on this alleviation even if he were prepared to do so—unless he puts his own house in order? There is a sales tax on building materials in this province and if you moved in on that particular area, giving some kind of leadership, you might then have a better leg to stand on or at least you would have greater credibility over against the federal government.

You should make representations to the federal government again on the two per cent or the 2.5 per cent in some cases, of the insurance fund that they levy against individuals. I know that is the fund whereby they ground or give financial support to the guaranteed aspect of these mortgages, but this is an added burden—

Hon. Mr. Randall: Does the hon. member know that this has been reduced to one per cent by federal legislation?

Mr. Lawlor: Well that helps. I hope the Minister was instrumental in bringing this about.

The hon. member for Halton East has left the House, I was hoping to take a little slap at him in the process. He appears in front of magazines as being the—oh, there he is; there is the chief regent and the bucking bronco touching all matters of a national building code.

I would just like to know what he has done in the last few months about promulgating and getting that code into effect, because it seems to be a rather quiescent issue. The Minister then also must make representation to his great friend, Ab Campbell, the new chairman of Metro, whom he hobnobs with at cocktail parties. Next time he meets them under the umbrella of a martini perhaps he might just mention this particular code.

Mr. Singer: He does his best work at cocktail parties.

Mr. Lawlor: Well, you know, that is big business, the business of land banks.

I think the Minister should be ashamed really. We will not waste the time of the House further on Malvern, but it was such a piece of pettifogging to come before this House, when your special plea was running down through almost 20 years of singling out those instances which were of benefit to you, of an affirmative nature so far as whitewashing your position, and ignoring all the rest. This is the biggest piece of pettifogging!

You know it is baloney without even garlic in it. A little garlic might help the next time you are up on this particular issue.

The next thing that might alleviate your housing shortage, I suggest to you, is that some of your priorities are very questionable. We have said before, and I will mention it now, that insofar as highway construction is concerned one is panting in anticipation for the Highway estimates to be presented to this House, to learn the sums of money that have been spent on the Highway 401, over the past ten years for instance. Some moneys from that particular area ought to be diverted, and I suggest, even in the education areas.

Now that your Tories have learned through a young professor down in Kingston that education will not pay for itself, so to speak, that it is not necessarily a highly monetary benefit to the community—in other words that education may have some validity in itself and may cost money—I suspect there will be a diversion from the education field in the near future. If there is such a diversion, the Minister should try to arrogate for himself some of the vast sums that have been wasted on that—what has now become a profile portfolio—into the area where you have something you can show for it, namely, into his own department, into housing.

The Minister talks about 7,000 units next year. My friend Ken Bryden, in this House in 1967, said that we needed 20,000 units each year. You are talking about a third, and you are boasting about it.

Hon. Mr. Randall: What about Saskatchewan? The leader in Saskatchewan built one and a half a month for 17 years.

Mr. Lawlor: Oh, Saskatchewan!

Hon. Mr. Randall: You had the chance in Saskatchewan. One and a half a month for 17 years.

Mr. Stokes: That is the trouble, you are thinking about 10 years behind.

Hon. Mr. Randall: When you had the chance, you muffed it.

Mr. Lawlor: It brings me to your criteria, Mr. Minister.

You mention it again and again, and Hellyer, of course, as is the wont of politicians, cannot, by all the grace that would be in him, omit a little prancing and preening at the beginning of his book as to what they have done over and against all of the rest of the western world—including the moon—in terms of housing. I think he is far ahead of the moon at the present time, and he is extremely taken up with it.

But here is what Harrington says about housing, and this is the measure of the need, this is the urgency of the issue. And to look back at the past or to look for comparative figures elsewhere, seems to me completely and totally beside the point. You must focus on the future and you must focus on the instant need, and you measure yourself against some other figure, and so on, which happen to boost your ego. Harrington says:

> During the hearings on the urban crisis chaired by Senator Abraham Ribicoff, in 1966, the country got some idea of the enormous dimensions of the problem. And the American experience is parallel. It is necessary, in President Johnson's phrase, "To build a second America." That is, between 1966 and 2,000, the United States must construct more new housing units than it now possesses, and so must we. Official estimates call for two million additional units a year, with at least

500,000 of them, that is a quarter, designed for low-income families.

The AFL-CIO says we need 2.5 million new units per year.

We need, according to Hellyer, as you know, a million new units in five years. That is 200,000 units a year, for the next five years, he says.

And how does he make this up? I think it is interesting to look into it a bit. He points out that the task force found that the cost pressures were at work in, and indeed were intensified by the Canadian housing markets suffering from a basic shortage of stock.

By CMHC estimates, there are about 5.5 million housing units to serve a market of 5.7 million family and non-family users. That obviously means that there are 200,000 units short.

Again, according to corporation figures, at least half a million of these existing units are in a substandard condition, and you have 200,000 units short to start with. You have 500,000 units substandard in addition, you have a new family formations and others of 155,000 a year. That gives you, right at the present time, 855,000 or very close to a million. Very close to a million housing units in arrears.

And then, Hellyer coming along at the beginning of his proposals says, as I indicated before, that you need to get on in the next five years with a million units. And 200,000 units a year.

I think you will agree that the figure we usually work with is 35 per cent for Ontario, perhaps it should be a little higher, closer to the 40 per cent figure. That means you have to have 70,000 units in any one year. You do not come anywhere close. And over against this horrendous need to prate, in this regard, boastfully, it seems to me a dead loss in terms of what human beings have to suffer.

Now I want to say a word or two, Mr. Chairman, as I draw to a close—oh not that much to a close, Mr. Chairman—about public housing. A great deal has been said about the effects of public housing and the degradations, etc. that it inflicts upon the perpetuation of certain ills, disease and the continuation of delinquencies, and what not.

I throw it out to you, Mr. Minister that you have no alternative. In all other areas, such as Bancroft, a dead end, you are left with public housing whether you like it or not. The thing is to make the best of it. And Hellyer's machinations, all the way through, his voice calling out which brought a dead halt to the thing and for which he ought not to be closely forgiven, this man never did, and he admits in the course of his report, he was incapable of doing, they did not have time to make adequate studies of prospects and possibilities for public housing.

Why do public officials, why do governments at all levels, always consider that in the case of public housing, for the type of tenants that largely inhabit them, that they must be content with the least amenities of life, that the bare necessities are enough, and less than the bare necessities, so that, having set it up in this particular way, they may come about subsequently and carp and say, "Look at the conditions," and so on?

There is nothing to induce these people. They do not live in an atmosphere and environment that would breed any degree of self respect. It is the way in which public housing is carried out; it is with the possibilities of total human environment in mind. If it were planned and prosecuted with a spirit that it was a palatable environment in which to live. If this were done—and it has been described to you how it should be done in terms of sales shops, and restaurants and recreational areas and child care, and a number of other things which do not cost that much and which, at the same time, make this a completely viable prospect. He takes the worst examples, the most stripped down, and then he castigates it. In terms of the deprivations that people are suffering today, and about which every member of this House gets calls on day after day, he is the one to be castigated. Thank heavens he has left, even if he is quiescent in having left.

I was saying, in closing, a word about some schemes which may have—and I ask the Minister to look at them—some kind of imaginative, new exploratory possibilities. I am thinking of the writings of Jane Jacobs, who now lives in our city, and caused the authorities in New York City a great deal of trouble—bless her heart. She is in Toronto now; and in her book, "The Death and Life of Great American Cities" in chapter 17 thereof, she speaks of subsidized dwellings. She gives you a schema, a way in which you can carry out the reallocation of people, the revamping and restoration of areas, in a way really humane and without great dislocation.

I shall take ten minutes and outline this scheme for you. I would ask you to consider it. I trust that your Deputy Ministers are fairly aware of what she says, there is nothing new, she has combined a number of thinkers on urban problems and rehabilitation in the United States and worked their ideas into

her own scheme. Her own scheme is not anything final in turn, we can elaborate upon it, work it into your HOME plan, I suggest, in terms of the acquirement of land. A little tiptoe dancing, a little nicety in intellect, you know a little cleverness here and there might bring about considerable ameliorations within her terms and in your own confines in your own legislation that presently exists.

She calls it a guaranteed rent construction method. Her builder-owners, may they be builders initially or selling it over to somebody else, would get a guarantee of the financing necessary for construction, either from conventional guaranteed form and while I vent a certain amount of spleen about the business of guaranteeing to big business corporations, the very use corrupt, that they could not otherwise earn on the market because the rates, the amount that they earn, and the profit margins that they gain on their original investment, apart from being guaranteed, ought to be sufficient inducement to invest all by themselves.

The Victoria and Grey Trust Company was putting out first mortgages this afternoon at 11.5 per cent and 11 per cent. True these dwellings are inferior but those are extremely high rates of interest.

In any event, to continue, she wants to guarantee the financing necessary for construction of these houses and she guarantees secondly this guarantee will come either from the municipal, provincial or federal governments, or all three. That the owners who buy the houses will be guaranteed an economic rent in consideration of the owner building in a designated neighbourhood and sometimes on a designated spot and secondly, he must select his tenants from a designated area or a designated group of buildings. Preferably, the tenants would be coming from the people living in the near locality.

Now, her scheme is that there would not be any razing of buildings to the ground, that monies would be forthcoming to builders to construct. I suggest that you can extend her scheme by saying refurbish, rehabilitate existing dwellings or build new ones, in return for which the guarantee on the investment and the guarantee on the economic rent the builder in return would take people who are living in substandard dwellings here and there and that substandard dwelling in turn could be torn down and there would be no dislocation of the neighbourhood.

Jane Jacobs sets forth—and I will not go into it tonight, but on some other occasion it may be very interesting to do—15 different and distinct reasons why her scheme for the retention of neighbourhoods will give viability and life to old neighbourhoods—reconstructing from the inside out, so to speak; allowing tenants who previously in effect were subsidized, because the rents are fixed, to continue to live in the dwellings. These ideas are bandied about, but in no way with the same force I suggest that she puts into them.

The people would not move out of the neighbourhood if this rehabilitation was going on throughout the neighbourhood. They would continue to live in the same buildings with their tenants who were under a subsidy scheme. It would cause a mixture of flow between the various levels of obligation; it would stop the segregation that you find unpalatable—and so do I—in terms of public housing. I do not find it as unpalatable as you, because the poor devils have to have some place to live. This society has yet been able to provide, so do not renege on it; because then you will leave them with pretty little and let them live in warrens.

By the way, as an aside, may I just refer you to what Jane Jacobs had to say about rats. It is extremely interesting. A word about rats:

> When a large part of downtown St. Louis was demolished, the displaced rats invaded buildings over many square miles. If extermination is not practised in new buildings, the progeny of the rats comes right back thereto. Most cities have legal requirements that rats be exterminated in any building demolished.
>
> In New York, the going rate in 1960 for a lying certificate of extermination—

she talks about lying:

> —paid by corrupt owners to corrupt exterminators was $5 per certificate. How public agencies, like the housing authority, evade the law, I do not know. But to know that they do evade it, one need only go to look at the fearful rat festivals and exoduses at twilight from their sites in process of demolition. New buildings do not get rid of rats; only people get rid of rats.

The reason I am mentioning it is that one of the problems in these areas of which I am speaking, which Jane Jacobs thinks can be transformed inside out without using the bulldozer, is the rat infester. One of the demeaning aspects of poverty is that you live in a house with rats. I wonder how many of us of recent years have lived in a house with rats? For we who have not lived in such a house, I think, come to be fairly oblivious of those who do. We forget what it was like to

live in such dwellings. I would ask you not to forget, because your task as a Minister is to eradicate the rats along with the dwellings, and the dwellings along with the rats because they both go together. One is the external sign of the other.

All right, she has a great deal more to say. You can adopt your HOME plan to her requirements; you can adopt your condominium concept to her part about the walk to her roof. But, in winding up, may I just quote what Hellyer himself says, more in the breach than in the observance. On page 13 of his report, he says:

> Urgency. That certainly is at the moment the strongest of the task force's impressions: the need to act while reasonable action is still possible. Many Canadians whose needs are of yesterday want adequate housing today and not tomorrow. Theirs are the voices of frustration that will no longer accept the explanation that it is that other government's responsibility to act. Theirs is the growing anger of people who, amid the material plenty around them, refuse to wait that little bit longer for their minimal share.

This problem, Mr. Minister, can only be attacked on a wide front. There are 27 different aspects or pivotal points which must be attacked simultaneously—everything from the weight of subdivision agreements and the internal difficulties and impediments, the scale of many steps that are growing impediments to builders on one side, clean through to the use of mobile homes—any of these or all fronts at once.

It seems to us over here that by and large, because of your natural inclinations in other directions, you are not giving the dynamic thrust and the concentrated effort that this problem on the very basis of what Hellyer says, the basis of what we all know, as members of this House, requires it must be attacked frontally and on all fronts at the same time. You are simply not doing so. You are failing in this commission and, may I say, if you come back to this House in the New Year with an as inept and an innocuous record as you present here at this time, you will not get off quite so easily.

Mr. Chairman: The member for Etobicoke.

Mr. L. A. Braithwaite (Etobicoke): I have just one question of the Minister, Mr. Chairman. The Minister will recall that on last Friday morning, in response to some of my questions, he gave us the undertaking that he would provide some of his staff in connection with research. Now, I might tell the Minister, Mr. Chairman, that I met with some of these people this morning in Rexdale. They wanted to know if the Minister could spare Mr. Suters for a meeting at 10 o'clock on Saturday—this Saturday morning. I can provide Mr. Suters' office with the time and the place, and so on. We met with Mr. Givens on the federal level this morning. The committee—it is quite an active committee—is very interested in having Mr. Suters there for a preliminary meeting in order that they might plan this survey on the Thistletown project, which the Minister undertook to support.

Would the Minister tell me whether Mr. Suters could be available for Saturday morning?

Hon. Mr. Randall: Mr. Suters has another appointment on Saturday morning, but if you will settle for somebody else, we will make sure somebody else is there. Or Mr. Suters can be there next week, whenever they want to arrange an hour next week.

Mr. Braithwaite: Does Mr. Suters have an assistant that he could send?

Hon. Mr. Randall: Yes.

Mr. Braithwaite: What is his name?

Hon. Mr. Randall: I do not know. He will send somebody.

Mr. Braithwaite: Is Mr. Suters handy? Perhaps he could tell us, so that I could phone.

Hon. Mr. Randall: I do not know. He will send a senior man, someone qualified to meet them.

Mr. Braithwaite: If the Minister could tell us, Mr. Chairman, I would like to know who the person will be so I might inform the group.

Hon. Mr. Randall: I will let you know in the morning, can I?

Mr. Braithwaite: Excuse me?

Hon. Mr. Randall: Can I let you know in the morning? I will tell you who the gentleman is in the morning.

Mr. Braithwaite: Thank you.

Mr. Chairman: The member for Scarborough East.

Mr. T. Reid (Scarborough East): Mr. Chairman, I just have one or two remarks to make. I would like to point out to the Minis-

ter that my remarks on housing are contained in *Hansard* number 19 for Tuesday evening December 12, 1968, from pages 638 through to and including page 647. I certainly will not go over that speech again. I would hope that the Minister may have had a chance to read it.

But there is one point I would like to underline. I made it at that time, quite late in the evening, as we are making it now. This has to do with the public housing policy of the Minister or lack of it in certain areas, *vis-à-vis* the tenants.

I would like to quote from Lionel Trilling's book "The Liberal Imagination". The quotation is quite short.

He says:

> Some paradox of our nature leads us when once we have made our fellow men the objects of our enlightened interest, to go on to make them objects of our pity, then of our wisdom, and ultimately of our coercion.

Now I suggest that this is exactly what this government has done, Mr. Chairman, *vis-à-vis* the tenants in Ontario Housing. We have been through case after case of landlord abuse which could not be tolerated in a private tenant-landlord agreement, which could not be tolerated indeed in the courts.

The fact is that Ontario Housing tenants, for example, have to sign a registry whenever a visitor comes to stay. They have to let the superintendent know the name and address of the person visiting and how long they will be staying with them. This is a basic infringement on the right of a man to entertain in his private place of abode.

It is this type of abuse, Mr. Chairman, that has led to my suggestion, and suggestions that have been made by others, that the Minister should encourage, instead of fighting, the movement towards proper democratic tenant associations in Ontario Housing projects. Preferably, as the Minister himself has pointed out, these should be associations with formal links to other local community organizations.

I would just like to underline the one point of why perhaps someone like Michael Audain resigned from the Minister's Ontario Housing Corporation.

Michael Audain is someone I think the Minister should talk to personally, to find out his views, now, today, on the tenant relationship in a subsidized housing project.

Michael Audain, by the way, was the man in charge of tenant relations, social relationships, in all of Ontario Housing. He resigned in frustration.

Now the policy of the Minister, as I understand it, Mr. Chairman, *vis-à-vis* the development activities within his complexes are really under a tenant relations officer of the Ontario Housing Corporation. Now it is absolutely impossible when one goes through, first of all, a job description for a tenant relations officer in Ontario Housing, it is impossible for anyone to believe that the qualifications of those people would enable them to do first rate development work in an Ontario Housing complex.

In order to have a development project which encouraged parents to participate in the decisions that are going on in the residences, for example, the visiting hours, when the pools will be opened or even the washrooms or the recreation rooms, and so forth, you must have someone who is much more skilled than a tenant relations officer. These officers simply do not have the skills of a social animator; they are not hired for that purpose. They are hired to supervise on behalf of management the activities of the tenants in Ontario Housing.

And on that ground alone, the lack of skills, the lack of sensitivity if you like to the needs of people wanting to establish what I call democratic community organization, within Ontario Housing, the tenant relations officers just cannot get up to the job.

The problem is much more complicated than this as the Minister knows because the tenant relations officers report to the regional supervisors of Ontario Housing who, in turn, report to the director of operations of Ontario Housing. Now one cannot expect a skilled community development worker to report to a management supervisor a person concerned with the operations of the programme on behalf of management. A tenant relations officer, if he or she is to be helpful to community development – for example, programmes for the young people in the buildings, both in the Ontario Housing complexes and also in the community around the Ontario Housing complexes—must be able to fight for the views of the local tenants or the local ratepayers association.

Because if he is to represent their views in a democratic association, whether it is the tenant association or a joint association between the Ontario Housing Tenants Association and the local ratepayers association, he must have a clear purpose; he must not have

a basic conflict of interest. He must not, in my opinion, be independent on the direct supervision of a regional supervisor whose job is to ensure efficiency; whose job is to ensure that the funds are not only well administered but that controls are put on the tenants themselves.

So I would repeat this one suggestion that I made in those remarks on December 12, Mr. Chairman, and urge the Minister to realize that there is a community job for his department to do, for Ontario Housing to do, as well as the sheer physical challenge for his department. I would call upon him to recognize that it is possible within a government department to allow people affected by his programmes, to organize again in the democratic, representative way—to speak for the interests of the people on the receiving end of his programmes.

I would simply suggest and urge the Minister, Mr. Chairman, to really look at the role of his tenant relations officers, to look at the job descriptions, to look at the qualifications of the people who have actually been hired to do this work; I would almost assume that he would come to the conclusion that I come to: that these people are not qualified to do proper community work within those complexes. You need very, very skilled people to do this, sir.

I simply say that as long as the Minister keeps these people, who may be good at some other function in Ontario Housing, it is impossible for me to come to any other conclusion except that he does not want the tenants to organize in any democratic way at all because he wants to control their lives, he wants to abuse their privileges in our society.

Mr. Chairman: The hon. member for Essex South.

Hon. Mr. Randall: I will send over a copy of the new book to tell you how we are working with the tenants.

Mr. D. A. Paterson (Essex South): Well, Mr. Chairman, I trust that you and the House will bear with me for about five minutes, I will put forth my views on our housing problems in the province before this motion, by our deputy leader, is put to the House.

This motion calls for a decrease in the estimate of this particular vote by some $12,000. And I am sure that the Minister and his senior officials are well aware now, after three days of debate, this is a general indication of dissatisfaction with the overall programme of his department.

And naturally this $12,000 amount is simply symbolic of ministerial responsibility in this regard. Now I have listened to this far ranging debate with considerable interest for the past few days and I am concerned about the amount of attention focused on the Toronto area housing problems and possibly the lack of attention that has been given to the smaller communities in our fair province.

Now I fully realize that this city has the largest population and probably, the greatest need, there is no doubt about that. I understand that the large percentage of the department's budget is spent in the Metro Toronto area. But also that land values and construction problems are probably the greatest here in the Metro area of Toronto.

Specifically could I ask of the Minister what percentage of housing dollars expended by your department are expended here in the Metro Toronto area, and what is the average cost for a lot for a single unit house in Toronto in low rental housing?

The reason I am asking these two particular questions is to relate the emphasis of expenditure in the Metro Toronto area to those other parts of Ontario that also need housing.

Somehow I get the feeling when discussing this matter with people in the smaller communities that Ontario Housing seems remote. They seem to sense that it is a big civic undertaking, but I realize that this really is not factual in the Minister's programme. I do feel that the department could give more emphasis in single unit and small row house developments in some of our smaller communities and possibly the proposition I put forth is an oversimplification.

I realize it is an oversimplification, but I believe that there is a demand and a necessity through these smaller communities. It is somewhat difficult to draw out of the populace through their pride and possibly their reluctance to give to officials in the county who undertake these surveys certain aspects of their private lives. I think the Minister indicated this in his remarks this afternoon when he mentioned the town of Strathroy. They had no applications in that area, but I feel that if a small number of units could be built in balance with the general economic conditions and the normal building patterns of the smaller communities, I think these units would be a real asset to these particular communities, and there are probably hundreds, maybe even thousands, of serviced building lots in these several hundred small communities in Ontario, and I know for a

fact that there are many small contractors anxious, willing and very capable of building homes. Here is where I think your department could really move ahead, into these communities with the available work force, the available lots, and really give impetus to your programme.

Now in my own riding there are three developments currently underway, both in senior citizen development and in low rental housing. Since the people have seen the units that have already gone up and learned of the programme of Ontario Housing, the rental structure, the requests for accommodation today are much greater than when the initial surveys were originally taken by our county. I think this would be true throughout most of the urban centres in the rest of Ontario. I think this is indicative in the town of Strathroy as the Minister will find out.

I could state as a fact that many of the people that I have seen move into some of these units are in the best accommodation they have ever been in in their lives. They appreciate it, and I think more people should be given this opportunity.

I have asked the Minister two specific questions in relation to the percentage of funds expended in Toronto and the average cost per single unit. I wonder if he could possibly relate to me and to the members of the House and to the general populace at large, relate to them the proposal that I have made to the extension of an impetus in their building programme in these smaller communities.

Hon. Mr. Randall: I would like to answer the hon. member's question. First of all, let me say that we are into public housing and senior citizens housing. We have projects going on in 60 small municipalities now, and as you have pointed out, as soon as we get them built people come along and say "I would like to get in." As soon as we get a request for a survey, or a survey of need from the municipality, we are quite prepared to go in and build. And as you say, in the small towns there is no difficulty getting land. But as I said when I was up north, one of the major problems in some of the smaller towns is building single family houses as some of the land, even in the northern towns, is somewhat expensive. We have arranged, up in Timmins and in other areas, to build row housing and I have said that row housing must come to the smaller towns as well as to the major urban centres, because everybody is not going to be able to afford a single family house. For instance, up in Arnprior, we had five houses per acre up there at $5,000 a lot, but the people in town could not afford it, so we went back to the township. We had it rezoned, and we are building 20 row houses to the acre, and the houses are being sold. I think the last price I saw there was $12,600 to $13,400. They are the kind of homes that I think we can build and house people in under the HOME programme in some of the smaller towns with the wage income they have.

What I am talking about here in the 60 municipalities is public housing and senior citizens and we are spending about 50-50. Fifty per cent goes into the metro area and 50 per cent goes into the outer area with reference to our housing dollars. And the average cost per house right across Ontario is about $15,500, including land.

Mr. Sopha: I would ask the Minister that since he will not disclose how much he pays for land, how can we, as watchdogs of the public purse, be in a position, in the light of our responsibilities, to determine whether the price he pays for land is fair or not?

To determine, for example, whether the purchase of land might be used for some sinister purpose; whether it might be a device of favouritism. Does the Minister not agree that there must be an appearance that the right thing is done in the expenditure of public money?

How can he justify the keeping secret, against the inquiry of an elected member of the Legislature, the use he makes of the public funds of this province in the acquisition of land? I think those are very legitimate questions, and I would be delighted to hear the Minister's response to them.

Hon. Mr. Randall: I understand the hon. member has been busy up north this week. If he had been here, he would probably have heard that I disclosed them.

Mr. Sopha: Yes, I was busy, on a point of order, yes, I was. Let us make the record clear.

Hon. Mr. Randall: All right.

Mr. Sopha: I was engaged for a week in the defence of a man charged with murder. The trial finished today. I am now back in my place. The case was under the legal aid system. That makes the record complete and I won the case.

Hon. Mr. Randall: I offer my congratulations and I do not say it facetiously.

Mr. Sopha: I did not ask for your felicitations or your congratulations—or your snotty attitude.

Hon. Mr. Randall: I just suggest that if you had been here this week, I did give the members the price of the land we had paid for. Once we have acquired the land we have no reason not to disclose the price, but as long as we have an option on land in that area, and we have not completed our purchasing, we are not going to disclose the price until we get the options completed. As soon as they are completed, we do not mind telling you the price and I think this is just good business on the part of the taxpayer.

Mr. Sopha: I wrote the Minister—let us make this a matter of record—I wrote to him last summer and referred him to specific land in the northeastern portion of Sudbury that he had bought; the title had been transferred; it was registered in the name of the Ontario Housing Corporation; and I made the polite enquiry as to the price that he had paid. He wrote me back and said it was against the policy of the department to disclose the price paid for the land because it was a competitive business, and he said rather presumptuously that I would understand. I did not understand. To this day I do not know the price that has been paid for those lots. How does that correspond with the answer he has just given me?

Hon. Mr. Randall: The land deal has been completed up there. I see no reason why you could not have the price. Perhaps at the time the deal was not completed and we had other options in that particular area. If we had, that is probably the answer. If we have not, I will find out and give you the price. I have no objection to giving you the price.

Mr. Sopha: As a matter of fact, his salary should be reduced for the reason that this Minister is the most flagrant person in the whole of the Cabinet benches, not to answer his mail. Letters go for months unanswered by this Minister. On occasion, in order to get a response, if you want to make some form of reply to your constituents, you have to call his secretary and ask her if she will bring the letter to his attention before it is answered. And then he will give you—the super salesman, Horatio Alger that he is—he will give you a very plausible excuse and explanation. And on occasion he will blame it on Suters. He is not above that. He is like Stafford Smythe and Punch Imlach. He will say Suters has been slow in responding.

I was going to ask him another question. Do I understand correctly that those units being built in the urban renewal project are being constructed by Ontario Housing Corporation?

Hon. Mr. Randall: They are being constructed, I understand, by Catkey Construction Company. They are builder proposals made to the Ontario Housing Corporation.

Mr. Sopha: Well, Mr. Chairman, I just want to speak very briefly, and I promise that I shall be very laconic in my remarks.

I made a presentation to that Hellyer commission when they visited Sudbury and my presentation consisted, I think, of 12 photographs. The photographs were of substandard housing, so shameful in its external appearance that I told Mr. Hellyer that I would defy him to go into the depths of Mississippi or Alabama or the worst parts of the deep south, and find conditions of housing more tragic than those within a stone's throw of the city hall in Sudbury.

And I said to Mr. Hellyer that if our community was a reflection of the great wealth that we produce, that great ore body contiguous to Sudbury, then we would have the finest houses to be found anywhere on the North American continent. And the significant thing about those photographs was that in every case of these abominable conditions, the houses were occupied by workers who moil in the ground to produce the ores and the metals.

This was not a case of the perpetual or perennial poor. These were workers who earned daily wages, working in the nickel mines in Sudbury. Now I asked this question about the housing being built in the urban renewal commission because I, as the representative of that community, was very saddened by the attitude of the powers that be that organize that scheme of urban renewal. I hope Canada will never see another one like it. I hope they learn so much from Sudbury that all governments will retreat from that method of dealing with human beings. And, in fact, the method encompassed the notion of almost a total lack of concern for people.

Now the housing corporation can no doubt puff out its chest and say we are building 176 units or whatever it is, I think I am pretty close, if I am not precisely exact. Well, I would have thought that in the urban renewal

scheme that if it had set itself the unswerving goal of a concern for people then the number of units that might have been built in that area would be several multiples of 176. But the whole point was, I must say, with a great sense of tragedy, that the goal of the urban renewal scheme seemed to me to get the land into the hands of the developer so that he could raise the buildings and replace on the site of the old rundown, dilapidated, decayed urban core the shininess and the glossiness and all the slick, supermarket paraphernalia which, incidentally, this Minister seems to like to be devoted to, almost to a fault.

The thousands of people who occupied the urban core were unceremoniously turfed out, of course, deprived of their homes under the rubric of just compensation and an almost inhuman concern for their future welfare. Part of it, the sop to them—and I do not exaggerate the displeasure with which they received this scheme as it went along and it became apparent what was happening—the sop is the 176 units that Ontario Housing Corporation is to construct.

It is interesting to note, of course—the citizens of Sudbury ought to be reminded of this factor—that the Ontario Housing Corporation promised those 176 units long before it got involved in urban renewal.

I was never able to follow the tortuousness of that one but there was a grandiose announcement that this number of units had been awarded to the city of Sudbury. When urban renewal was in its infancy, before a building had been torn down, before the CNR lands had lost the attention of the Minister—and his legions of course—but before the CNR land was ever acquired, the housing corporation perpetuating the housing by headline dogma had promised these units. I observed, with great curiosity, that at a subsequent time the Ontario Housing Corporation had become involved in the urban renewal and this hundred-odd units. I fear, Mr. Chairman, that I have not got the exact number, I am relying upon memory, and I might be accused of inaccuracy, in that respect, but I think it was 176 that suddenly the housing corporation is involved with in the urban renewal and this 176 are going up on those lands, when a great many people believed that land would be acquired elsewhere, they would be built and anything put in the urban renewal lands would be by way of bonus.

I want to record, as the member for Sudbury, that the use of only a fairly small part of that land for the creation of housing, I feel along with a good many other people, is a breach of trust. It amounts to a breach of trust on the part of this government and this commission. It was not necessary in the urban core, to put it another way, to develop a huge new superabundant retail area. Now the fact that they ended up and gave the land away to the developer — and that amounted to a gift — will have to be taken up with the appropriate Minister, the Minister of Municipal Affairs, at some later time.

But, I want to leave off where I began, that it is a matter of great distress to me, I say to you, Mr. Chairman, most sincerely, the way we treat our poor in this country—especially in regard to the housing which they have to suffer.

I sometimes think, as I go up in that area of the flour mill of Sudbury, that there is something sadistic about us, something sadistic about the civilization that tolerates conditions like that. I ask myself: Is it because we need the poor, that we need them in order to advance our own conception of our ego, that the affluent—God knows there are enough of the affluent around enjoying the fruits of this culture and civilization—is it that the affluent need a contrast to them that the poor provide, provide that contrast to the eyes in order to cultivate a feeling of narcissism?

Well, it is a grievous matter in a city like the one that I represent that is so abundant in riches. The riches are so abundant and so obvious to the eye—the existence of that great ore body—and it is a tragic matter that the people who engage in the difficult work in the exploitation of that ore body have to suffer the housing conditions within a stone's throw of the downtown area, the urban heart of the city, within a short distance from the city hall and the city centre.

You can go and point out housing conditions that you would not find worse in any part of North America. Those were the pictures that I showed Mr. Hellyer, of shoddy, run-down, wrecked rented premises, the like of which could not be duplicated anywhere. And it boils down to an indictment, of course, of this civilization, that we tolerate the existence of such conditions.

Now, fortunately, I am one of those who regaled the thought that fortunately, in Canada, we have not had the urban renewal that the Americans have had to experience—heaven forbid that we would. When I say the urban renewal, what I refer to is the fact that the blacks in America have been the greatest urban renewal innovators in the

history of mankind, they have not waited for governments to pass legislation to set up administrative machinery, the bureaucracy and all the rest of it, to renew the urban core of their cities; they have burned them down.

They burned them down in the city of Detroit. It might also be that we will come to that pass in Canada, that patience will be exhausted and people living in those conditions will no longer be prepared to tolerate them. But in the meantime, we have had two decades of promises here. It makes a great many people cynical. You know, I never fail to point out that one of the famous 22 points on which this government came to power, was that they were going to provide decent housing for every citizen—and that was 26 years ago this past August. They have never done anything like it in the 26 years of misrule of this province. But, Mr. Chairman, they are in trouble now, they are in trouble, the Prime Minister has never been in worse trouble than he is with that crew sitting over there, and in trouble with the Horatio Alger that heads this department. Out there in the streets the discontent with this government was never greater, and especially the urban discontent.

Mr. D. C. MacDonald (York South): And they know how to vote too!

Mr. Sopha: Sometimes they do! Sometimes they get a little foolish, such as in Middlesex South; but that is a passing thing.

Hon. Mr. Grossman: That is what we figure.

Mr. MacDonald: Both of you rationalize.

Mr. Sopha: That was a passing act of irresponsibility, that is all it was.

Interjections by hon. members.

Mr. Chairman: Order!

Mr. Sopha: I do not want to be diverted from the point I was making, that when all is said and done, Mr. Chairman, it is a matter of moral responsibility that this society owes to those who are underprivileged in housing.

It seems that all the rhetoric, all the speeches and all the reports, do not change the attitude. Mr. Hellyer has said it. The Economic Council of Canada has said it. It has been said more times than one could count in this House. But still we do not get that impetus; the impetus of a society that is committed to doing what is right, a society that demonstrates its capabilities in waging war, but seems to be unable to wage a struggle consistent with the arts of peace.

When all is said and done, as long as we permit people to live in the conditions that I have described, it degrades us; if you live in a good home, a clean, tidy, well furnished home, you put your head on the pillow in a comfortable bed at night, then you must take with you the feeling of your conscience that there are many others in the society who are not afforded the same rights or the same benefits. And that makes it a moral matter; we have an obligation.

If we but had the will in this country, and the determination, and we took all the speeches about housing and threw them in the garbage can, we could provide everybody in this country, everyone in this province, with adequate housing, we could remedy that situation. All it takes is the courage and the determination to mobilize the wealth of the affluent society to do it, we do not have to sit around and quarrel with this Minister, we do not have to move a motion to reduce his salary, all we need to do is to summon our consciences and then get on with the marshalling of the vast resources that we have.

We could absolutely prevent people, we could make it unlawful, for people to live in inadequate housing facilities, and we could enforce that, if we wanted to do it. But as I get older, I wonder, do we want to do it? This Minister, I question his will because he might think it is bad for business. And in anything he ever said that I have ever read, I have never heard him at any time criticize the business community. He does not believe interest rates are too high because he believes in his heart that whatever the business community does, it is all right to do, because they do it, it is all right.

Mr. E. W. Martel (Sudbury East): Shame!

Mr. Sopha: He does not have that spirit of criticism of the business community that is becoming apparent in the Minister of Mines. You are going to have more trouble with that fellow than you dreamed of, because he is not really a Bay Streeter.

But not this Minister. I read the article by Trent Frayne over the weekend—I had nothing else to do, so I read the article. We all started from humble beginnings, we all did; that is no asset. We were all on relief in the 1930's.

Hon. J. Yaremko (Minister of Social and Family Services): That is the great thing about Ontario.

Mr. Sopha: You must have told them.

Hon. Mr. Randall: I did not tell them anything.

Mr. Sopha: Frayne did not dream it up out of thin air. You must have told them. And what I am saying to you, you are not the only one that started from humble origin.

Hon. Mr. Grossman: We all did.

Mr. Sopha: We all did.

Hon. Mr. Grossman: And this great government brought everybody out of the depression.

Mr. Pilkey: Everybody over there!

Mr. Sopha: We all did. I am from Cobalt. I do not go around bragging about it. But I am worried about what came after. I am worried about the time that you began to associate with the tycoons downtown. When you became a corporate wheel, that is what I am worried about. It was at that point that your ideas changed. Your ideas changed and, as far as I am concerned, the change was to the extent that anything that those people do, is all right with you. That is one great guiding impulse with you, former president of a corporate organization. The other part about you that I am suspicious about is that you would sell the whole of this damn country to the Americans if you could.

Mr. Martel: Give it away.

Mr. Pilkey: He gives them money to take it away.

Hon. Mr. Randall: We have been all through—

Mr. Sopha: Yes, give it away; give it away! Anything the Americans do in this country is all right with you, all right with you.

Interjections by hon. members.

Mr. Chairman: Order, order!

Mr. Sopha: The guiding spirit, your guiding spirit is summed up in that famous phrase: You cannot eat independence.

Hon. Mr. Randall: That is right. You cannot put it in the bank either.

Mr. Sopha: You are the greatest continentalist that politics has seen in a quarter of a century.

Interjections by hon. members.

Mr. Sopha: All right, all right! You are back to my community.

If, as it might rightfully expect, it was a reflection of the wealth it produces for the people who inhabit the buildings and canyons of Bay Street down here, if it was but a reflection, we would have the finest homes in the country.

Hon. Mr. Randall: Somebody has to bring home the bacon.

Mr. Sopha: Yes; that is a great demonstration of the eagle now.

That only equals the statement of your pal made here a couple of years ago—your pal, the fellow at the end of the row—in its exaggeration and lack of foundation. The statement of your pal was that we have our freedom over here because his father fought for it. That is what he said. I think he regretted those words. That is what he said at one time. You are free because my father fought for your freedom. Oh yes, that was what you said. Do not give me that wounded look like a steer that has just been stuck with a pitchfork.

Interjections by hon. members.

Hon. Mr. Yaremko: Mr. Chairman, the hon. member is pointing a finger in this direction.

Mr. Sopha: You, the one with the glasses that is standing.

Mr. Chairman: Order!

Hon. Mr. Yaremko: You are a fine example.

Interjections by hon. members.

Hon. Mr. Yaremko: On a point of order. The hon. member and I have a good place to live because my father worked here.

Mr. MacDonald: Why do we not adjourn the House and go home?

Mr. Sopha: All right.

That is all I want to say, except that I will gladly, gladly and enthusiastically, vote for the motion of my colleague from Downsview.

Mr. T. Reid: The Minister sent over to me a small booklet after I made some remarks about the way in which the tenants of Ontario Housing were having a rough time. I would just like to put some of this booklet into the record—because it underlines every point I made.

This is a little pamphlet entitled "You And Your Home, A Resident's Guide," by the Ontario Housing Corporation. Here are some quotations from it:

> The manager will advise and help any resident as much as he can. But he is also obliged to make certain that the rules and regulations of your lease are observed.

Hon. Mr. Randall: Why do you not read about the tenant relations officers?

Mr. T. Reid: To continue from the book:

> These rules and regulations are in the best interest of our residents.

Now, Mr. Chairman, that clearly points out the philosophy, if you like, of an adversary principle.

Hon. Mr. Randall: Bring in the motion.

Mr. T. Reid: You have a tenant and you have a manager and they are supposed to work things out.

Who says these rules and regulations are in the best interests of the tenant? The manager; clear as that!

Not only the rules and regulations in the lease but also the itty-bitty regulations that the Minister laid down in this booklet.

It goes on to say, referring to the tenant relations officers:

> They are trained to assist you with such aspects of family life as budgeting and homemaking.

The point I was trying to make to the Minister was that you need tenant relations officers that can do a heck of a lot more than just helping on budgeting and homemaking. They should be able to do community development in the proper sense of these words.

Now, listen to this type of regulation, it says:

> Your new home is meant to accommodate you and your family and has accordingly been designed as a single family home.

So has the home I live in but I can invite my sister to come and sleep on the chesterfield without asking some guy that holds my mortgage whether or not she can come.

You say here, Mr. Minister:

> It is not permissible to have boarders or lodgers.

I can see that. Then you go on and you say:

> If you want a friend or a relative to stay with you for a while, you should discuss it with the manager.

What right do you have to put an imposition on a family on whether or not they can have friends stay overnight? Who do you think you are? God or something?

That is your whole attitude. It is in this pamphlet. You believe that you and your corporation sit there as a great parent over all these people and you can judge on whether or not they can invite a sister to stay overnight. Who set you up as a tin god? You have been in power too long, sir. It's 1984 in 1970, that is the type of society you would like to have. Referring to tenant groups you say:

> Many larger housing developments have tenant associations which you may want to join.

Then the Minister goes on to define the purpose of those tenant groups and turning them to the management point of view. He says:

> These groups plan social recreation activities for residents. Usually programmes for children attract the most interest; but community improvement activities, such as gardening clubs, are also popular.

Why do you not let the tenants define the purpose of their own association instead of laying down in this bitsy little book what they are supposed to be about?

Hon. Mr. Randall: Write me a letter and tell me all about this.

Mr. T. Reid: You are in for a real shock, Mr. Minister, if you think you can define a tenants association like that. A tenant association's purpose, once you define an adversary principle between management and tenant, is to fight for the rights of tenants, not to be organized, as you state later on, by staff members. What you want are company unions.

Mr. MacDonald: That is a good Mackenzie King approach.

Mr. T. Reid: You just want to set up groups that you can control and manage. You have your own spy system.

Then you go on and you start talking about care of the grounds. Your first one—

Hon. Mr. Randall: At this moment, you have got—

Mr. T. Reid: To continue:

> We remind residents in houses to cut, weed, rake and water the grass as often as required in the summer.

Well who is going to state that "requirement"? Your management? They are going to pedal around on some little dohunkey bicycle and look at the grass and say: "You had better water that little patch, you are a bad tenant, you had better cut your grass right now." Who is going to "require" this? Obviously it is the manager. It does seem a bit silly.

Then you go on in the same section:

> Your children should understand that pulling on shrubs and swinging on trees can kill these plants.

Now I have a tree in my backyard, Mr. Minister, and my little son likes swinging on it and I am quite happy to have that tree die if my son is having fun.

Interjections by hon. members.

Mr. T. Reid: You impose a little regulation like this: "No children swinging on trees, it might spoil the little tree."

You go on and you say to little kids swinging on Ontario Housing trees, if they do this, "It can deprive the community of its natural beauty!"

Now isn't that a shame! You go on about pets and you have all your regulations about pets, you have the good-God feature here saying in the interests of both residents and the pets you have these regulations.

Well isn't that kind and condescending of the Minister?

Then under windows and ventilation—I thought you did not believe in government interference in family life, I thought you people were conservative, I thought you wanted to keep government out of the bedrooms of the nation, I thought you shared that with a certain Liberal in Ottawa.

Hon. Mr. Randall: That is hot air.

Mr. T. Reid: Talking about hot air, listen to this about windows and ventilation. It says:

> You can avoid expensive damage if you make certain your windows are closed when it is snowing or raining, and when you leave the house.

An hon. member: That figures.

Mr. T. Reid: It figures so clearly, why do you have to spell it out and treat people as sort of inane objects? Whoever set you up as a parent over adults? What are you trying to do, tell them how many children to have next? I am looking for that one too.

Well, Mr. Chairman, I would just like to conclude and say—

Interjections by hon. members.

Mr. Chairman: Order.

Mr. T. Reid: I just want to return to the point I was making which the Minister obviously does not want to understand, and that is this, Mr. Chairman. If he wants to set up an adversary principle in the relationship between the management and the residents of the Ontario Housing building, then he should not try to take over the organization of the tenant associations. If he wants co-operation that is one thing. But as long as he bases it on an adversary basis. then he has no right to have his tenant relations officers in there organizing the tenants.

If he really wants to have democratic organization in these buildings, Mr. Chairman, the Minister has got to let the tenants do it themselves without feeling they are being spied on, without feeling they have a whip over their heads, by your management people. You simply cannot have free, democratic tenant associations as long as you insist on having management organizers. I know there are dangers—and I am well aware of the dangers—in allowing them to spring up free, and perhaps even of financing them so that they can hire someone to fight for their rights, not only within Ontario Housing, but within the wider community. But I think that would be a much better risk to take than the risk the Minister has taken—and simply ended up with paper tenant associations that are being used as a tool of management as opposed to being a cross-check on management in the interests of your tenants.

Mr. J. E. Stokes (Thunder Bay): I have two brief points of information, if I might. Here is a letter from the Ontario Housing Corporation to the clerk-treasurer of the town of Longlac, regarding some lots.

> Further to your telephone call in connection with the sale of Ontario Housing Corporation lots in Longlac, I am pleased to advise that the board of directors have just recently approved leasehold prices. We will, therefore, be able to market these lots at the beginning of next month on a leasehold basis only, which would mean that a private homeowner could lease each lot at $41.25 per month, which is based on

the cost of development. As usual, this purchaser would have the option to purchase the lot after five years.

Now could the Minister explain the reason for having to wait for five years? Why could he not give them for the cost of the lot plus the cost of servicing, instead of having to wait five years?

One other question while I am on my feet. Whatever happened to the application for housing made to the Ontario Housing Corporation for the people of McDermott?

Hon. Mr. Randall: I do not know about McDermott; I would have to check it.

The reason for leasing the lot for five years is very simple. It cuts the down-payment on the house only. It does not include the land in the complete package. If you put the land into the same price with the house the five per cent would not be possible for most of these people. And I also pointed out that not only does it reduce the monthly payments, but it also prevents anybody from building a house on that lot costing more than the HOME prices, that is $15,000, $16,000 or $17,000. We have had some people who were taking a lot on a purchase basis and putting higher-priced houses on, which was defeating the purpose of the HOME programme.

Mr. Stokes: Do you think it is apt to take place in Longlac? Are you saying, in fact, it is cheaper to lease it and then pay the full purchase price after five years?

Hon. Mr. Randall: From a cash point of view, it is. On the other hand, when they lease it, they lease it at our cost. When they buy it, they buy it at the market price today which gives them a profit on their purchase. For instance, where they buy a lot today, if the cost is $4,000, that is what they pay their lease charges on. And if the market price for that lot today is $6,000, that is what they pay at the end of five years. In the case of some of the areas we have, the losts have gone up $3,000 and $4,000 so the lessor is the man who gets the profit on the lot when he purchases it five years from now.

Mrs. M. Renwick: I have a question of the Minister to clarify some answers given during the discussions of October 9. I made three attempts to find out from the Minister the price per acre of the land on which he is building the Chapel Glen development.

Hon. Mr. Randall: I was under the impression we quoted a price. Just a second, I have it here.

Mrs. M. Renwick: It is confusing for me to know. On page 4206-4 of the initial transcript the Minister says:

> Now, the price of the Flemingdon land —you were asking would the price be the same as it was in 1967, the answer is yes.
>
> *Mrs. M. Renwick:* Which is how much?
>
> *Hon. Mr. Randall:* The same as it was in 1967; the price held. There was no change in the price when we completed the deal after the legal problems were out of the way.
>
> *Mrs. M. Renwick:* Mr. Chairman, the price?
>
> *Hon. Mr. Randall:* The price of the land I am referring to—you asked about the price of the land today; did we pay more for it than two years later, and the answer is "no," we paid the same price as in 1967.

Mr. MacDonald: I remember that.

Mrs. M. Renwick: To continue:

> *Mrs. M. Renwick:* How much was that?
>
> *Hon. Mr. Randall:* Well, I will give you the figures, I have got the figures.

There are 12 lines of conversation, Mr. Chairman, and then the Minister says: "And as far as the price of the land is concerned, it is all within the HOME formula". That I do not understand, Mr. Chairman.

Hon. Mr. Grossman: Clear as a bell.

Mrs. M. Renwick: It is like operating in a secret society.

Hon. Mr. Grossman: I do not know what confuses her.

Mr. Pilkey: You would have to have a course in mathematical gymnastics to understand that.

Mr. Singer: On October 13, 1967, he says.

Hon. Mr. Yaremko: He does not even know how many bricks there are in the whole project!

Mrs. M. Renwick: Mr. Chairman, in the interests of saving time at this hour of the night: the Minister also said, to my question of the letting of the contract, when his release

had come out for the builders to submit their projects and designs on Chapel Glen by 2 p.m., July 8, 1969, "That could be signed, I would think, in the next ten days". Are we any closer now, as of today's date, Mr. Chairman?

Hon. Mr. Randall: It is $212,607.94 per acre, fully serviced, with 60 units to the acre. I think that works out roughly to about $4,600 a dwelling, or less.

Mrs. M. Renwick: The Minister said yesterday—or today, I believe—in reply to the member for York Centre, that it costs about $5,600 per lot for servicing.

Hon. Mr. Randall: It was $5,600 for servicing.

Mrs. M. Renwick: Which would be how much an acre?

Hon. Mr. Randall: That is on a per lot basis. Acreage, I said, I think is running about $28,000 in Toronto; I think it is $18,000 and something in Windsor, if I remember the prices.

Mrs. M. Renwick: So that means—am I correct? — that the Minister paid about $184,000. Surely you were not answering per acre. My question was the cost per acre.

Hon. Mr. Randall: I said that the price is $212,607.94 per acre, with 60 units to the acre. When you buy in the Metropolitan area, you buy and the houses go up—they do not go this way. The value of that land in the Flemingdon Park area was such that we could afford to pay that for it if we could get the density on there, and that is what we did. In other words, if you do not get the density on there you cannot afford to pay it. If you can get the density, that is low-cost land in Metropolitan Toronto.

Mrs. M. Renwick: Taking away the services then, could the Minister tell me how much was that land worth unserviced? How much did he pay for it unserviced?

Hon. Mr. Randall: Well, roughly, if I recall the acreage, it is about 59 acres, less the amount used for roads, parks and what have you. I think we figured it was going to cost us about $2,700 per unit unserviced.

Mrs. M. Renwick: Is how much per acre, 60 times that much?

Hon. Mr. Randall: Now wait a minute, let us not get confused. Let us keep talking about units. It is $2,700 per 3,400 dwellings — that is per unit — and finished it is $212,607.94 per acre; and that works out roughly to about $4,600 per unit completely serviced.

Mrs. M. Renwick: On land, Mr. Chairman, that sold for $14,000 an acre unserviced to the original developer ten years before.

Hon. Mr. Randall: Oh sure, if you want to go back that far you could have bought it for a dollar an acre.

Mrs. M. Renwick: Ten years. Where is the planning in this government? Ten years before that land sold for $14,000 an acre.

Could I ask another couple of questions from what is now becoming sort of a secret society? I asked about the financial arrangements between the Ontario Housing Corporation and the Guelph Housing Authority specifically. What sort of gross amount was collected since the last estimates, or since the Minister's department has taken over the units in Guelph, what sort of gross amounts were collected? And what was deducted by the Guelph Housing Authority for taking care of those units? In other words, how much were we paying the Guelph Housing Authority?

Hon. Mr. Randall: We will not have that information here as you can understand. That is back in the planning department. I will be glad to get it and give it to you.

Mrs. M. Renwick: The Minister still does not have the figure of how much was paid out to Montreal Trust for the contract for letting the care of the units to the Montreal Trust?

Hon. Mr. Randall: I will be glad to get that too. I understand it is less than we were paying previously. I will get the exact figures for you.

Mrs. M. Renwick: You see, what we cannot get, Mr. Chairman, is what some of these things are costing. At the commission hearing we got the first statement since the 1966 annual report. We got one report during the commission hearing.

Hon. Mr. Grossman: Put a question on the order paper.

Mr. Chairman: The hon. member made a statement. Am I correct, she did not ask a question?

Mrs. M. Renwick: No, I suppose it should have been a question, Mr. Chairman, I am sorry. I was asking the Minister whether he understands how very difficult it is to know about the financial operations of the Ontario Housing Corporation unless we, as members, have any sort of access to the OHC building on University Avenue.

I asked the Minister earlier if he would tell me whether we have access to information out of the corporation.

Hon. Mr. Randall: No, you certainly do not have access to our private files and our accounting. We will be glad to give you any information you want, but if anybody could walk in there off the street and go through the files, I think you can understand, we would be in great difficulty. Now, if you want any information, I will be glad to give it to you, but no you cannot walk in there and help yourself to files.

Mrs. M. Renwick: Thank you. Really what I wanted was an answer to my question.

Hon. Mr. Randall: Well, you got an answer to your question.

Mr. Lawlor: And petulantly at that!

Mr. Chairman: The member for Downsview (Mr. Singer) has moved that vote 2208 be reduced by $12,000. Those in favour of the motion will please say "aye".

Those opposed will please say "nay."

In my opinion the "nays" have it.

Call in the members.

Mr. Singer has moved that vote 2208 be reduced by $12,000. All those in favour of Mr. Singer's motion will please rise.

All those opposed to Mr. Singer's motion will please rise.

Clerk of the House: Mr. Chairman, the "ayes" are 32, the "nays" 42.

Mr. Chairman: I declare the motion lost.

Vote 2208 agreed to.

On vote 2209?

Mr. J. Renwick (Riverdale): Mr. Chairman, I would like to ask the Minister to consider the lack of adequate space at the married students' quarters at 35 Charles Street.

Mr. Chairman: Vote 2209, does it carry? It is really part of Ontario Housing Corporation.

Vote 2209 agreed to.

On vote 2210:

Hon. Mr. Randall: You asked about the lack of accommodation at Charles Street? I did not get the question.

Mr. J. Renwick: Mr. Chairman, the problem that has arisen at 35 Charles Street West, is that at 30 and 35 there are just not adequate outside community facilities, let alone inside community facilities. As I understand the problem, the proposal which is permitted under the agreements which the student housing corporation has entered into, is to permit the building or the construction on the site of a commercial development, a single story development, and that the roof of that will then be grassed in to provide part of the landscaped area.

My understanding is that in the 700-odd units at 30 and 35 Charles Street there are, in fact, at least 300 children, relatively small, relatively young, who require some kind of recreational area to play in. My understanding is that if the commercial development goes in as it is projected, you will in fact destroy the open space in that area because it will become, for practical purposes, a walkway, or a walkway area rather than providing a continuous piece of open ground where the community of those two buildings can meet and where the children can have outside recreational facilities.

The argument, as I understand it, is that in some way or other you must have that commercial development, and I would like to find out why the Minister believes that there need be this commercial development in that development at 35 Charles Street.

Mr. Nixon: Let us have the answer later this morning.

Hon. Mr. Randall: First of all, let me say that it was part of the agreement with the developer as to what could go on that property and the facilities there now are more than what was there prior to the building being built. In other words, we have covered the area, we have covered the space with the kind of building requested by the university, and the university decided what they wanted. We arranged for the developer to build it for The Department of University Affairs and I believe—I talked to Dr. Bissell the other day—I believe more children have moved into the building than they anticipated

when they laid out their plans. And so far as the commercial aspects are concerned, it was felt that they were going to build on that site. By having the commercial facilities they would lower the cost of the total unit so that rents would be in line with what the students could pay, married or single.

Insofar as the youngsters are concerned, all I know is that Dr. Bissell said that he did not know that the faculty had so many children. Now I think they have a problem they have got to talk to us about, to see if we can find some other accommodation for them if there are too many children in that area.

Mr. J. Renwick: Mr. Chairman, I would like to go into it further. As I understand it, the revenue from that building is sufficient to carry the building, in that there is a revenue guarantee agreement between the student housing corporation and the University of Toronto, and that the revenue which is guaranteed by the university to the student housing corporation will cover not only the operation and maintenance costs, but also the amortization of the investment. Therefore the building itself is self-sustaining on the revenue which it presently derives from the rents which are charged to the married students. Now I take that information from the documents which have been put out by the student housing corporation as to how it in fact operates.

The second point I want to make is that the Minister said, and I heard the argument put before, that in some way or other it was necessary to have this commercial development in order to supplement the income of the student housing corporation so that the apartment buildings could be rented at a rental less than the going rental for such accommodation. Well a casual inspection of, for example, a two-bedroom unit at 35 Charles Street as compared with a two bedroom unit in a—what one could call—standard highrise apartment development close by, not related to the student housing corporation, will show that in fact there is a differential of about $50 a month in rent.

But, there is also a differential of about $50 a month in the area of the two bedroom apartment and in the other amenities which surround the building. So it does not seem to me that it is possible to argue the case that in some way or other the commercial development is necessary in order to provide a reduced rent for the married students in those two complexes.

I certainly understand quite clearly, Mr. Chairman, that there is a binding agreement with Rubin Corporation about the provision of this commercial facility. But, I am quite certain that over the months and years ahead the Ontario Housing Corporation or the Ontario Student Housing Corporation is going to have other transactions with the Rubin Corporation. In view of the underestimation of the recreational and community facilities required for that total community made up of the 700 units, it would seem to me that the student housing corporation could in fact —in order to ensure that the buildings are used for the purposes and in the way in which they were intended—negotiate out of their commitment with Rubin Corporation.

I think now that everybody does agree that it was a vast underestimation of what was required, I would like, if I could, Mr. Chairman, to just point out the kind of underestimation that is involved in it. You have a situation where in the builder's proposal—under which it was called for tender—you had a provision that there was to be inside day nursery facilities for practical purposes of 800 square feet for each one hundred units. There are 300 units in 35 Charles Street which would provide 2,400 square feet.

On any calculation of space required per child under the regulations of this government for day nurseries, you get about 30 square feet per child in attendance at a day nursery. This would mean, that for practical purposes, the estimation was that there would be about 80 children in that building. Well, there are substantially more than 80 children in that building. In the other building, across the street, there are many more children and there are absolutely no such facilities in that building. So what is now required—in view of the underestimation and in order that that married student accommodation will have the facilities which will be required for that community as an on-going community of married students—is for the student housing corporation to negotiate out of the arrangement with Rubin Corporation and to preserve the present landscaped outside area in the condition which it is now. In this way that facility or that community area—together with the limited day care nursery centre area within the building—will in fact go some substantial way to meeting the demand which will be put on it. Otherwise, these two buildings are not going to fulfill the function which they were designed to fulfill when the proposals were called in 1967,

because as we all know those buildings were just recently completed.

I would ask the Minister if he could not possibly take into consideration having the student housing corporation negotiate out of its commitment with Rubin Corporation in view of the comments which I have made. I believe them to be an accurate statement of the problem and an accurate statement of the financing arrangements for that building.

I simply leave it on the basis that the additional revenue is not required. In this particular instance, because of what has taken place, the commercial development should not be permitted.

Mr. Chairman: Does the Minister wish to reply?

Hon. Mr. Randall: I just want to say to the hon. member that there is another building to go up, as you recognize, in that complex. It is my understanding that there are discussions going on now in view of the number of children in there—which they did not anticipate, when the building was put up—that there will be increased day care centres in the new building. When it is going to start, I do not know. I cannot make any commitments until the university comes along and says: We are ready to go.

Also, I think you must remember that these children are different ages. They do not only need day care. There may be 300 kids in there and they are not all day care kids. They go to school, some of them are of school age, they do not hang around the buildings all day like the smaller youngsters. But I would assume that what the member says is right. We are in a high-cost area down there in Charles Street where the university wanted to build.

They had the site, they wanted a building in there, it is obvious there is a difference in price. I do not know whether the member's figures are right or not, I would be glad to check it out, but I would assume the member is right because he must have checked it out. But, as far as we are concerned, those facilities are going to be supplied when the other building is completed. In the meantime, all I can say is this is what the university called for. They are the ones who drew up the plans and said this is what we want. We build according to their proposal. I think perhaps both of us got fooled when they moved so many of the faculty members in with the married students with so many children.

Mr. J. Renwick: Mr. Chairman, unfortunately I do not have the actual breakdown by ages of the children, but the students are all married and one of the married couples is within the graduate school of the university. Most of the children are, in fact, under school age or kindergarten or grade one. Regardless of the time which some portion of the students may spend at school, a great number of them require recreational facilities both before and after school. I think the point has been made.

I do not know whether the Minister would give consideration without waiting for the new building, which is obviously going to take—well, it took these buildings what, about two years to build, 18 months or 20 months—to see whether or not it is possible to negotiate out for this particular building, this particular commercial development, leave it the way it is, and then adequately provide in the adjacent building in that complex the facilities which are required, because otherwise you are going to destroy what has the possibility, in a high density area, of providing the community facilities which are necessary.

Mr. Nixon: Mr. Chairman, I do not know the intention of the House leader, whether he is going to continue with this until he completes it or not, but student housing, I think, should have a little more treatment than we have been able to give it so far.

Hon. Mr. Welch moves that the committee of supply rise and report certain resolutions and ask for leave to sit again.

Motion agreed to.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report certain resolutions and asks for leave to sit again.

Report agreed to.

The House resumed, Mr. Speaker in the chair.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, tomorrow we will carry on with the consideration of the estimates of this department and, on their completion, introduce the estimates of The Department of the Attorney General and Minister of Justice.

Mr. J. Renwick (Riverdale): Mr. Speaker, before the motion is put for the adjournment of the House, could the House leader give us some indication of the order of the estimates after the estimates of The Department of Revenue? Surely at this point in the year, it would be possible to give us a more complete list in view of the next ten weeks and the very heavy load

which is imposed on the members because of the presentation of the estimates?

Hon. Mr. Welch: I thought, in view of what my colleague says and the way we are proceeding—we have The Department of Trade and Development to complete and we are moving to The Department of the Attorney General and the Minister of Justice, The Department of Lands and Forests and then The Department of Revenue—I thought it was quite a list.

But to answer the question more specifically, I would be very happy to produce the order of estimates beyond that within the next day or two.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 12:20 o'clock, a.m.

No. 182

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Wednesday, October 15, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Wednesday, October 15, 1969

Commemorating 120th anniversary of Holy Blossom Synagogue, Mr. Dunlop, Mr. Singer, Mr. MacDonald 7071

Tug fishery in Lake Ontario, question to Mr. Brunelle, Mr. Farquhar 7072

Programme scripts re Department of Lands and Forests on CBC, question to Mr. Brunelle, Mr. Farquhar 7072

Royalair F-27 jet-prop planes on the run, question to Mr. Haskett, Mr. B. Newman 7072

Section 8.4 of city of Toronto official plan, questions to Mr. McKeough, Mr. MacDonald 7072

Regional assessment offices for Stratford area, question to Mr. McKeough, Mr. Edighoffer 7073

Mercury poisoning among game birds, questions to Mr. Brunelle, Mr. Burr 7073

Sales tax on meals, question to Mr. White, Mr. Burr 7073

Banquet or special occasion liquor permits, question to Mr. Welch, Mr. Bernier 7074

Private insurance companies and provincial medical coverage, questions to Mr. Rowntree, Mr. MacDonald 7075

Credit agencies sending reports to consumers, questions to Mr. Rowntree, Mr. T. Reid 7075

Examination of credit file with credit bureau, questions to Mr. Rowntree, Mr. Trotter 7076

Newsletter to members of Insurance Agents' Association, questions to Mr. Wishart, Mr. Ben 7077

Estimates, Department of Trade and Development, Mr. Randall, concluded 7077

Estimates, Department of the Attorney General, Mr. Wishart 7088

Motion to adjourn, Mr. Welch, agreed to 7110

LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, OCTOBER 15, 1969

The House met at 2.00 o'clock, p.m.

Prayers.

Mr. Speaker: We have many guests with us today in our galleries. In the east gallery, we have students from the Riverdale collegiate institute, of Toronto, and from the Owen Sound collegiate and vocational school, Owen Sound; and in the west gallery, students from St. Joseph's college school, Toronto; and Willowdale junior high school, Willowdale.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

The hon. member for York-Forest Hill.

Mr. E. Dunlop (York-Forest Hill): Mr. Speaker, I wish to draw the attention of hon. members to a matter of interest and importance not only to members of my constituency, but also to the people of Ontario generally.

This week marks the 120th anniversary of the foundation of Holy Blossom Synagogue, the first Jewish congregation not only in Toronto, but in what was then Canada West. This occasion was appropriately marked earlier this week by the unveiling of a plaque presented by the Historical Sites Board of the province of Ontario.

Holy Blossom Synagogue, now known as Holy Blossom Temple, is now located in the centre of my constituency, a constituency which embraces about 15 per cent of all the Jews who live in Canada, or about 30 per cent of all the Jews who live in Ontario. This date, the year 1849, may be conveniently used to mark the founding of the Jewish community in Ontario. I know that all hon. members share my admiration for the tremendous contribution which the Jewish community has made not only to the welfare of its own members, but to the welfare of the broader community of Canada, Ontario, and Toronto, in which they live so proudly.

Mr. V. M. Singer (Downsview): Mr. Speaker, may I add a word to the remarks made by the hon. member for Forest Hill, first to thank him for his words as a member of Holy Blossom congregation.

I had the privilege of being present over the weekend when the member for York-Forest Hill unveiled the historical plaque, and may I say that he represented the government of this province well.

I join with him, of course, as do the members of my party, in the remarks that he made, and feel certain, sir, that this kind of notice of an important historical event is well worth being taken. Certainly it is incumbent upon those who are responsible for government to notice some of the good things that happen in our community and the contributions that various groups make to making Ontario a better place in which to live.

Mr. D. C. MacDonald (York South): Mr. Speaker, I would like to join with the spokesmen for the other two parties in expressing our admiration for this day of commemoration of the 120th year of the founding of the Jewish community as centred in the Holy Blossom Synagogue.

Prior to the redistribution in 1963, Holy Blossom was in my constituency and I had very many cordial and happy relationships with it. Indeed, I recall in days when I was closer to Glengarry than Toronto, back in the 1930s, my first association with Holy Blossom was through the radio when there was a regular programme with Rabbi Eisendrath on the CBC—broadcasts which I think were as effective public education and stirring of current issues as I ever recall, so much so that I used to write and get them.

I think it is that kind of role that this synagogue has played down through the 100 or more years, and I know my colleagues in the New Democratic caucus would like to join with others in expressing our congratulations for the job done and the continued work.

Mr. Speaker: I have a large number of questions today; there are very few that may be dealt with due to the absence of either the Ministers concerned or the members placing the questions. The hon. member for

Algoma-Manitoulin has a question of the Minister of Lands and Forests.

Mr. S. Farquhar (Algoma-Manitoulin): I am sorry, Mr. Speaker, I have it, if I could just have a minute.

Mr. Speaker: Question number 2252.

Mr. Farquhar: Yes, to the Minister of Lands and Forests, Mr. Speaker:

Is the Minister in a position to inform the House whether current investigations in Lake Ontario waters indicate that there are enough fish to warrant establishment of a profitable tug fishery?

Hon. R. Brunelle (Minister of Lands and Forests): In reply to the hon. member, the answer is yes, and there is good evidence that sufficient supplies of coarse fish such as smelt and alewives exist in Lake Ontario to allow a small number of trawlers to operate.

Mr. Speaker: The hon. member for Algoma-Manitoulin has a further question of the same Minister. Question 2236.

Mr. Farquhar: Thank you, Mr. Speaker. To the Minister of Lands and Forests:

Will the Minister table, before the presentation of his estimates, the scripts of the five-minute programmes about The Department of Lands and Forests, prepared in conjunction with departmental staff, and featuring interviews given by public servants, during the summer of 1969, as broadcast on the CBC Northern network?

Hon. Mr. Brunelle: Mr. Speaker, in answer to the question posed by the hon. member, I regret to advise that the programmes in question were not scripted. During 1969, the CBC made the five-minute daily period available to my department on the CBC Northern radio network. This was the second year for such programmes. Part of the programme consisted of the daily fire report and an announcement concerning current fire conditions. The remainder of the time period was filled by interviewing members of my staff. While the programmes were not scripted the department has tapes available, and I am sending across to the hon. member the dates of the broadcasts, names of personnel interviewed, and general subject matter, and I would be pleased to make these tapes available to the hon. member whenever he wishes to have them.

Mr. Speaker: The hon. member for Windsor-Walkerville has a question of the Minister of Transport.

Mr. B. Newman (Windsor-Walkerville): Thank you, Mr. Speaker. The question of the Minister of Transport is as follows:

Is the Minister making any representation to the federal Department of Transport on behalf of the cities of Pembroke, Peterborough and St. Catharines, which will be deprived of scheduled air service if Royalair is not permitted to introduce its F-27 jet prop planes on the run?

Hon. I. Haskett (Minister of Transport): Mr. Speaker, the hon. member probably means representation to the air transport committee of the Canadian Transport Commission. The answer is, "no"; nor have we had any requests to make representation on behalf of Pembroke, Peterborough or St. Catharines. I might add, sir, that Royalair was denied the use of F-27 prop jet aircraft on the run, but was given approval to operate two DC-3's. The committee found that Royalair had not shown that the existing service could be operated on an economically viable basis using F-27's.

Mr. Speaker: The hon. member for York South has a question of the Minister of Municipal Affairs.

Mr. MacDonald: I also have had a question for about a week of the Minister of Financial and Commercial Affairs (Mr. Rowntree). Perhaps you could send a search party out. I would like to put it to him some time before the end of the year, Mr. Speaker.

However, my question today is of the Minister of Municipal Affairs. How can section 8.4 of the city of Toronto official plan—requiring an area study by the planning board before proceeding with any major harbour development—be implemented, if the province persists in planning and unilateral action without full consultation with both the city of Toronto and Metro?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, my colleague, the Minister of Trade and Development (Mr. Randall) has assured the House on several occasions, publicly, that there is full consultation between both the elected and the appointed officials of both Metropolitan Toronto and the city of Toronto, so I think the premise that the question is asked on is not necessarily correct.

The second point, of course, is that the Crown, in right of Ontario, is not necessarily bound by the city of Toronto official plan. The statement 8.4 in the official plan deals

particularly with private development, municipal development and perhaps metropolitan development, but the Crown, in right of Ontario, or Canada, would not be bound.

Nevertheless, it is my understanding, and I think we could give all kinds of examples of this, that it has been for many years the policy of the province to comply, so far as is possible in any particular case, with not only the legislation but the policy of local government.

Mr. MacDonald: Mr. Speaker, by way of supplementary question, there are two points I would like to raise. One, I understand that this section was added to the official plan by amendment of the Minister. How can he conceivably, even on any theoretical basis, argue that the Crown is not bound by an amendment to an official plan which he was instrumental in having included?

Hon. Mr. McKeough: I do not think the Crown is bound by it, but what I am saying is that it has been the process and policy of the government, and we would prefer, in this particular case, to follow the policies contained in the legislation of the local government.

Mr. MacDonald: My second supplementary question is: Would the Minister confer with his colleague and reconcile the fact that while his colleague states that there has been full consultation, repeatedly officials elected and appointed in Metro and Toronto—the latest being the planning board yesterday—state that they have not been meaningfully consulted?

Hon. Mr. McKeough: I am not going to get into a debate as to whether there has been consultation or not, I am quite prepared to accept the spoken word of my colleague that there has been a consultation.

Mr. MacDonald: Most people are not with you on this issue.

Hon. Mr. McKeough: The hon. member would automatically not take his word; I automatically do take the work of a very respected member of this House, and if he satisfies me that there is consultation, I am satisfied.

Mr. Speaker: The hon. member for Perth has a question of the same Minister.

Mr. H. Edighoffer (Perth): Mr. Speaker, my question of the Minister of Municipal Affairs is as follows: What decision has been made by the Minister for the location of the regional assessment offices for the Stratford area?

Hon. Mr. McKeough: Yes, Mr. Speaker, a decision has been made. The location for the regional office for the counties of Huron and Perth will be in Goderich.

Mr. Speaker: The hon. member for Essex South has a question of the hon. Minister of Lands and Forests.

Mr. D. A. Paterson (Essex South): Yes, Mr. Speaker, the question is very similar to that of my colleague, the member for Algoma-Manitoulin, and I take it as the same answer.

Mr. G. Ben (Humber): Will you get to me sooner or later, Mr. Speaker?

Mr. Speaker: I had the questions in a specific order; many of the Ministers and members were not present when I rearranged them. I will go through them and I will call the hon. member for Humber just as soon as I get to his question.

The hon. member for Sandwich-Riverside has a question of the Minister of Lands and Forests.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker, a question of the Minister of Lands and Forests.

Has the Minister found any signs of mercury poisoning among game birds in Ontario similar to findings by the Lands and Forests Minister in Alberta?

Hon. Mr. Brunelle: Mr. Speaker, in answer to the question posed by the hon. member for Sandwich-Riverside, specimen game birds are currently being examined but the results are not yet available. It is expected that we will have these results in about three weeks' time.

Mr. Burr: Will they be tabled at that time?

Hon. Mr. Brunelle: I would be pleased to make the results available to the hon. member.

Mr. Speaker: The hon. member for Sandwich-Riverside also has a question of the hon. Minister of Revenue.

Mr. Burr: Has the Minister had sufficient experience during the summer to cause him to reconsider his stand on the unjust collection of taxes on meals of less than $2.50 resulting from the charging of several meals on one bill?

Hon. J. H. White (Minister of Revenue): Mr. Speaker, I am indebted to the hon. member for giving me an opportunity to make a progress report to the House on this troublesome aspect of retail sales tax; but before doing so, I would point out to you, sir, that the words and phrases used in the questions abridge May's 16th edition, page 358, in that questions are prohibited which contain arguments, expressions of opinion, inferences or imputations. I consider "sufficient experiences" and the word "unjust" as being in this category and I point this out, sir, for your future guidance.

Now, so far as the substance of the question is concerned, the answer is this: My experiences this summer have been extremely productive and useful in a number of areas, but in this particular matter, only in a negative way. I find that other jurisdictions in this part of the world are using a system not unlike our own. Notwithstanding that, I am determined to make the existing practice better. I do not think the solution lies in imposing more restrictions or regulations on the thousands of restaurants which are concerned, but rather in a relaxation of the rules. I have a proposal before me at the present time from consultants to my department which I think will make it easier for restaurateurs and their customers and I would hope to be able to make an announcement to the House on the subject within the next week or two.

Mr. Burr: Mr. Speaker, I would like to thank the hon. Minister for his progress report. I wonder whether it would be possible for him to find someone in his department with sufficient ingenuity to devise a form, a bill form, upon which more than one or two meals could be itemized in such a way that the tax obligation of the customer would be clarified, both for the customer's sake and for the waitress' sake?

Hon. Mr. White: That is the direction that these proposed solutions are taking, Mr. Speaker. I do not want to change the practice that has been in effect for eight or nine years without checking with interested parties, and in particular the Ontario Restaurant Association, but those are the recommendations—

An hon. member: That is the problem. You do not want any change.

Hon. Mr. White: I do not want to change it until I am sure it is better, and I want to consult the affected persons before making that change. As I mentioned earlier, I think this is the direction we are taking.

Mr. Speaker: The hon. member for Kenora has a question for the hon. Provincial Secretary.

Mr. L. Bernier (Kenora): Yes, Mr. Speaker, my question of the Provincial Secretary is in respect to the issuance of banquet or special occasion permits by the Liquor License Board of Ontario.

Since the major changes were implemented by the post office department, mail deliveries from northwestern Ontario take on occasion as long as six days, which would be 12 to 14 days return. Those wishing special occasion permits must make application up to two weeks before the occasion in order to assure receipt of the permit in time.

My investigation reveals that the branch of the board that issues these permits does operate very efficiently. However, the frustrating delays are solely attributable to the poor mail service over which we have no control. In view of this and the desire of those in northwestern Ontario to obtain the same service that is available to those in southern Ontario, will the Minister consider the possibility of establishing a special-occasion-permit issuing authority in northwestern Ontario, preferably in Dryden or Kenora?

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, this is a proposition which I have not had an opportunity to discuss with the officials of the liquor license board, but I appreciate the fact that the hon. member has brought this to my attention. Once I have had the opportunity to review this with the board I will be glad to let him know their reaction.

Mr. Speaker: The hon. member for York South might now wish to place his question to the hon. Minister—

Hon. S. J. Randall (Minister of Trade and Development): Better send out the search party for him now.

Hon. Mr. Welch: Let the record show that he is not here now.

Mr. J. Renwick (Riverdale): Which question is that, and perhaps with your consent I would give it on behalf of the hon. member.

Mr. Speaker: No, the hon. member for York South mentioned a specific question to the hon. Minister of Financial and Commercial Affairs. I have one which is 2204.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Speaker, I think I can quote directly from the hon. member for York South.

Mr. Speaker: I think perhaps if I might, with respect to the hon. Minister, the question should be placed before the House first.

Mr. J. Renwick: Mr. Speaker, in the momentary absence of the member for York South, if I might address the question dated October 9 to the Minister of Financial and Commercial Affairs:

1. How many private insurance companies sought provincial medical coverage in Ontario on October 1, 1969?

2. Have letters gone out to these companies and the 31 others now operating as subagents for Healthco, seeking information concerning the amount and disposition of that portion of their reserves which had been built up for medical insurance coverage?

Hon. Mr. Rowntree: With respect to the first question: in answering this question I have assumed that in this instance the hon. member was referring to companies that are incorporated to sell insurance for the purpose of making a profit for their shareholders, or members, and declared as such, as compared to the non profit companies such as PSI.

The number of profit-motivated insurance companies that were actually writing medical insurance as of October 1 is not known. Three hundred and twelve companies were licensed to sell medical insurance coverage, that after October 1, 1969, may not be offered under the provisions of section 25 of The Health Services Insurance Act, 1968-1969, subsequent to October 1, 1969.

In addition, 231 private companies were licensed to sell policies for automobile insurance which could include benefits, some of which had to be discontinued from and as of October 1, 1969.

With respect to the second question, the answer is no. Any surpluses arising out of the profit-motivated companies' operations related to medical coverage or otherwise, accrue to their shareholders or members.

Mr. Speaker: The hon. member for Scarborough East has a question for the same Minister.

Mr. T. Reid (Scarborough East): In view of a statement in an editorial in the *Globe and Mail* that—

> Tim Reid, the provincial member for Scarborough East, is absolutely right when he demands that credit agencies be forced by law to send reports to consumers for their comments.

what action, if any, is the Minister taking to require credit agencies to send each individual on which they have a dossier, a copy or print of his own dossier?

Hon. Mr. Rowntree: There were two questions in relation to this matter, and the answer that I was going to give to the hon. member for Parkdale (Mr. Trotter) in part answers the question of the hon. member for Scarborough East. I have not seen the question from the hon. member for Parkdale, so I will try and incorporate that in my remarks.

To go a step further, I have instructed the director of the consumer protection division to review this entire matter. The review will, of course, include discussion with the agencies concerned, and any interested citizen. As stated previously, when I have the benefit of this review, a decision will be made regarding any legislation required. Now, we are in a little awkward position in that the hon. member for Parkdale is not here this afternoon at the moment, and I would like to make reference to that question even though it has not been put.

Mr. T. Reid: Mr. Speaker, perhaps I could ask the question on behalf of the hon. member for Parkdale?

Hon. Mr. Rowntree: That would be fine. Do you have it?

Mr. Speaker: Well, I think if the House would concur on that suggestion it will be acceptable to myself. Perhaps the hon. member would indicate to me the number of the question he proposes to ask.

Hon. Mr. Rowntree: Question 2173.

Mr. Speaker: The hon. member for Scarborough East then is placing a question on behalf of the hon. member for Parkdale.

Mr. T. Reid: Fine. I need a copy of the question.

Mr. Speaker: I will send the hon. member my copy if he will send it back to me.

An hon. member: What are they, collectors' items?

Hon. Mr. Rowntree: A little disorganized.

Mr. E. Sargent (Grey-Bruce): The government is not very well organized. Look at the front bench there.

Hon. Mr. Rowntree: We have the answers.

Mr. T. Reid: Mr. Speaker, on behalf of the hon. member for Parkdale: In view of the fact that before an individual can examine his credit file with a credit bureau he must sign a waiver relinquishing any right to sue the credit bureau for false information, would the Minister introduce legislation outlawing such a waiver of legal rights?

Hon. Mr. Rowntree: Mr. Speaker, the answer to that question is that this matter has been the subject of discussion between officials of the department and the representatives of the Consumers' Association of Canada, Ontario Division. The consumer protection division of the department is now reviewing the type of waiver requested and will be reporting to me. Steps to be taken will be decided when I am fully informed regarding the matter. The reason I was thinking that question was related is that they do have a bearing on each other, and I think I should comment, however, at this point on both of these questions.

This matter is not just as simple as it appears on the face of it. It relates to a number of other business relationships which exist where answers are not involved or decisions are based as to whether or not one party to a proposed transaction will, or will not, enter into that transaction. And there is no law requiring him in many instances—in fact, in most instances—to enter into a transaction, but he would make his own enquiries, come to his own conclusions and exercise his own judgment as to whether or not he desires to make a contract or enter into a transaction with anyone else. This arises in applications for insurance policies; it arises in the question of applications for extensions of credit, and it might even arise in connection with the Liberal Party: candidates who would like to seek nomination and their support might make enquiries and the answer might be "no". It is in that area, where the answer is "no", that our interest, and this little debate we are having, are involved.

Up to now, until this point has been raised this past year or so, the fact of the matter is that the reasons were not given because of the question of possible slander or libel. Now, that is a far cry as an explanation for a refusal to give the material or the report we are now talking about. That situation is far removed from the situation we are talking about in these immediate two questions. But it is not so far unrelated, because the disclosure of a report about one's own credit would tend to go into the area of civil personal rights, and in that area the hon. member for Scarborough East will recall that this question came up last spring when one of the officials—I think it was from the Metropolitan Toronto Credit Counselling Bureau—was alleged to have made a statement in the press that it was a desirable thing to make disclosure. What was not printed in that particular release, as I recall, was that the official of that counselling bureau had also said "provided it was done with the consent of the party involved".

Now, when I looked into that situation at that time, as I am sure the hon. member for Scarborough East did, the fact was it is like treating an addiction. Frankly, I could not be critical of the approach taken by the Metropolitan Toronto Credit Counselling Bureau in that instance, provided they had the consent of the individual involved. It was a type of therapy; it was an effort to assist him in not getting credit, and it was to be confined to those cases where there was a habitual desire to make use of credit facilities which were too readily available to that person. And the consequences of it were certainly in the negative insofar as his personal affairs and that of his family were concerned.

It seems to me that what we are talking about in the question today is more than just a little bit of part and parcel of this whole subject of where you start and finish with respect to disclosure of personal information; and whether it is with or without the person's consent and matters of that type. What I am also trying to make clear to the hon. member is that it is a matter that the department is studying in all its ramifications because there must be some, shall we say, rational solution that would meet the situation and the various matters that are giving us all —and I say all—some concern on the subject at this time.

Mr. T. Reid: May I ask a short supplementary, Mr. Speaker? Would the Minister consider having this issue placed on the agenda for the next federal-provincial conference, as there are many issues which are related both to federal jurisdiction and to the provincial jurisdiction?

Hon. Mr. Rowntree: Yes, I would be glad to take it up and add it to the agenda, that is with respect to federal-provincial meetings on consumer affairs. I would be glad to.

Mr. Speaker: The hon. member for Humber has a question for the hon. Attorney General.

Mr. Ben: Yes, Mr. Speaker.

Is the Attorney General aware of a newsletter sent to members of the Ontario Insurance Agents' Association dated September 30, 1969, telling agents how to get around the problem of not returning premiums for medical coverage now illegal? What does he intend to do about it?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I just got the article to which the hon. member refers in the question. I got it just before I came into the House. I have not had time to read it. It appears to me to be an explanation of the conflict—I guess that would be the word—between the existing automobile medical services provided in some automobile policies and those that are permitted under the legislation. The news release in this *Ontario Insurance Agents' Association News* is an explanation to the agents.

It does, I note, say that it would seem to be impossible to break out and make a return of premiums for those benefits. But the article further points out that there are certain benefits which are not charged for and that some of the coverages have been increased without charge in recent weeks. Further to that, I have information from the deputy superintendent of insurance that—and although this article does not indicate it—the insurance companies are looking at a revision of premiums which I think we can anticipate probably in the near future.

Actually the whole question relates more probably to my colleague, the Minister of Financial and Commercial Affairs, but reading the article I think it is largely an explanation of the difficulty, the situation they are faced with, and while there is no forecast of any action, I think action is under way.

Mr. Speaker: Are there any questions that have previously been taken as notice and to which questions any hon. Minister now has answers? If not, that would appear to complete the questions today.

Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT
(Concluded)

On vote 2210:

Mr. Chairman: The member for Peterborough.

Mr. W. G. Pitman (Peterborough): Mr. Chairman, I would like to say just a few words on this problem of student housing.

As is quite obvious, it is a two-pronged problem. It involves both housing and education. We are all aware, I think, Mr. Chairman, of the very considerable shortage that exists in Ontario today in terms of student housing. At the University of Toronto, where you have some 30,000 people in the process of education, you have perhaps some 3,500 places for student residences—that is formal student residences. It has been assessed that there could be a need as high as 12,000 to 15,000 places just in this part of Toronto where we are today. I can remember being down on campus at Queen's just a few days before the opening of the university term, and there were tents around the campus. That shows the tremendous problem which exists for a smaller urban centre with a comparatively large university in its midst.

This has a tremendous effect upon the total housing situation because I would suggest to the Minister that in many ways the need for student housing can distort the total housing picture. For example, there are many elderly people who would prefer to be living in small flats or in single rooms in the central part of Toronto. They have been virtually driven out of this section of Toronto because of this tremendous infusion of students at the beginning of September, lasting in this area until well into May and June. In other words, it distorts the whole neighbourhood; in fact it can distort the entire community, and this is even more emphasized in a smaller community where the total community may be affected by the number of students who come in and take up housing.

There are some who say this is a very acceptable thing because it provides a market for those who are renting houses. In many cases, though, because of the comparative generosity which we have now directed toward the student population of our society—and one that I am not sure has yet reached its limits, but we will talk about that under the Minister of Education (Mr. Davis)—the problem is that an elderly person on a pension cannot compete with what he or she can pay for a room day by day, and week by week, with a student very often who may be there and is competing with his yearly grant for a place in this community.

I am suggesting to the Minister of Trade and Development (Mr. Randall) that not only do you cut down the number of housing

opportunities for people that we are desperately concerned about, largely elderly people, people on fixed incomes, and people who in many cases would be better off in the centre of the city if some alternative could be found. I would suggest to the Minister that there is a shortfall which deserves top priority from his department simply because I think that this problem can be solved more cheaply in many cases than by providing a great deal of public housing for elderly people. In other words at $5,000, or $5,500 a bed, you are doing very well indeed in terms of solving a housing crisis, and I think this should be the attitude which the Minister should be taking towards this kind of a problem.

One of the complaints, of course, that we hear about public housing in general, is the same thing we hear about student housing; there is a lack of initiative in this department in terms of gathering land, in planning ahead, in recognizing what the cost of land acqusition is going to be. I am not going to repeat all the arguments that have come up in the area of housing over the last few days, but I do want to suggest in this particular area that the developer technique is even more out of touch than in the area of public housing.

Now I am not suggesting that the developer technique allows developers to come in and build scruffy, uninhabitable student housing. I am quite aware of that. I have seen a great deal of the student housing in Ontario, and compared to other jurisdictions in other parts of North America, I think it stands up very well, and I want to make that point right now. However, I do think that it does make it impossible to get the flexibility which is needed in student housing and which is necessary if we are going to be able to accommodate the variety of students we have in our universities today.

I am not suggesting that it is a problem of cheap, shoddy student housing, but rather that there is just simply not a sufficient degree of flexibility, and one wonders why we are not developing more techniques, particularly in the construction management techniques, which I think would provide a greater opportunity for continuous discussion, and constant discussion, with students and with university authorities, along with Ontario Student Housing Corporation officials. In other words, I think this kind of technique would solve many of the problems which come along later in having to use the developer technique, where in a sense it gets out of hand in spite of all the guidelines, in spite of the very direct policies of your department, in spite of all the efforts to regulate. Nevertheless the developer technique has built in this problem of inflexibility.

For example, I think present techniques do not recognize the difference between, say, a first-year student and a fourth-year student. Why do we put up the same size of bookshelf for two different kinds of students? Some young people want to be on a campus. Others would be better from an educational point of view if they are off the campus. On the whole problem of common rooms, there is confrontation going on within universities as a great deal of thinking and debate and to what will be the proper method by which young people can gather together for discussion groups and for various other activities within the community complex. The whole problem of privacy and the different needs for privacy on the part of one student compared to another, are not looked after within the kind of development technique which is used by the Ontario Student Housing Corporation, where the lowest tender, or the near lowest tender, invariably has these problems built in.

I think the thing we must remember is that we can accomplish so much in the area of housing and at very low cost, and at self-sustaining cost, because this is not really a cost to the public. Student housing, essentially, is carried by itself, and I think here is something that can be appreciated. You have here a definable, recognizable, predictable market. You know how many students are going to be in the various universities. Certainly there have been efforts on the part of The Department of Education and The Department of Labour to project the numbers that are going in to the various universities.

I think you can also get projections of the kind of students they are going to be and how much particular types of housing will be necessary. I think this could be used in a very real way to alleviate the housing crisis in a way where, compared to other situations, the variables are more numerous. Usually there are so many variables that it is hard to plan over an extended period of time. Here, I think, is an area where this Minister could develop a plan at a provincial level to determine what the housing needs are.

I would like to look, just for a moment, at student housing as an educational problem. Now, I am sure that the Minister of this department will recognize that we are not

building dormitories. We are really dealing with the daily life of the students in a post secondary educational institution. In many cases we are dealing with academic success, so that if we fail to respond adequately to housing needs for students we may very well be undermining all the efforts, all the money that has gone into the educational system. Perhaps the several thousand dollars that has gone into that student, in order to keep that person within a post-secondary educational institution may be lost. So, I think that really the whole problem of housing becomes part of a larger problem of the response, both of the larger community and of the university, to the problems of students.

In terms of administration, we in this party suggest we need a department of housing, and possibly within that department, there should be a section dealing with student housing. In some ways, I think it might well be under The Department of University Affairs, because it is so much an educational problem and it is so tightly knit with educational problems that really that is the department which can best cope with this kind of situation, because they are in constant contact with university authorities and with student leaders and with student organizations.

In many ways it should be a joint effort, for I am convinced that under the present situation as a part of, you might say, the mixed bag of tricks which the Minister has, that I am not sure the amount of planning is possible, that the kind of sensitive response is possible, and that is one of the things that is bothering me about this particular estimate. It is far too important not to come to grips with it in a very dynamic way.

For example we are concerned about student unrest. And we have been, not "just lucky", because I am not suggesting we have been "just lucky" in Ontario that we have not had the kind of student unrest that we have had in other jurisdictions like Quebec and, of course, in the United States. In many cases we do not have some of the problems that they face, but I do suggest to you that student housing is one of the areas that causes student unrest, it exacerbates it, because if you build student residents like hotels, and if you have long corridors and personalize the people who are living in these areas, they are going to respond, they are going to respond out on the street, they are going to respond by taking over the administration of the building. We could very well undermine all the educational experience of that young person if we are unwilling to come up with something really worth while in this area, in terms of public investment.

So, I suggest that we need a great deal more research than is being put into it. Not just research in terms of numbers, and of forward planning so that we are able to cope with the shortfall. I suggest that we have to start doing a great deal more talking, and perhaps instead of one of these conferences on housing, maybe the Minister might organize a conference on student housing at each of the universities across Ontario. Different universities have different concepts of what they want to do, and I know it largely becomes the subject of the initiative of the university, but I think that the Minister has the provincial responsibility to bring to the attention of university authorities, the tremendous diversity in need on the part of students across this province.

As I said, the difference in need in terms of what sociologists have identified as at least four different kinds of students. What one might call the intellectual student who wants really privacy to be withdrawn. He needs a certain kind of housing. The professional student who, in a sense, is already a part of the society in which he is learning—a medical student, or an engineer; he has a different kind of housing need. Then, you might say, the student activist wants to get right at the centre, within the university community.

It is easy to say all we are doing is providing roofs over the heads of so many students. I do not think this is true; I do not think it is adequate, because the university certainly is concerned about providing a tremendous choice of subjects, of curriculum, experience in order to comply with all the individual needs of students. I think student housing cannot have less flexibility than you have in the academic areas, because you cannot divide living and learning, the whole problem of the environment in which this learning takes place.

You have different universities—I am sure the Minister has been to the one in Peterborough, where we regard student housing as a part of a college complex, where the student lives where he learns, and the professors' offices, and the seminar rooms and the lecture hall all are part of the single complex. Other universities have virtually apartment-like buildings which are very close or off campus, but I cannot help but feel that there has not been sufficient thought

and sufficient care and concern over the kind of university residence that must come if we are going to respond effectively in this area of student housing as we have responded at least in some university campuses, to the question of curriculum.

My final point is that I think the main problem is that there are no structures. I think this is part of the problem of having this in a department of Trade and Development where housing is a sort of a sub-activity and student housing is a sub-activity of a sub-activity, and as a result I do not think it gets the attention it needs, and is going to need, if we are going to avoid some of the problems that have taken place on other campuses in other jurisdictions, where they, indeed, have not dealt with this problem of student housing in an effective way.

I only suggest to you that we are doing very exciting things in space utilization for academic needs in universities, and this kind of effort desperately needs to be done in the area of student housing.

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, if I can answer the hon. gentleman, by saying that we have recognized that student housing requires a staff. We have nine full-time people at the Ontario Housing Corporation looking after university student accommodation, and they draw on all the facilities of the corporation, all the technical people and professional people we have there so that we do have a full-time staff devoted to student housing. I think the hon. member will remember that the Minister of Education got into this a few years ago and said, "We now have a crisis on our hands, the unversities say they cannot house all their students that are coming in, what can the housing corporation do?" We immediately set up the student housing corporation, we went out to build some housing; we built as fast as we could possibly build. However, as of July this year, the federal government said no more money for student housing, so I hope a lot of your remarks will be listened to in Ottawa so that they recognize the need, as you and I do, that there should be more student housing built on or off campus.

When it comes to where we build them, the university itself, in many instances, said, "We need the land we have for academic purposes. Can you find student accommodation off campus?" And this we have been able to do in some instances. We do not care where they want to build, we will build on campus or off campus, providing the accommodation is close enough to the university so that students are not travelling back and forth an hour or two a time. So, this is what the programme is endeavouring to do. May I also say that in your own university, in Trent, we are negotiating for 400 units. The university has not made up its mind yet just exactly what it wants.

We are quite prepared, as we suggested to try the cost control management approach, as against the builder proposal approach, and see what happens, and see if there is a better arrangement for building student housing. This will be the first opportunity to try it out and I might say that as far as the building of student accommodation is concerned, if it is on campus we have to build facilities similar to those you mentioned, up in Trent. You cannot put a wooden building next to a brick building and get any kind of similarity, but at the same time we recognize there is only so much money and the money has to go as far as it can to provide the best accommodation.

In all these units we have provided all the facilities the hon. member has referred to, reading rooms, recreation halls, dining rooms and so forth and so on, and we will continue to do that. But we are at the mercy of the universities, they make the decision with their student body or with their faculty or with the administrative staff, as to what they want, where they want it, and then we go ahead and do the building for them, so that I think as far as our relationship with the universities is concerned this is what we are endeavouring to do and I think in the main it is working out to the advantage of all concerned.

I am concerned that there is no further money available from Ottawa for student housing. I think one of these days we are going to wake up and find there is another crash programme and then we would be getting a little hell because we have not been building all through the last six months when we have not had an opportunity. I might say that we had on the drawing boards nearly 4,000 to 5,000 units last year and this year, but we are not going to be able to build them because the last 4,801 units are in the design stage. We are going to submit the plans to Ottawa and chances are the money will not be available and those 4,801 will sit. There are 576 up there that have been turned down. This is the first time that the student housing corporation has had a turn-down on the 90 per cent funds from Ottawa.

So we are having difficulties, you can appreciate, with finding sufficient funds to finance these projects.

I recognize the difficulties and we are very much interested in making sure this is an ongoing project and has continuity. This is no different from public housing or anything else; if the key is turned off even for a few months and it is seasonal and we should be digging holes and building, well, we are in difficulty. I think in our student housing programme there is not one project where we have not had construction strikes which have interfered with the completion dates of student housing. These things we must expect, and I think in many cases, the contractors tell us, "Well, I will be finished on a certain date providing there is no strike," but he has no assurance there will not be a strike.

But in the main we have had a very good working arrangement with the universities, supplying the requirements up to July of this year. As I say to the hon. member, I hope my friends up in Ottawa listen to him and listen to me and come forward with the money that we require to continue this programme.

Mr. Pitman: May I ask just one question, Mr. Chairman? I did not deal with this problem, because I recognize it is not the Minister's problem and I know that 90 per cent of the whole question is really in the other capital rather than here in Queen's Park—and I am sure the university boards recognize this, too—but what I really wonder is, if we are struck, is there not an opportunity in what might be called the construction pause to have an intellectual trust?

The Minister says he does what the universities want him to do. No one would suggest that the province should impose on universities any particular kind of student housing, but I think in view of the complexity of this problem we have just talked about, and the tremendous diverse needs of student housing and what has taken place in other places in an effort to provide this kind of flexibility and diversity, would it not be an advantage to try and talk to students and administration? This is one of the problems; once again it is another example of being unable to find structures whereby students can provide some input, and I would think that perhaps at the provincial level you might get far greater insight than you would possibly at a single university level.

I think you have an opportunity to gather advice from many more different sources and have an opportunity to talk to far more different students. Out of this may arrive an opinion, and out of the interchange and debate and consultation you might develop a very exciting kind of student housing which would provide leadership to universities anywhere in the world. It seems to me that here is an opportunity. You are hung up by another jurisdiction, by the federal level, but is this not an opportunity to use those nine men? I respect the expertise they have gathered so far in this particular area, but as I say, it is an educational problem as well as a construction problem, and is this not an opportunity to really make use of that department to provide a really exciting response to the needs of students in the twentieth century?

Mr. Chairman: The hon. member for Scarborough East.

Mr. T. Reid (Scarborough East): Mr. Chairman, before I make some remarks I would like to make sure I have my facts correct here, so I would like to ask the Minister a couple of preliminary short questions.

My understanding is that CMHC provides 90 per cent and the province provides ten per cent, is this correct? Is the CMHC 90-per-cent figure still based on the $7,770-per-bed cost?

Hon. Mr. Randall: Maximum!

Mr. T. Reid: Maximum cost. And is that $7,770-per-bed figure the actual cost of 1961 construction?

Hon. Mr. Randall: No, the actual cost on the average is $5,135. If we could continue building the way we have been building, I think we could even get lower than that because we are getting efficiency in building and we are growing to realize, as the member for Peterborough says, what the students require. Every time you build a building, if there is a meeting of the students they say, "Well, if you had done so-and-so it would have been a better building", and we are listening to the students. I think the suggestion is a good one.

In the case of Waterloo, the student body itself helped to design that building, and then when there were some complaints, the student body stepped in and said, "We do not have any complaints, we think the building is exactly what we wanted". So I would suggest that in the future, if we do have consultation with the students, perhaps we

can get it even below $5,135 and give them better facilities.

Mr. T. Reid: That is very good, Mr. Chairman. I am still trying to get at these figures. CMHC uses the $7,770 per bed and they will make available to the Ontario Student Housing Corporation 90 per cent of that, but not regardless of the actual cost? I will rephrase the question this way, Mr. Chairman: If the per-bed cost in a new student residence is $5,135, does CMHC only make available to the Minister's student housing corporation 90 per cent of that actual figure?

Hon. Mr. Randall: It is 90 per cent up to a cost of $7,770. On anything less than that, they just give us 90 per cent of whatever the cost is, but they will not go over $7,770.

Mr. T. Reid: And as the member for Peterborough and the Minister quite rightly stated, the federal government—this is not a question, this is a statement—has cut back on the absolute number of dollars available for student housing in Canada and particularly in Ontario. I do not find that to be a very satisfactory decision in Ottawa. I think they should make at least the same amount of money available this year as they did last year. My understanding is, of course, that the argument in Ottawa is that they simply switched money from student housing to public housing. My reply to that is that they should have taken money from some other departments and put it into CMHC for both student housing and public housing. There is no disagreement among parties here on that score.

But could the Minister tell me specifically, Mr. Chairman, how much money CMHC would have made available to Ontario student housing last year? What was the maximum amount of money they would have turned over to the Ontario Student Housing Corporation last year, and what is the maximum amount they are willing to turn over to the Ontario Student Housing Corporation for 1969-70?

Hon. Mr. Randall: I will get the figures. If my memory serves me, last year we put in our capital budget roughly, I think, $12 million, which means that if the federal authorities put up their 90 per cent, we had $120 million for student housing. This year we have set up a capital amount of $7,556,000, which means if they put up 90 per cent there is over $75 million for student housing there. Let me just make a point: While that money may be put up as a capital amount, it does not necessarily mean that the cash flow in that one particular area will amount to $75 million; but we know some day or other we are going to have to meet that commitment.

Mr. T. Reid: Is it a commitment to expand?

Hon. Mr. Randall: Yes, it is a commitment. The same with all our housing. For instance, if we put up $55 million, that means there should be $550 million. If we could build housing fast enough and the contractors sent in their bills, we could pay it all off in one year, but some of this money will probably spread out over two or three years with some of the projects we are building. The same thing applies to student housing. Whatever sum of money is set up, it does not necessarily mean you cut back any, it just means that is all we think we can spend in this year.

But in this particular budget right now, we set up that amount for 1969-70 and the federal authorities said at the end of July, "We have run out of money." Even if we could spend $75 million—our $7 million plus their 90 per cent—they say they have run out of money at the end of July and they will have to look at it when their next fiscal year-end comes around.

I understand that in 1969-70 they said we could have $21 million. We have so far got $14.9 million and last year in 1968 it was $18.7 million which they said we could have in 1968-69, so as I say we—do you follow me?

Mr. T. Reid: No, I just did not get—

Hon. Mr. Randall: All right, let us take last year. I said $12 million was set up last year: they actually set up $8.7 million, which would mean, if they put up their 90 per cent, there would be $187 million available for student housing.

Mr. T. Reid: In 1968-69?

Hon. Mr. Randall: Yes, but all we got was $18.7 million.

Mr. T. Reid: Yes, but there are $187 million you could commit over a period—

Hon. Mr. Randall: They committed to us $18.7 million, which meant that as far as housing is concerned in that year 1968, roughly, you are working on a figure of $187 million. Oh, I am sorry, let me correct this, that was their 90 per cent—$18.7 million for 1968. This year in 1969-70, they promised us $21 million for student housing and so

far we got $14.9 million, which is committed, and there is no further money available.

Mr. T. Reid: Could I ask the Minister a simple question? One can disagree with the Ottawa policy of cutting back, in effect—although understanding it—but what is stopping the Minister from increasing the total amount of provincial funds being allocated to the Ontario Student Housing Corporation for student housing? You know we can play this game about blaming Ottawa, but why cannot the Minister put more money into student housing from the provincial budget? Is there anything in the CMHC legislation that would prohibit him from doing this, or anything in provincial legislation that would prohibit him from increasing the provincial contribution by $20 million in terms of commitment? Why cannot you do this on your own?

Hon. Mr. Randall: Let me just suggest this. We are buying land with provincial money; we have bought all Flemingdon Park and we have bought Bramalea with provincial money. We did not get a dime of federal money in Bramalea, so, much of our funds has gone into a land bank because the federal authorities would not participate in some areas. I do not know why, because they said, "Well, the builder is going to build it anyway." We said, "Sure, the builder is going to build it anyway but he is not going to build the kind of housing we want for modest income families." They said, "Well, we will not go into those two areas."

On top of that, where we have a 75 per cent and a 25 per cent deal with the federal government, they say they want their money out in 15 years. I said to them, "If a man builds a house and gets a 35-year mortgage and you want your money out in 15 years, what do we have to do: back a truck up and move his house to another lot?" They said, "That is your problem. In 15 years you will have to pay us out." So we are faced with the problem in this province of trying to do a land bank in many instances with our own funds.

There is no reason, no reason as far as we are concerned, why the Treasurer (Mr. MacNaughton) cannot put up his own money. I would be delighted to see him and see if he would, but I think we have sufficient funds now to do what we want to do this year. As far as a land bank, that is one thing, but financing 100 per cent of the building would be a very expensive proposition for the province. Certainly, it would reduce the amount of money we have on our 10 per cent basis to finance many other projects—senior citizens, public housing and so forth.

Mr. T. Reid: So really, in effect, the Minister is making the same type of decision that the Ottawa cabinet Ministers say they had to make? For example, the switching within the CMHC budget from student housing to more public housing. The Minister has said that he has made the same type of decision—

Hon. Mr. Randall: No, I do not think that is quite true. I am quite prepared to—

Mr. T. Reid: Let me finish. In terms of your priorities, you said that it is very important that the province should get involved in what you call land banks and so forth. That means you have allocated funds into those areas of need—granted they are areas of need—whereas you had the freedom of decision to allocate more moneys into Ontario student housing. But you have made your choice, you have made your priorities, and so forth, it is the same type of decision.

Hon. Mr. Randall: No, it is not the same type of decision at all, it is a different decision entirely. The federal authorities sat down with us at the start of the fiscal year and we said, "This is the amount of money we expect to spend on student housing. Here is our ten per cent." And they said, "Here is our 90 per cent." It is allocated, and halfway through the year they reneged on their 90 per cent.

Now my money is still there, but my money is not enough to go ahead and complete the 14,453 units. I can understand their problems and I am not criticizing them for the way they have had to change their fiscal policies in Ottawa. But, I simply say that we gave a commitment that we were quite prepared to spend X number of dollars on student housing. They did the same thing and then suddenly they said, "No, we do not have that kind of money right now, we are going to shut it off, we do not have any further money." So, my money is still there. I am quite prepared to go ahead and spend the amount of money we set up for student housing.

Mr. T. Reid: This really gets into what I was trying to get exact answers to before.

Can the Minister tell me how much money he told the federal government, not in percentage figures, but how much money he told them at the beginning of the fiscal year he was willing to put into Ontario student

housing? In other words, it was ten per cent of some total figure. I want to know the dollar value of that original commitment he made.

Hon. Mr. Randall: The original commitment was right in the commitment. We said we would put up $7,556,000 for student housing, and on the basis of that we said: "What are you prepared to put up?"

Mr. T. Reid: They said they would put up 90 per cent.

Hon. Mr. Randall: They said if we spent that $7,556,000 or committed it, they would put up their 90 per cent. Now halfway through the year they have said: We do not have the money and I can understand their problems.

Mr. T. Reid: So the federal government has cut back the amount of money they said they would put in. Now I want to know: what is the total amount of money that the Ontario Student Housing Corporation will commit to student housing for the 1969-70 fiscal year? In other words, the Minister has said that he is going to put in $7.56 million; my question is: With the reduced federal contribution, what is the total that would be committed to Ontario student housing? The result I want, Mr. Chairman, is very simple. I want to know what, in effect, the provincial contribution will be to Ontario student housing. It is going to be more than ten per cent; therefore, I want to know how much more exactly whether it is 15 per cent, 20 per cent, or 30 per cent, because this has implications for policy in the future.

Hon. Mr. Randall: Well, I tried to make it perfectly clear. I have suggested to you that we have under construction 3,508 units and another 1,350 and that is being committed and being built now. Then we asked for a commitment for another 576 and 4,801, and that commitment—according to us—would require the $7,556,000 which is listed in the estimates. So, we are quite prepared to commit that $7,556,000 if Ottawa will approve these latter units, these 4,801 and 576. So our money is there and the money will remain there until the end of March of next year. If the money is not used, the Treasurer, of course, will have to cancel and we will have to start out on a new programme, but our money is there: $7,556,000 for student construction.

Now, if the federal authorities do not approve these units here—and at the present time maybe they will change their minds before the end of the year and they will commit themselves—that means our $7,556,000 will be used. If they do not, we will end up the year with part of our capital budget unspent. At the present time I do not know how much will be unspent because there is another six months to go before the end of March and we are waiting to find out what they will do.

Mr. T. Reid: I just have to press this.

Hon. Mr. Randall: You keep on pressing, I am trying to give you answers.

Mr. T. Reid: I am just trying to clarify it.

Hon. Mr. Randall: It is clear in my mind what we are doing.

Mr. T. Reid: It is not clear in my mind so let us just keep going. So the province has put aside in its budget, to repeat, $7,556,000 for Ontario student housing for a commitment. The Minister said previously, I believe, that Ottawa was going to put in about $21 million but has now told the Minister they are only going to put in, I believe, $14.9 million. So, Mr. Chairman, if you add $7.56 million and $14.9 million, you get a figure of about $22 million being committed to student housing in the province of Ontario, from federal-provincial funds. That would give a provincial contribution not of ten per cent, but much closer to 33 per cent. Now, my question is, will you put in your money regardless of the fact that it might end up being 33 per cent of the total, or are you constrained by CMHC legislation or by your own legislation, or by your own policies or your own views, that you only put in ten per cent of the total amount of money committed to the construction of student housing projects in Ontario? The significance of this is that if the Minister is going to put in only ten per cent of the total that is committed, and he knows now that the federal government is going to put in roughly $15 million instead of $21 million, then he is asking us today to approve over $7 million in his estimates when he has absolutely no intention, in terms of the change of policy in Ottawa, of actually spending that amount of money. So he should tell us, in the Opposition parties, that he is going to spend over $7 million—which he has asked us to approve—which may end up being 33 per cent of the total amount of money committed on student housing in Ontario. If he is willing to say that amount of money will go into student housing regardless of how much money

actually comes from the federal government, that is fine. But, from what I have interpreted his remarks to mean this afternoon, he is going to put in only ten per cent of the total. If that is so, he is asking us to approve an amount which he knows will not be spent —and he should not do that.

Hon. Mr. Randall: I disagree with you completely. If we take that $7 million and put it into a commitment for 4,801 units, or 5,000 units, we could wind up with a bill of maybe several million dollars which we do not have the money to finance. Remember, this is commitment money. You do not pay it today and build the building tomorrow. This is commitment money, and as far as our estimates are concerned, this is to March 31, 1970; and the Central Mortgage and Housing Corporation has a fiscal year ending December 31. Now, while they have said they do not have any money as of the end of July, we are hoping by January 1, when their new fiscal year starts, they will take a look at student housing and say, okay, we can commit X number of dollars. If they commit X number of dollars after January 1, then we will use whatever part of $7 million we have and commit it.

Going back to your first story: It would be very simple for us to put $7 million into one university and say we are finished. We could not put another dime up for any other commitment if they come along on January 1, so we have to use our money on the basis of commitment—not on cash flow expenditures from day to day.

Mr. T. Reid: I do not know what to do—

Hon. Mr. Randall: Well, what are you trying to figure out? I try to explain to you in plain English what is happening, but you keep getting up and asking the same questions over and over again. I am trying to explain a simple procedure of capital cash flow. Now, if you are saying to me, will I take the $7 million and build a university in Timbuctu, the answer is no. We will commit that money between now and March 31 for university student construction, and if the federal authorities come through with any money after January 1, that money will go in for our ten per cent with their 90 per cent. It is as simple as that.

Mr. T. Reid: Well, Mr. Chairman, I come to different conclusions, and I have just stated them. So we will have to figure them out later. From what I have understood the Minister to say, it is quite clear to me that if the federal government only makes available $14 million, through CMHC, for student housing, instead of approximately $21 million —I am using the Minister's figures—

Hon. Mr. Randall: They have already done that.

Mr. T. Reid: They have told you that. They said $14 million; they said two-thirds instead of 100 per cent.

Hon. Mr. Randall: That is already committed.

Mr. T. Reid: Okay, that is committed. You quite properly said they should not be doing that; they should put in the $21 million which was the original figure. I agree with this, but my conclusion from what you said—and I will leave it at this, and figure it out later—is that if in fact the CMHC makes available only $14 million, the province is only going to put $1.4 million into student housing instead of $7.6 million. My understanding is that he is only going to put in ten per cent, and so if the federal government is going to cut back, the Minister is going to cut back. We are talking about the total amount of money being committed to student housing for the fiscal year in which his budget operates—that is the relevant point here. He is not going to put in, if he really believes Ottawa—and that is what he is saying—he has absolutely no intention of putting in over $7 million into student housing, because he is sticking to the ten per cent figure. I am just saying, Mr. Chairman, that he is asking us on this side of the House to vote $7 million into a specific programme which he knows, because of his own policies, he has no intention of putting in. He has actually said—and we will analyze his text, if you want, later on—that, assuming the federal government puts in $14 million instead of $21 million, at the most he is only going to put in $2 million. Now that is the analysis I have; we disagree. We will see how it comes out in the wash.

Hon. Mr. Randall: I simply say that the $2 million committed may be $30 million when it is completed. Now, if the $30 million is not forthcoming from the federal authority, you can see the position the province will be in. I just say to you that the $7 million is committed money, and it depends on what the federal authorities will do with their commitment to us at the first of last year. Their commitment was finished at $14.9 million, and I simply suggest that they are going

to come along with their share. We can take the $7 million between now and March, and we can commit it. But we cannot commit it without the federal authorities approving the programme we have right here. As far as we are concerned, that money—and the university housing that is now being built—is committed and is going to be paid for. What I am talking about is the 5,000 units we cannot commit because Ottawa has not approved it. Some money is there, our money is there; we are prepared to commit it as soon as they come through with their commitments, which they may do at the first of the year.

Mr. Pitman: Could I just clarify this in my own mind? What the Minister is saying is that it is quite possible, if no change takes place from what Ottawa is doing right now, that we are voting $7 million but only $2 million will be spent and $5 million will go back into the consolidated revenue. Is that not what the Minister said? I think that is the whole question. We are voting for an estimate of $7 million, but the Minister is only going to spend $2 million.

Hon. Mr. Randall: No, I am suggesting again, if I can make it clear, that this is commitment money which we may, or may not spend by the end of March if federal money is available. At the end of March, if the federal money is not available, yes, we have committed our share of whatever money has gone into housing—$1.4 million or $2 million. Then that money, that capital loss is wiped out; we come back to the Legislature with a further commitment for 1970-71 when we know what federal money is available. We can only build student housing on the basis of federal commitments, and if those commitments are not there, then we have to face the fact that we build at 100 per cent ourselves. That is the time when we go back to Treasury Board and say, there is no money available, we need "x" number of dollars for student housing.

Mr. Pitman: Well, I am not trying to confuse it even more, but I think what the member for Scarborough East is saying is that it is quite possible for you to stay within your budget and within the estimates presented here, and in view of what the federal government has done, you could say that "We consider student housing sufficiently important that, if the CMHC is not going to give you any money, you are going to spend the $5 million and will commit yourselves to spend what you have in your budget in order to get student housing going. And we would hope that the federal government in time, in a moment of greater wisdom, will come back and say that Ontario obviously does need student housing; that Ottawa realizes that because of its policies over the past three months it has hung Ontario up and it recognizes the fact that Ontario has perhaps averted a future crisis by using its resources in a certain way, and it will re-establish the 90-to-10-per-cent, and possibly 95-to-5-per-cent, in view of that crisis."

I think what we are trying to ask is, what is the actual commitment of the Minister to spend the money which is set out in this estimate for student housing—90 and 10 per cent, or whatever other percentage is the method. I think that is what is at stake in the questions that are going on here.

Mr. Chairman: The member for Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): Mr. Chairman, the arguments put forth by the member for Scarborough East certainly are extremely valid when you look at the public accounts from previous years. Back in the public accounts ending March 31, 1969, the department asked for $6,850,000 for student housing, yet they expended only a little over $3 million. There was $3.35 million unexpended. So, when the Minister comes along in this estimate and asks for $7,566,000—he is padding the budget, because he knows he is only going to expend ten per cent of what Ottawa will allocate to student housing.

I will leave that as it is, Mr. Chairman, and simply try to express my point of view concerning student housing: that is the need for more and more student housing in all university towns. I know the Minister has mentioned the fact that Ottawa has cut back on this project or this type of housing accommodation, but in my estimation it is not in the best interest of housing generally. Student housing in any community—and I can use my own community as an example—certainly does ease the pressure on housing to the citizenry of the community.

When I look at that, I am looking primarily at the senior citizen, the type of individual who could go into the housing that is generally on the auction block and goes to the student rather than to the senior citizen. The students will get together—three, four or five of them—and they will rent accommodation and pay a figure that is really astronomically high. I know, because I have a daughter

attending university, and together with three or four other girls, they are paying $300 a month rent for accommodation that normally you would be able to get for $125. But, you see, when you split that up among four girls, each girl is paying only $75 a month. So it looks as if it is fairly cheap and fairly reasonable. Now, how can the senior citizen who is getting $109.20 a month compete in a community against the type of individual who is raising the price of housing to that degree? We are subsidizing student housing in two ways: First, the department in its construction; and, second, the fact that the student receives awards and loans. Some of that money which he receives for awards and loans pays for housing, but we do not come along and subsidize the senior citizen when it comes to him having to pay $50, $75 or $100 a month rent.

Mr. Chairman, just as the Minister subsidizes student housing I think he should likewise subsidize—on a rent subsidy basis—senior citizen housing. That is not with this vote at all, I can understand that, but if you increase the number of student housing units available, you ease the pressure in the community on accommodations that could be used by the other citizens.

Mr. J. Renwick (Riverdale): Mr. Chairman, I would like to revert very briefly to the question of 30 and 35 Charles Street which I raised last night. I wanted to correct the one item in the record. I have checked today and I had used the very conservative figure of about 300 children in two buildings. They tell me now that 500 is much closer to the actual number of children in the two buildings at 30 and 35 Charles Street. I assume that because of the exchange which took place last night, the association of married students in those buildings is going to take this question up both with the student housing corporation directly and with the president of the University of Toronto to put their case before them about a revision in the plans for that area.

Now, the second question that I would like to ask the Minister about is whether or not the student housing corporation is required to or is taking any initiative about student accommodation at Moosonee. It is just straight ignorance on my part as to whether or not the student housing corporation is limited to providing student accommodation only at universities or at the colleges of applied arts and technology, but in the brief visit of two or three days I had in Moosonee last month, it is quite clear that there is something in the neighbourhood of 160 students in the public schools and there are about 160 students in the separate school part of the public school system.

Across at Moose Factory, as I understand it, there are anywhere up to about 400 or 500 students attending the schools. But, in the James Bay area a very rough estimate—and I emphasize it is a very rough estimate—shows there are probably anywhere up to another 400 or 500 students or children of school age. If they are to have the benefit of this facility in the education centre both now and as projected to the future, they are going to require residential accommodation.

This is not residential accommodation in the old sense because the distances are not all that great to Fort Albany and to the other settlements up the western shore of James Bay. But at Moosonee, behind the education centre there are now, of course, very good quarters available in order to attract and hold the teaching staff at the education centre. But, if the Moosonee area development board in its projected extension of boundaries—and I hope its projected extension of the purposes and objectives which it is to perform as well—is to carry out the overall development of that James Bay basin area, then it would seem to me that concomitant with it is this: The student housing corporation should initiate the kind of study which would project what the student requirements would be for residential accommodation at the education centre.

Perhaps it would then be more appropriate under this Minister's colleague, the Minister of Municipal Affairs (Mr. McKeough), that the Moosonee area development board should take upon itself a projection of what is required. It could then bring the estimation or ask the student housing corporation to make the estimation of what is required. Then they could get together on a programme over the next two, three, four or five years to provide for that kind of accommodation if the education centre develops and expands both in its present facilities, which are available, and then perhaps expand into a high school structure as well.

I am asking whether or not the student housing corporation has done anything in this area. If it has not done anything, I wonder whether it would take into consideration these very brief comments which I have made about that problem and see whether or not there could be adequate forward planning about it?

Hon. Mr. Randall: No, I must admit there has not been anything done in that area. As you know, federal financing is to post-secondary institutions through the Minister of Education. I recognize the problems up there of youngsters, public school up to high school and perhaps accommodation is going to be required. Certainly it is going to be required. I would be very glad to discuss this with my colleague, the Minister of Municipal Affairs, as well as the Minister of Education, and see if there is any way we can co-operate with them.

Mr. J. Renwick: Well, Mr. Chairman, I think that would be fine because I just think that if that education centre—which is becoming such a focal point for that whole community—is to fulfil its purpose for the whole James Bay area and not just the limited Moosonee area, forward planning is very essential for the use of that facility and its availability to children of all ages, and indeed to adults if they wish to take part in the adult training which is provided at that centre.

I just make this one comment: Of course, the education centre is providing adult courses. Now, whether in some way the Minister or the Minister and his colleagues can finesse this problem of getting federal financial assistance on that ground to provide accommodation, I would leave it to their ingenuity to attempt.

Vote 2210 agreed to.

Vote 2211 agreed to.

Mr. Chairman: This completes the estimates of The Department of Trade and Development.

Mr. E. Sargent (Grey-Bruce): Osaka, here we come.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL

Hon. A. A. Wishart (Minister of Justice): It is not my intention, Mr. Chairman, to preface your consideration of the estimates of my department by a lengthy address. The members of this House share with me a deep interest in the administration of justice and in law enforcement and it is with this mutuality of concern that I look forward to the review of my estimates.

The form in which the estimates are now prepared will reflect the various responsibilities of the department and I am sure these in themselves will generate the constructive questions and the comment, which will permit me to provide clarification as we progress through the detail of the estimates. It is within these responsibilities that we find the substance of the administration of justice and I will do my best to provide any information which may broaden and extend the understanding of the members in these particular areas of our responsibility which come within my jurisdiction.

Mr. Chairman, if a man holding my position is permitted to take any selfish pride in the discharge of his duties, then perhaps I would take some pride in the atmosphere which the members of this Legislature have developed with respect to some of the fundamental responsibilities which come before my department and which, of course, must thereby come before this House. I think particularly of the knowledgeable and very detailed interest which has been demonstrated by the members of the standing committee on legal and labour bills.

The members of this committee and the consideration which they gave to The Expropriations Act and to The Mechanics Lien Act —to mention only two—have given me an insight into just how effectively we may develop principles and statutes which may best serve the needs of the citizens of this province. In both of these statutes, we find that all members of the committee brought forward constructive and thoughtful criticisms which resulted in a number of amendments to the legislation and which, at the same time, were based upon a mutal concern for the law and for the people. They found common support amongst all parties. It is true that there were some divergences of opinion, but in the essential matters there was most effective communication and reaction. I would hope that the same atmosphere would prevail in the consideration of these estimates within which my department will be able to carry on its responsibilities in the forthcoming year.

That completes my own preamble, Mr. Chairman, and perhaps we might now proceed to deal with my estimates.

Mr. Chairman: Before the hon. member for Sarnia commences with his remarks, I wonder if the committee would concur that we should take this vote by programmes of activity, or shall we take it in total vote? Is there any preference?

Will the hon. Attorney General concur that we take by the programmes as shown in the estimates?

Hon. Mr. Wishart: That would be a good way to do it.

Mr. Chairman: We will deal, then, with the main office vote—the main office programme?

Mr. J. E. Bullbrook (Sarnia): A somewhat general one if I might, Mr. Chairman.

Mr. Chairman: All right.

Mr. Bullbrook: Let me first state, sir, personally and on behalf of my colleagues in this party, that we respond in kind to the comments that were contained in the short address by the hon. Attorney General, Minister of Justice. We recognize that it has not only been his policy in this House, but outside the House, to give the utmost co-operation to his colleagues not matter what their partisan persuasion.

I also would suggest to you, sir, that the Attorney General makes mention of taking some selfish pride in connection with the discharge of his duty. Let me say this again personally, and I am sure on behalf of my colleagues, that this is with complete justification. I am going to have to restrict, perhaps fetter the total generosity intended in the further expansion of my attitude, but let me say, and let the record show that this department is administered by a person of the highest integrity, of considerable ability, and that the main burden of my comments will be those of a general departmental deficiency for which the Minister must bear some responsibility.

Sir, having said that, I want to just convey to you that I feel, after having dealt with the department for two years, that it lacks not to a great extent in talent, from the top to the bottom, but I think that its supreme failing throughout is that it is too passive in its attitude.

The notes on which my remarks are based were made back in May. Both the hon. Attorney General and myself, and the hon. member for Lakeshore (Mr. Lawlor), had been looking with anticipation to these debates since approximately June. But the appropriate—and perhaps tragic—aspect of it is that day by day the notes become more irrelevant.

If I might, just as an aside, I wanted to congratulate, perhaps this is not appropriate, but I wanted to congratulate the hon. member for Lakeshore for his descension to the front benches. I wondered if it was an ascent downwards really, but I think the Attorney General will agree with me, Mr. Chairman, that it was a worthwhile move. In this connection, might I say to the hon. Attorney General that I would appreciate if he would speak to my leader and see if I can make it down there too.

Sir, talking about the lack of a really active response, I suggest to the Attorney General, through you, Mr. Chairman, that the basic problem with his department is that he is reactionary in the absolutely literal sense of the word, not the colloquial sense. Time and again we find this department reacting to situations that evolve, whereas there should have been an adequate and active direction by the department in connection with the necessary legal or social problems that have arisen.

As I said, the notes on which my remarks are based were made back in May and June, but I have made certain notes over the last week in connection with a matter that I think is of extreme importance, and I think it does, to a great extent, bear evidence of the general disenchantment of which I speak. It is the visit by the Hon. Secretary of State of the French Foreign Ministry, Jean de Lipkowski to the Quebec government. In my opinion—and I would hope perhaps that I speak prematurely—perhaps The Attorney General's Department intends to take a position in connection with this issue which involves the province of Quebec, and more importantly the Dominion of Canada, and also importantly the province of Ontario and its people, on the question of these bilateral activities between the province of Quebec and a foreign state.

Hon. Mr. Wishart: That is a federal matter, surely?

Mr. Bullbrook: I want to get into this. It might well be a federal matter, and it might well be that there should be some initiative on the part of the federal government, but I would hope that you will agree with me that they find themselves in a dilemma of diplomatic delicacy that this department does not find itself in.

Let us set the record straight in connection with this situation. The Department of External Affairs requested Mr. de Lipkowski to visit Ottawa. They attempted to ameliorate this position, but I want to discuss the total question of constitutional responsibility and where we are going in connection with this total matter. Because I think this visit—and I hope I do not convey myself, or this party, as extremists—but I think we must express some concern. If we are to be federalists,

and if we are to agree that the federal system that we have adopted is an appropriate system, and if we are to agree that one of the prime responsibilities of the federal government is the diffusion and distribution of the total wealth of this nation for the benefit of all the people of Canada, then I suggest to you most frankly that unilateral trade arrangements with foreign states do not advance that concept of federalism in my mind.

I agree with the interjection of the Attorney General that there has to be a federal initiative. I suggest to you that there can be a concurrent initiative on the part of the province of Ontario because, justifiably so, the government of this province—and we in this House—take pride in the fact that we are the wealthiest province, that we are the most affluent province, and that we are the province, to a great extent, that guides the total, shall we say, posture as far as the provincial units in that federal organism are concerned. If I might, a short quote from Mr. Laskin, now Mr. Justice Laskin, in the 1967 *Canadian Bar Review*, volume 45, at page 397: "I believe that a workable federalism requires a disciplined attachment of the units." I suggest that this province is prepared to accept that concept. I also suggest to you that if another province is not prepared to accept that concept, it is incumbent upon the Attorney General, as the Minister of the Crown responsible, to advise his colleagues in the Cabinet and to seek their assistance in assisting the federal government in this matter.

The fact of the matter is we have had the Ontario Advisory Committee on Confederation established since February, 1965. It published in April, 1967, background papers and reports, and the author of that segment of the background paper and report relating to the provinces and international agreements was the same Mr. Justice Bora Laskin, who was then Mr. Bora Laskin, and I believe it was during the term of this responsibility that he was elevated to the bench. I want to read from it, and so I hope I am not confusing, but conveying, my attitude and I hope the attitude of my colleagues in this party in its appropriate context.

What I am saying is that in the field of constitutional reform, The Department of the Attorney General and Minister of Justice in the province of Ontario has not been active enough, and I intend to catalogue further less esoteric, but more practical, examples of this passive attitude. Basically it has been the expressed opinion of my leader that the province of Ontario might well contemplate the writing of its own constitution. It has been accepted by the government of this province that the province of Ontario has the right to write its own constitution. Perhaps my approach is simplistic, but as I sit here and listen during the currency of a debate on the constitutional problems involved, we spend hours on the question of the entrenchment of a bill of rights into the constitution, and recognizing the intricacies involved with the total concept of whether the bill of rights should be entrenched and whether the right to breathe should be entrenched; recognizing those intricacies, I still wonder, really, if Jefferson and his associates who sat down to write the original constitution in the United States should have restricted themselves to the same extent as do the federal government and the governments of the provinces of this country, swaddling themselves in the darkness of legal technocracy, and in the subtle nuances of constitutional ambivalence.

Our solution to the problem of entrenching or not entrenching the bill of rights in the constitution of this province and this nation, if we need such a constitution, sir, is to entrench it. I suggest that if we do detract from some fundamental rights that inure to the benefit of the people of this nation and this province, then what we do is we remove it—again, the concept of an amendment of the constitution. Surely to goodness we can look to the United States in this connection? We can look to the voluminous papers that are involved, and correspondence that is available to us, in connection with the thoughts at the time of that constitutional convention.

The point I make, in essence, is that the more we delay, the more opportunity we have for Mr. de Lipkowski to come to the province of Quebec and shun the federal government, and the greater the erosion of the total federal right and responsibility.

Mr. Laskin says on page E18, in connection with the advisory committee's report to this government:

> It is my opinion that if a province presently purported on its own initiative to make an enforceable agreement with a foreign state on a matter otherwise within provincial competence, it would either have no international validity, or if the foreign state chose to recognize it, it would amount to a declaration of independence on the one hand, on the other to denial of the exclusive judicial competence of Canada, as such, in the field of foreign affairs.

Basically what Mr. Laskin goes on to say is this:

> It is well recognized in various decisions of our Supreme Court that a province has the right to deal with a separate sovereign state where the result of such dealing only requires reciprocal legislative enactment, and no continuing enforceable agreements or benefit, other than those which flow from the reciprocal legislation contemplated in the dealing—for example, The Reciprocal Enforcement of Maintenance Orders Act, or The Reciprocal Enforcement of Judgments Act.

In closing he says:

> The situation forces speculation whether the difference in the two kinds of dealings is not merely a rationalization of the willingness of the foreign state to forego the legal sanction that ordinarily accompanies an agreement; or to put the matter in other terms, whether this is not a case of trying to find a means of effective co-operation with a unit of the federal state in a matter of local concern to it, without disturbing the formal rules of international law. If so, it must be evident that not only the foreign state, but Canada, as well, is willing to make the compromise.

I wanted to begin with this, as I said, because I think it does dovetail with the total critique that I want to convey to The Department of the Attorney General, and I realize that you cannot unduly simplify these matters. All one has to do is attempt to digest some of the position papers and reports of the continuing committee of officials in connection with constitutional matters, and they are supremely complex. I recognize that one has to have great co-operation elsewhere, but the point I make is that Ontario must lead.

I think in connection with Mr. de Lipkowski's visit, it is not inappropriate at all for the government of the province of Ontario to have made a statement, using the tried and true trite political phrase, "we view with alarm," if you wish. We view with alarm the dealings between the province of Quebec and the government of the republic of France, because if we continue to permit this, it might well have an extremely adverse effect on the people of the province of Ontario.

Again I say that of course we realize that the prime responsibility lies with the federal government in connection with initiative, but in analyzing The British North America Act there is nothing that negates the responsibility of this government to make its position straight and to reinforce the position of the total federal concept—to say, in effect, that we are prepared to live, as Mr. Laskin says, in the position of disciplined attachment to the federal unit and that we as a leader, as the leading province of this country, accept that concept without reservation. That I feel most respectfully, Mr. Chairman, should be done; it should have been done by The Department of the Attorney General already, by the government of this province. The time has come when we must hesitate—and I realize we must hesitate not to unduly enter upon the particular field of responsibility of the federal government—but we do have the right to show initiative. I think if we did, we would allay many fears, both within and without the province of Ontario.

There are other aspects of this total question of constitution that have involved us in a practical sense over the last week—the question of the field of communication. It seems to me that the Attorney General should be prepared to take some initiative in these fields. There is a question on the order paper—I do not know if it has been answered or not—by my colleague, the member for Humber (Mr. Ben) in connection with this. I do not think that we can just permit the federal government, where these matters are purely within the geographic confines of our province, to legislate in this field. I think we have to get into it. I am not going to go into great detail, but I hope that this one example—primarily, the concern I have expressed with the constitutional inertia of The Department of the Attorney General—I hope has conveyed itself adequately, because I really think this department has let us down very badly here. If we are the great province that we say we are, and I believe we are, then we are entitled to lead and we are not entitled, in my opinion, only to react, but to act rather than react.

This whole concept that I speak of, this question of reaction all the time, I think during the past year or 18 months, since we have been involved with the estimates of this department, has exemplified itself many, many times. It has exemplified itself in matters dealing with the rights of individuals. Just for a moment then, I will think of a particular example: the question of the provision of adequate bail facilities for the people of this province. The hon. Minister of Justice in Ottawa, Mr. Turner, has promised us that there will be new bail legislation, if I recall correctly, and he is going to delineate

the responsibilities and give some direction, because, most respectfully, some courts have really abused the concept of bail. But we have gotten into a discussion of this before and I do not think we have to redigest it.

But we also have had, and *Hansard* discloses, before I ever entered this House, or perhaps before the hon. Attorney General entered into this House, many, many times the situation where people have been incarcerated improperly. And even if they have been incarcerated properly, no adequate bail has been available to them. This has gone on and on and on. You have dealt with, who is it, Mrs. Hunter? Mrs. Hunter, she was the latest one. Again an example of reaction. We now have the Metro Toronto Police Commission's Judge Bick saying that if the recommendations of that commission to this department, which were given in 1964, had been accepted, there would have been a central lock-up and there would have been adequate bail available to people in those circumstances.

The fact of the matter is that nothing was done about it. The fact of the matter is that the Attorney General, the hon. member for Downsview (Mr. Singer), myself, and various other members in this House, have been involved during the course of the last year with people improperly incarcerated. It is just beyond belief that they should not be able to extricate themselves from the chains of so-called justice at that time. People are arrested at times where a summons is sufficient, but because of the south-Georgia complex of some policeman they are put in jail right away. Then it is incumbent upon the Minister of Justice to have made available in this city, with comparable facilities throughout the province, machinery to make sure that no citizen of this province stays in jail for one moment more than is absolutely necessary, be he properly accused or not.

This again is a current example of reaction. We cannot have this department involved with reaction only. We have to have it leading the way. We have to have it leading the way because there have to be statements made, positions have to be shown by The Department of the Attorney General.

I am going to get into a somewhat trite example, but it is current again, this question of the Maki-Green incident. I do not want to create difficulty for young Maki. I would not know him, nor he me. The fact of the matter is that these altercations have taken place and have been prevalent in professional hockey for the last many, many years, and the unfortunate circumstance is that they filtered down. You and me when we were young—I do not know who your contemporary heroes were, Mr. Chairman—but we looked upon these professional athletes when we were young, and we wanted to emulate them. They still do want to emulate them, and the unfortunate part is that when Eddie Shack goes at somebody in Maple Leaf Gardens with a sick, some juvenile player, juvenile in age, is going to do the same thing.

I have suggested before, and the Attorney General might want to comment on this, that in this type of activity, we should have had a statement from The Attorney General's Department saying in effect that this will not be tolerated. I recognize quite well that in matters of this nature we get into legal intricacies, the question of defence, the availability of the defence, of self-defence, a defence of provocation. Perhaps you will not have a successful prosecution, but I do feel in this particular situation that success of prosecution should not be necessarily the only criterion.

If there is a *prima facie* case, I would be inclined for the public good to prosecute. I am not talking about the Maki-Green incident only. I am talking about these incidents generally. There must be a prosecution. There must be a position established by the Minister of Justice in this province that will reflect to the benefit of that sport, that will reflect to the benefit of the youth of the province.

Again, I cite this as an example of reaction, another reaction. The same applies, I think, to a great extent, in connection with student activities in universities.

I and my colleagues and, for that matter, every person in this House—it is not a question of political strength and partisan striving—recognize absolutely the right of dissent and if you do not expect dissent from university students, where are you going to expect it? But we should have it readily understood that dissent must exist within the social order. Dissent must exist under the rule of law. That has got to be understood, but there never has been a statement to this effect from The Department of the Attorney General and Minister of Justice; an all-embracing statement that would convey the government's attitude that they respect the right to dissent. As Voltaire said they would die for their right to dissent but it would have to be within that framework of the rule of law.

Yesterday morning I was reading Dick Beddoes' column. I had intended to read it into the record because it does exemplify something that is going on in the States, that we do not want to have going on here; a beginning of lack of respect for constitutional authority.

We show it in this House at times, really. I am as guilty as the next, but the facts of the matter, it is true, are that we show a lack of respect for authority here.

What a freshening experience it was today to listen to the hon. member for York-Forest Hill (Mr. Dunlop) get up and address this House with the appropriate decorum. I think it is probably part of the total atmosphere at the present time, if we do not have respect for authority. We do not necessarily have to be in love with the individual who sits in the Speaker's chair because I do not think I can ever attain that particular attitude, I must say myself. I just cannot. But I have to respect his position and I think again a word from The Attorney General's Department might well convey—in the turbulence of society as it is today—something of the very prestige of the office, the very prestige of the position, the very personality of the incumbent, let alone the prestige of the position. We need a statement in connection with this, be it in this House or outside. An active position does so much to establish the general attitude, I think, and the general atmosphere of the public rule and the public good and the concerns for the public rule and the concerns for society as a whole.

Mr. Chairman, I will try to close shortly. I want to turn if I might to the question that I think has completely polarized the position of the Attorney General himself, and myself. I must say that during the course of the last two years, we have not gotten into too many situations that have put us completely at odds but the one thing that has is the reticence of the Attorney General to accept his responsibility as the chief law enforcement officer of the province of Ontario.

This is a reiteration of some dialogue that took place during the course of the debates on The Police Act. Let it be said that the Attorney General is to be commended. I think some of us did that at 3.00 o'clock in the morning in connection with his amelioration of our concern relative to the powers within the police. If I might, I believe I have here some comments made by the Attorney General, if I might just refer to them. I am reading, Mr. Chairman, from page 6366 of *Hansard*, the publication of Thursday, June 26, evening session:

> *Hon. Mr. Wishart:* I think I have said, I am not sure that I have said it in the House, although I think I have, but I have certainly said it publicly in addresses I have made and perhaps in interviews, that I have drawn attention to the comment of Professor Edwards that there was an incongruous situation, perhaps a conflict of the duties between the right hand and the left hand.
>
> If one tries to be the law enforcer, the other tries to administer justice, one hand being politically that which stands up as a member of government to defend government policy, whatever it may be, and the other hand trying to be judicial, the other nature being judicial in the impartial administration of justice. I have indicated, without any hesitation, that I felt that one could not but help in this office to feel the difficulty of walking the line between those two positions. I have said there is a great deal of merit in the segregation to the role of law enforcer and controller of the police force, the investigator, the prosecutor, and that of the administration who is responsible for the administration of justice.

Now, let me say this. I very much respect the personal feelings of the Attorney General. It is easy enough for me to stand here and presume to criticize the feelings he has, because I have not been vested with that responsibility. So I do appreciate the personal concern expressed in that quotation.

I take absolute issue with the concern expressed, much as I appreciate the personal concern, because it seems to me that the essential fallacy in the concern is the function and duty of the Minister of Justice to administer justice. It is not the responsibility of the Minister of Justice of this province to dispense justice. That is the responsibility of our courts. The fact of the matter is that that is the hang up, to use that expression, upon which lies this argument. The Attorney General in effect says to us that he cannot see himself enforcing the law in the morning, and administering justice in the afternoon.

Hon. Mr. Wishart: If the hon. member would permit me, I would not ask him to paraphrase me in that way. I did not say I could not see myself doing that. I merely said I thought it was very difficult to do that, to do each function without giving a false impression either in the administration of justice or as an over-zealous or under-zealous enforcer of law. I do not say it cannot be done; the difficulty is in doing it.

Mr. Bullbrook: Thank you, Mr. Minister. Mr. Chairman, through you, I appreciate the interjection and the extension of the Minister's personal opinion in connection with the difficulties involved.

Basically, I do not see any mutual exclusion between these two responsibilities. The

fact of the matter is, and we are going to talk about police commissioners afterwards—and this has been mentioned before—you do not want to do it yourself but you give the same responsibility to some of your judges, the very responsibility you do not want to accept yourself. Because, in effect what they are doing is sitting in the morning as a provincial judge, and in the afternoon they put on their other hat and sit in as the police commission which in effect directs to a great extent the activities of the police force.

We discussed this in the Niagara Falls bill. It is some reiteration; very important, extremely important in the total philosophy of this departmental responsibility. I invite the Attorney General, during the course of the estimates to discuss the role of an individual member of the provincial bench who sits in the morning on the provincial bench and in the afternoon sits as a member of the local police commission. I think it is exactly the same repugnant position that the Attorney General refuses to accept.

Mr. V. M. Singer (Downsview): Or account for.

Mr. Bullbrook: The fact of the matter is that I do not think the two situations are repugnant, I really do not think they are.

Hon. Mr. Wishart: Well, then, you support the judges' position as well as my own.

Mr. Bullbrook: No, I will not necessarily—

Hon. Mr. Wishart: I wonder.

Mr. Bullbrook: Let us just deal with that for a moment. My attitude with police commissions is that we find ourselves involved—as I said before, and as my colleagues have said in this House before, and others have said—with a lack of direct responsibility to the people. The more one sits in the Legislature the more one, although they do not wish to romanticize, recognizes that herein lies the people's rights.

This is really one of our main obligations to make sure that their rights are protected. Let us get back to the Bennett case for a moment. The Bennett hearing is not going to proceed, Mr. Chairman. The Bennett hearing, as of my last meeting of two or three days ago, is not going to proceed because they made a decision; Bennett did not show up, he did not answer his subpoena. Now, I am going to say two things there. The first is that I was defence council on so many cases where they withdrew it on the first hearing, because the witness failed to answer his subpoena.

You know what usually happens to me; they issue a bench warrant, that is what they do. They issue a bench warrant, they get the witness there, unless he is in Australia or some place. So that is the first thing about that Bennett hearing that had to be recorded —their extreme zeal to see that that hearing was adequately prosecuted. Boy, were they zealous. We will give it one shot, fellows, and then we will quit. That is the first thing.

The second thing is, who is responsible for that to the people of Ontario, I would like to know. Who is responsible? I would like to know if that police commission, of its own volition, just decides that is the end of the Bennett hearing, because I have no doubt that the Attorney General of this province is going to have much to say on the Bennett hearing to the people of Ontario, and particularly to the people of Toronto. I have no doubt that the Attorney General of this province will not let that matter lie fallow. He will not permit that police commission to say, "Tough luck, it is all over now." Not because of any desire to persecute the people who were responsible for that absolutely incomprehensible miscarriage of justice; not to persecute them, but to assure the public—and then we get to the matter—through the proper channels, namely The Department of the Attorney General and the Minister of Justice; the responsibility is there to see that the hearing goes on.

Now, I have taken a considerable length of time, probably longer than I have before. During the course of the debate we are going to get into specific detail. We want to talk about The Lord's Day Act—a lot has to be said about it and the present pronouncements of policy by the provincial government; surely there is a law for somebody and a law for somebody else.

Mr. Singer: Local option, in the Attorney General's mind.

Mr. Bullbrook: So we have to discuss this question, and I am sure the Attorney General wants to discuss this question of what constitutes a big store in a big city, as the hon. Premier (Mr. Robarts) says, because they are subject to the law, no matter what they sell. That is going to be of great interest during the course of the specific analysis of the votes of this department.

On the question of wiretapping, the question of responsibility now that we are going to have federal legislation, we want to know the attitude of the Attorney General; and the

attitude of the Attorney General again on the question of something to say. I read the statement in the press of Controller Fred Beavis, I think it is, of the city of Toronto, who said that the responsibility for wiretapping should be vested—you know in whom—in the chief of police, because if you do not have a chief you can trust, where are you? Boy, there is logic. I tell you, there is really logic. There is protection for the public. If you cannot trust your chief of police, who can you trust? And there, in that instance, the Attorney General might well have come out and again expressed his opinion, that certainly the responsibility for discretion in connection with the utilization of electronic surveillance equipment should not be vested solely within the police.

And a question that is going to arise during the course of the debate—in the individual estimate which is appropriate—is the question of who should be given this responsibility. Should it be the Attorney General? Should it be a justice of the Supreme Court? I think that this debate will consume some time.

Hon. Mr. Wishart: Mr. Chairman, perhaps I should sit silent and wait. I should like to, but the hon. member has just been saying that the Attorney General should make a statement about this and about that, and surely on the question of wiretapping I have made statements almost *ad nauseam* in this House, to the press, on television and to the Minister of Justice. Surely there is not much more that can be said as to my attitude and the attitude of this government, of which I am a member, on that subject. How often am I to repeat my position?

Mr. Bullbrook: There is some merit in what you say in that particular situation. Perhaps I exaggerate when I thrust upon you an obligation to reply to Controller Fred Beavis. I think you are right, but then we want you to clarify in whom you feel the responsibility should be vested. I think it is going to be a very interesting dialogue. For myself, I record—but am subject to persuasion otherwise—that I believe the responsibility should be in the people. And the only way to have it adequately in the people is to have it in the Attorney General. As much as I respect the courts and the impartiality and the proper function of the courts, in this particular type of investigation activity, I think always we must have the responsibility back through the appropriate channels to the people. We cannot put an obligation upon a justice of the Supreme Court or a judge of the county court to explain the exercise of his judicial discretion to the people. That must be above, I believe, that particular direct request, but I feel—and let it be recorded that it is my opinion—it should be vested in the Attorney General.

We are going to talk about off-track betting; we are going to talk about the ambivalent position of the Attorney General. This, I think, was quite a unique position for him, I must say. This was the one field where he did a triple flip-flop, and he does not usually do that. Mr. Chairman, with respect, the Attorney General does not usually do that. I think he must have read the editorial in the *Globe and Mail*. I recall that he was viewing with alarm, and then he was directly against, and then he saw some merit in—I think that is basically what happened in connection with off-track betting. We want to discuss that.

So I appreciate, Mr. Chairman, the time you have given me to discuss generally the question of our involvement in the estimates of this department. Basically, as I have said before, we all happily enjoy a personal relationship and a professional, legislative relationship with the Attorney General and his department that is most attractive. We suggest, perhaps, that in this day, with the concurrent social problems and what seems to be the erosion of respect for constituted authority, the Attorney General has to be a little more active.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, I can give some measure of accord to the statements of the member for Sarnia concerning the high personal regard in which we hold the Attorney General as a person. However, our task in this House, and the task of the law particularly—because Justice is blindfolded, she does not regard persons but instead regards the objective law, and she regards the major issues that arise under this department—however kindly we may feel towards the Attorney General as a person, it has nothing whatsoever to do with his function as the chief law officer in this province. And we shall so speak from this side of the House; scalpel where necessary and praise where it is due.

I would accord, too, with the statements that the Attorney General, much as it may in some aspects befit his office, is over-cautious. In area after area, he—I will not say reneges on his responsibilities—hesitates too long; he pulls back and gives too great a regard to them. For example, I anticipate that in the opening remarks in the House today he would introduce a Landlord and Tenant Act; he has not seen fit to do so. This is a major cause of

recrimination on our part. A great deal of human suffering is going on in this province, well known to the Attorney General, because of a failure to bring such a law before us. We have waited long enough; it has been studied to death. The Ontario Law Reform Commission is quite clear on its recommendations, and the Attorney General replies to us somewhat bleatingly, I thought, that it interfered with property rights. Of course, so does expropriation; so does mechanics lien, on which we will have co-operated and really put some guts into the law, I think, for the first time. We made a reformulation and protected the rights of tenants, protected business rights which had never previously been protected. This is true then, as I say, in the mechanics lien area, so why the sudden blanching before the fact?

There is a good percentage of our population ranging up to 25 per cent who are in one way being tossed hither and yon by an ancient, outmoded, anachronistic law. It is one of the oldest laws in our books; even the law with respect to master and servant cannot compete with it, with respect to hoariness. Please change that law; please bring in an Act. I think that time enough, and world enough, has passed that you in your responsible position would protect these people against the injustices inflicted every day by landlords. Tenants simply have no rights in this province, they are totally devoid of them—they only have one right, and that is to pay the rent and to keep quiet, or get tossed out.

The Attorney General moves too slowly in the area of privacy, but we will come to that very shortly. I do not know if he is too slow, but he is not giving sufficient cognizance to whole area of the law which could stand, and which now must begin to stand codification, and the Ontario Law Reform Commission has not even ventured into codification. We have a good deal of codification with respect to specific areas of the law, and this has long been the case, but the law of tort, and the law of contract is a hinterland, is a bramble bush for judges and lawyers alike, where practically two interpretations may be found for anything. If you can go back far enough, if you dig hard enough, and if you are a clever enough lawyer, you can pretty well find something to hang your hat on. You are not going into court void. The American Law Institute has restated vast portions: Wigmore has worked on it, the great contractural man.

This is an area into which we must venture, we must begin to grow, and this will in no way detract from the work of the courts; as the Minister well knows, the courts' job is in terms of interpretation. It will give them plenty to do. As a matter of fact it may have given them more work to do now than they previously had, by the time you get it written down. Nevertheless, this is the direction of the law.

Before launching into my very discursive and extremely lengthy remarks, Mr. Chairman, might I say that contrary to the Attorney General I shall not take two minutes, I shall take at least two hours, because there are wide areas which are perhaps not properly, or at least I cannot find, properly locatable within the estimates as such, although one with a little ingenuity I am sure could work them in. However, I intend to do them right now, and to cover area after area.

But, before launching into that, I thought it may be wise as a moment of serenity before the storm to go back a few years to, if not the most famous, perhaps the most pointed statement ever made in all literature about lawyers: I would like as a member of this House to have it in the records so it may be here for posterity. I have made a little investigation but as far as I can see it has not been read previously into the record.

Of course, I refer to Plato, and to what Plato has to say about lawyers. It is not too commendable on the whole, it is in dialogue called Theodorus, and at the beginning he is talking, he is sitting there calmly in the shade, as is the philosopher's wont, and he is talking about free men; which men are free, which men are mature, and what freedom consists in, and it consists at least in a certain amount of leisure with a certain amount of intellectual dalliance—you follow the argument wherever it may lead, and you take all the time in the world if necessary so to do, as against the lawyers, and this is what Theodorus says:

> "Well, Socrates, we have plenty of leisure."

Which we have not got here. By the way, maybe I better put up the book. Socrates says:

> "That is true, and your remark calls to my mind the observation which I have often made, that those who have passed their days in the pursuit of philosophy are ridiculously at fault when they have to appear and speak in courts; how natural this is, Theodorus."

"What do you mean, Socrates?"

"I mean to say that those who have been trained in philosophy and liberal pursuits are as unlike those who, from their youth upward, have been knocking about in the courts and such places, as a freeman is in breathing unlike a slave."

And Theodorus said, "And what is the difference?" And he says, "In the leisure spoken of by you, which a freeman can always command, he has his talk out in peace, and like ourselves he wanders at will from one subject to another, and from a second to a third, and if the fancy takes him begins again as we are doing now, not caring whether his words are many or few. His only aim is to attain the truth, but the lawyer is always in a hurry. There all the waters of the Klepsidra driving him on, and not allowing him to expatiate at will, but there is his adversary standing over him enforcing his rights. The indictment, which in their phraseology is termed the affidavit, is recited at the time, and from this he must not deviate. He is a servant, and he is continually disputing about a fellow servant before his master who is seated, and has the cause in his hands. The trial is never about some indifferent matter, but always concerns himself, and often the race is for his life.

"The consequence has been that he has become keen and shrewd, he has learned how to flatter his master in word, and indulge him in deed, but his soul is small and unrighteous, his condition which has been that of a slave from his youth upwards has deprived him of growth, and uprightness and independence, dangerous and fierce, which were too much for his truth and honesty came upon him in early years when the tenderness of youth was unequal to them, and he has been driven into crooked ways. From the first he has practised deception and retaliation and has become stunted and warped, and so he has passed out of youth into manhood having no soundness in him and is now, as he thinks, a master in wisdom. Such is the lawyer, Theodorus."

It is only too true, you know, and if I may quote from a somewhat lesser authority under the same heading—I am thinking of John Turner, who was recently appointed a QC in Ontario—and John has this to say about it:

> I am afraid that we lawyers have always been accused of being impervious to change. Some have even accused our profession of being a barrier to change.

Mr. Attorney General, do not be a barrier to change. I think we should admit that law school curricula nourish the commercial sector; business law constitutes the core. Poverty law and the rights of the dispossessed, that is the poor, the mentally ill, the illegitimate child, and related categories are relegated to the conundra, if considered at all.

Indeed, it appears at times as if the curricula of the modern law school had been drawn up by the local chamber of commerce. "Lawyers should not cast themselves as hired guns for the privileged class," he said. There is, of course, nothing wrong with the lawyer as an advisor to business, but the lawyer should also envisage himself as a public servant, professional administrator, advocate of special minority interests, and the public interest pleader.

Such is the task that we should address ourselves to. I think that on the whole the legal profession has, in its treatment of legal aid, shown a degree of astuteness and public rapport that is not given to other professions, but it sure has a long way to go in terms of its in-built free enterprise nostalgias until it works itself into the warped community and becomes a deeply social regimen. Then it still has a great deal to account for. It is still too individualistic and too recalcitrant to change, which touches its own interests. It is a vested interest like many other professions in our society.

This applies, then, to our approach to justice in general, to the changes that are taking place in the modern world and our failure as lawyers and as legislators, because legislators are all, in a sense, lawyers perforce, whether they like it or not.

I have noticed in this Chamber that irrespective of what the subject under discussion may be, or the bill introduced, one has to read it, because cloaked in it as a kernel is always some legal dictum, some process that has legal implications. It is the most innocuous looking bill coming from some veterinarian or something like that that has hidden in it a breach of civil liberties, or a procedure that is completely unworkable, or a defect in law.

It is not so often the ones that have been perused deeply by lawyers, and under this head, I wonder that the Attorney General is really comporting himself in the full ambit of the responsibilities he asked for, he accepted, and we gave to him, last year in this great office. I will remind him of a statement he himself made. He said the law officer today must, in matters of law, adopt an attitude

of independence so that he may speak as a lawyer advising the Legislature and not as a politician supporting the government's position. That, as we discussed at the time, which I will emphasize now, was a position which is extremely onerous and extremely difficult. You have a narrow perch on which you must sit in surveillance, not only of us, but of your own fellows, and of the Cabinet over there.

I just wonder about, for instance, the case of Bill 138, the bill brought in here by the former Minister of Health. The present Minister of Health will no doubt change the law as quickly as he can, it having to do with facilities for mentally disturbed children. There were two factors in that bill that seemed to me to run counter to that high position and I wonder—I think you indicated at the time—to what extent you were consulted in bringing it into being, because it does two things. It gives the Minister final and plenary power after going through a process of hearings and investigations to wipe all that out. In other words there is no form of court procedure, there is no appeal to the courts, as you have in your Bills 129 and 130, setting up judicial tribunals. It completely ignores that regimen and that position as stated by McRuer.

It seemed to me an emanation of the personality of the Minister, and not in line with the overall tenet of present-day law; much less what has been recommended on the highest terms to you and which you yourself have brought in for tentative appraisal and sits before us now waiting to be debated —these bills with respect to the procedural aspects of judicial tribunals of all kinds. This reposing of the plenary power in the Minister is a most questionable principle, I suggest to you, when an alternative procedure could be used.

The second thing the bill does, is obviate or cancel out the force of The Expropriation Act that we passed. The Minister may move in and make seizure in a quite arbitrary way, and under both these heads, I think that there is much to be desired.

I am not going to inveigh against the legislation as such now. We have had our opportunity to do so and the public know where we stand. I am simply soliciting your surveillance in future, that you do pay very great cognizance to these bills. It is an onerous task. You assume the responsibility, and it must be carried out, but you sit in a position that is not the same as the others. And when they bring their bills, which set up their little plenipotentiaries, and they make themselves the crowned kings of Denmark all around you—and that is always the drive of power to attain a suzerainty over a certain area in this government—you must check them. You must step on their toes, you must say, "You cannot do that." Can you not find an alternative route which is more in accord with the concepts of procedural safeguards, hearings, and full investigation that is necessary to protect the rights of citizens, including these homes run for mentally disturbed citizens? That, I say, is something ignored in this legislation.

In the general area of law, the two great areas of tort and contract, in which our law notoriously lags behind, you will not have to go far. Our local newspapers have articles all the time as to various aspects in which the law of contracts continues to operate on the personal principle as though two people signing a contract were always in a position of equality, *vis-à-vis* each other. We still hanker after, and we still adhere to the whole doctrine of the sanctity and security and freedom of contract that descended from John Locke, and particularly in the 19th century, which bred such malevolence in the populace and brought about all sorts of injustices.

Contract has become contracts of adhesion. Contracts are all in standardized form, and the great bulk or majority of our contracts, from the ticket you sign at an airplane depot to the contract that you sign with the electric company, are all *pro forma* contracts. All are printed in bulk, and allow—even in any field in which these are done, and this is the overwhelming field now—allow very little room for the individual to move with respect to amendments thereof. He may say he does not like a particular clause and will not sign it. Most people have not got the perspicacity to do that, and it is a function of the law to be a little paternalistic. You have the whole of The Insurance Act to prove it; you simply have to exert some influence in coverage and protection to the general public who, far from not wanting to read the fine print—not even the lawyers want to do that—but reading the heavy print, and even the blurred print. But this is a wide area. In the areas of the codification of contracts in various fields it seems to be necessary that standardized contracts should be recognized as the pervasive feature of contract, and that individual relationships in contractural law have very little validity nowadays, and therefore, you are going to be obliged, in more and more fields, to set forth the standardized form, particularly in commercial law, and in all forms

of relation of even the door-to-door salesmen and that sort of sale.

The same thing applies to a considerable measure in tort law. The area of wrongs to the individual actually rising out of deliberate harms, or negligence of one kind or another, the whole of that field of law—a little like contract law—is moving into a distribution of the sharing of the risks. In other words, the concept is insurance, and insurance in contemporary society because of the incidence of risk must be pervasive and widespread, and since we did not actually ask to be allowed into the society, just to function in a talk involves a multitude of inter-relationships, etc., over which we have very little control. This network of relationships in which people are found and are caught are usually confirming relationships, relationships which give them possibilities of growth. Without the relationship they could not grow. Nevertheless these relationships bring about an enormous impact upon the individual for which he involuntarily has to assume, etc., and from which he should be protected. So liability without fault is pervasive in our lives. I refer you to Donovan and Stephenson, the famous nail the bottle case that was somewhat the beginning. I refer you to the Palsgraph case. Kirdowser, New York State, found that a series of accidents, etc., bringing harm to an individual, must be allocated according not to some causalistic principle, but to a rich principle; that it has to be divided up according to the harm done, and those in the populace who can most bear the harm. If a man is insured, then it must be the insurance interest that must bear the harm. That is precisely why they are in business and they must set their actuarial tables to account for that loss. In the field, therefore, of manufacturers' liability and in the famous Rilands and Fletcher decision, where a man allows a dangerous thing to escape off his land, doing damage to that of his neighbour. Whether he voluntarily did it or not, whether he had exercised a degree of control, the fact of the matter is, he created the danger; therefore he must suffer the consequence. But he must not suffer them unduly either. It has to be a distribution of this concept. This is percolative to our law and has come down into the knowledge of structural defects, and I notice the law reform commission has recently issued a report with respect to new homes, that the home must be structurally sound. In this area, the law remains antediluvian in its premises and in its operation. A whole review must be made of the law of invitees and trespassers, guests on premises, people moving into older premises which are defective, where our law protecting the landlord always, protecting the property owner as being some kind of sacrosanct being, says that he is under no obligation to hold classes at all.

This whole area must be reviewed, investigated and reformed. This is what we will be moving into, I trust, in the next few years in this Legisalture—and I think you have to begin, particularly this report I am speaking of, the law reform commission, which gives signs of beginning to move into that area which requires considerable reform.

Another aspect of current contemporary law is the obvious and acknowledged shift, acknowledged by almost all judges of government—in the making of law, a shift in the creativity involved from the judges, who have been jealous about it, to the Legislature. We have an enormous responsibility in this regard under our Constitution; most areas are within our surveillance, that is, all property and civil rights.

Hon. Mr. Wishart: The hon. member thinks that is a good thing, I am sure.

Mr. Lawlor: Oh, I do, I do; by all means. I am very pleased to see that we have been elevated by being brought down and that the judges on their side are aware of this and are acceding certain areas. There are, you know, recalcitrants there too; but on the whole this is a highly beneficial move.

Mr. Chairman, through you, I am going to direct the Attorney General to the current issue of *Canadian Bar Review*. There is an article on law reform commissions where this is somewhat discussed as to the area of the judges acceding to the Legislature in the role of creativity. On the other hand, I am one who happens to believe that the function of a judge, like Lord Denning, perhaps, is a creative function also. He is not blotter paper, he is not a *tabula rasa* on which you can write; his job of interpretation is not a narrow job nor a confining one at all.

Our task here is to make things as definite and clear and whole as necessary, to avoid the inventing or bringing into being of law cases unnecessarily. On the other hand, with all the best wills in the world there are going to be all kinds of things—the infinite possibilities of human nature and situations they can get themselves into—that could not possibly be covered by any codification in law. So this requires great astuteness and great skill in our judges in a very creative and positive way.

I just thought I might mention a book which I shall be using throughout the estimates, Mr Attorney General, which I commend to you—a book called "In Search of Justice". This is the law society of the legal system by two men, Brian Able Smith and Robert Stevens. It is a résumé, a review of British court procedure, the deportment in the courts, modes of address and all the adjectival aspects of the British courts. They take a somewhat severe issue here and there with the general attitude of judges and with a wide number of other things which we will come to, including such a simple thing as where the prisoner sits.

Under this head, they say, one of the most striking features of the British system, in European eyes, is the arrogant presumption of high court judges that in some way they, rather than Parliament, are the ultimate interpreters of public morality and the ultimate gardians of the public good. While appeal judges go to inordinate lengths to assist, decisions are forced on them by the unassailable objective logic of the common law, some trial judges have not been unwilling to express personal views.

Such behaviour is less common than it was a few years ago, but it is still not unknown. It is this myth of the unassailable objective logic of law that is the chief thing that has come under scrutiny and under criticism in the law schools of today. Beginning about 20 or 25 years ago—maybe a little longer—with the widening of the famed name of Rosco Pown, the sociological school in jurisprudence, I think, has conferred enormous benefits. His philosophy I find effective in many ways but his practical applications say that law is a product of a society. It reflects the mores of that society; it sometimes even brings about new mores within the society, that the economic forces at work in the society rebound immediately to the judgments of judges, there is no objective code. This is all the work of men, all their fallacies, with all their prejudices, with all their self interests, with all the training that goes into a judge and into a legislator to bring him into making law.

All these background materials are of positive immediate importance in the shaping of law. They are the shaping forces behind the law. It is not just the economics, just the moral theory—the Marxists are quite wrong about this—but there are economics and they certainly play a role. The whole sociological impact of the law can reflect back on to society in shaping sociological structures that, at that level, law takes on vitality. It becomes living law, it must live with the times, and therefore cannot lag without being unjust. It must remain abreast of the current opinion of the citizenry. In areas like civil liberties it must give leadership, give guidance, and go ahead and shape, because we generally know, I think, in an overall way what is right. At least, as some of the law writers say, we know what is wrong if we do not know what is right, and we can always use that as a guidepost against it:

There are going to be, as the member for Sarnia said, a wide number of specific matters that will be brought up in the course of these estimates. I think we might spend a moment, I will not do it now, and the Bell case; there is the MacIntosh and Manelli incident that has happened since the last estimates, and the Nobrega inquest case. My friend, the member for Riverdale, I am sure will have a few piquant things to say about the Kurata decision. I think we should not go too deep into that. We shall leave Kurata. I think he has suffered, I think he has had it. The Bennett hearing that has been mentioned here previously will also be brought up. At the moment, what I would like to do, is tackle two issues. One has to do with the role of the press in our society and the second has to do with off-track betting.

With respect to the role of the press, my recommendation to the Minister would be that he should give some thought in the next little while to setting up a press council, to giving some impetus to it. Certainly from a divers number of points of view the requisite is both beneficial to the citizenry at large and to the press itself. It has not been scouted, I do not think, in this Legislature previously, or at least in any depth it certainly has not. What has been said about it by McRuer, I think is the place where it would be wise to start, having to do with preliminary enquiries. In chapter 49 of his book he sets forth the position, the basic position of the press *vis-à-vis* the courts, about the rights of the newspaperman or the television man to come into those courts and what he may say while in court or out of court with respect to the quality of the judgment and about what goes on there. Then he comes out, at the end of the chapter, recommending that a self-governing council should be established in Ontario to control and discipline the press and other news media with respect to the publication of news and comment that may tend to prejudice the fair trial of an accused should a charge later be laid unless it is shown that the publication

is in the public interest. He sets forth the present law under this head, as set out in the Criminal Code, section 455(2), and it takes the form that any prosecutor may present as evidence at the preliminary inquiry an admission, confession or statement made at any time by an accused that by law is admissible against him. The publication by any newspaper or by broadcast of the report of any admission or confession tendered in evidence at a preliminary inquiry or report of the nature of such an admission or confession as so tendered in evidence, is prohibited, unless (a) the accused is discharged at the preliminary inquiry or (b) the accused, having been committed to trial, the trial is ended. The term "newspaper" is given a very wide definition under the Code.

I think Mr. McRuer feels that there has been some degree of abuse of reportorial rights in the province and, whether or not this would forfend against any possibility in the future, that such a press council would be under the head of protection of people accused of crimes and, under that head alone, would be a commendable thing. My remarks are going to be much broader than that in terms of the setting up and possibilities of the British Press Council. He goes on to say —and this is rather interesting—that when his commission were making out this chapter they said they wrote to 46 newspapers in the province and to The Canadian Press. And out of that, only 12 replied at all, but four of the 12 were in favour of legislation and nine were against. We will come to a further point where the editors and some of the owners of newspapers in Ontario have stated their views as to what they feel, and I think on the whole, with the notable exception of the publisher of the *Telegram*, they are favourable; they think there is some validity in the thing.

Throughout the course of this chapter, he points out that their contempt of court proceedings are available, but curiously enough he does not make certain observation which I believe to be the law. The Attorney General may correct me if I am incorrect about it, but contempt of court proceedings are not always available, as I understand it. The press may report in the case of a trial before a high court judge, then a press report is released and he may cite the reporter and the newspaper for contempt of what they call on the face of the court. But this is not available to county court judges, either in the general sessions of the peace or in the county court judge's criminal court. He cannot unless the contempt occurs right in his courtroom, so to speak; only then can he use citation and bring them to heel. This is a grave defect in the law.

McRuer says the law of contempt of court gives the accused considerable protection against unfair reporting. He ignores what I have just finished saying and then goes on to say that judges have taken a stern view of lurid, inaccurate or inflammatory reporting and suppressed comment on evidence until a final verdict is given, where there has been unfairness or exemplary punishment. To preserve the openness of the court, the news media must be permitted to carry to the public what goes on in the courts, subject to a number of safeguards that he makes mention of.

Then he comes to an area which takes me back to my initial remarks, where it may be found, I suggest, that the Attorney General has not always been altogether adequate to his task either in bringing about a certain condition or bringing in certain laws. He says that in England it is usual for the Attorney General to institute the proceedings. There are a number of ways in which proceedings may be instituted against a contempt of court caused by a publication media and the accused himself, having been aggrieved, or a lawyer may lay the charge. Lawyers say they do not want to lay it because it will bring the newspapers down on their heads, so they get bad publicity. Well, he shrugged his shoulders at that, but it is probably true.

In England, it is usual for the Attorney General to institute the proceedings, and in the past, Attorneys General there have been vigilant to protect the rights of accused persons against the wrongful publication of matters that may tend to prejudice their fair trial. This has not been the case in Ontario. The proceedings that have been taken have either been at the instance of the court or of the accused—more often it has been at the instance of the courts. Frequently counsel for accused persons are fearful of vindictive retaliation by the press and the subsequent reporting of cases that would institute a motion for committal. This fear, which we hope is entirely without foundation, does exist. The courts should be called upon to police the enforcement of law. It is the Attorney General's duty to be vigilant at all times to enforce the law with respect to contempt of court. And that is an area to which you could give due consideration within the general ambit of the sort of thing that I am

talking about today—that is, the press council—to give adequate protection to these people.

He goes on to say what redress individuals have—they have civil liberties in libel and slander actions—but he thinks that they are rather inadequate. This, curiously enough, is not the position taken by Professor Ryan in his privacy report, which came out during the summer to the Ontario Law Reform Commission. He seems to think there are adequate safeguards, but McRuer does not. He said that we leave out of consideration the law of criminal libel, because it has to be out of a public interest and arise out of a breach of the peace. It is not sufficient that it merely may cause a private injury. He goes on with a case that was drawn to the attention of the commission on the Canadian Broadcasting Corporation broadcasting the views of members of the public interviewed on the street with respect to a crime, and opinions were expressed that a certain individual was guilty of murder. Notwithstanding, the law enforcement agency did not have sufficient evidence to lay a charge. This exercise in broadcasting was intended to show the effect on the public mind of the publicity given to the event in the newspapers. Whatever validity the criticisms have, the broadcast of definite statements of opinion that a particular individual is guilty of crime at any time before he has been tried and found guilty is reprehensible, something that cannot be tolerated in a self-respecting society.

He goes on to say, in another very interesting paragraph:

> It is true that there may be a right to bring an action for libel, but an action for libel is not a practical safeguard.

And this is the beauty of McRuer. For all this ideological fussiness about the division of power, and the outworn Montesce stance he takes in a lot of things, theoretically, when it gets down to brass tacks, he is with it in the really practical circumstances. It is not mouthing what the law says, it is how the laws affect people in a concrete stance, in a real situation. If you sue for libel, he has not got the devices, he has not got the wherewithal, he has not got the time. Not infrequently, publishers take a good risk of a libel action for the sake of promoting circulation. However, it would be most dangerous to attempt to put legislative restraint on news media that would limit their power to expose wrongdoing and injustice, or to limit their exposure of failure to enforce the law. We do not think that this should be done, but we recommend that police officers, and others in authority, should be restrained by administrative action from giving interviews for publication that may tend to interfere with the course of justice. We further recommend that Ontario establish a council, as has been done in England, to impose a self discipline that would restrain irresponsible, unfair and unjust publication of news and comment prior to the laying of a charge.

Now, that is just a small area of our present law which has been given adequate scrutiny by a very learned individual, coming out with a conclusion that a press council ought to be put into being. The type of press council that I have in mind is, of course, a voluntary one. The Legislature's task in this regard is to give a little nudge to the powers that be in this realm, and to give them the framework, as we do with professional engineers, and with about 60 others, given the legislative cloak by which they can erect their own self-governing council. The council itself would have very wide powers. As it is set up in Britain, it rose out of a Royal commission hearing on the press in 1947-49, and subsequently there was a second Royal commission in 1961, I believe, which altered certain terms, and we will come to that. The first Royal commission issued a report recommending the establishment of a voluntary press council to hear complaints against newspapers, and when it was thought necessary to rebuke them publicly. The council was agreed upon in 1953, as a little tit-bit—

Hon. Mr. Wishart: Mr. Chairman, I have read McRuer; the chapter on this is very short, the recommendations are few. It does not suggest much for the Legislature to do, and even setting up the council is a voluntary thing. You say we could give it the framework but I do not find many examples. I would like the hon. member's opinion of how dangerous he thinks this is. Have there been great abuses in this country of the freedom, or what we call the freedom of the press? Perhaps it is verging on licence here and there. How serious does he think this situation is when he is dealing with it? It is all very well to read McRuer and say he said to do this or do that, but he does not cite many examples of serious abuse, and I wonder, does the hon. member feel there is a field here demanding immediate, decisive action?

Mr. Lawlor: As the comedian said, Mr. Chairman, that is a very good question. If you will bear with me as I go through what

I think are the major components of such a press council, I shall really seek to deal with that question. On the whole, I think, yes, which is as much as I wish to say right at the moment. As I said, the purpose was to hear complaints against newspapers and when it was thought necessary to rebuke them publicly, and I was about to give you a tit-bit.

The British press council met for the first time on July 21, 1953. Its first action was to rebuke the *Mirror* for conducting a poll among its readers as to whether or not Princess Margaret should marry Peter Townsend. By censuring what it feels is misconduct by the press, the council has been building up an influential body of what is called case law. Probably the council's best work has been in defending reporters against unethical demands of their editors, and unjust criticism from the public. That is, the public sometimes claims that it has a right to know certain things which, for very good reason, ought not to be made available at that time, at least. It has condemned the identification of innocent relatives of persons found guilty of crimes, and otherwise has sought to protect the interests of private citizens.

As the council was originally set up it had no lay chairman as recommended by the Royal commission. Now, after the 1961 Royal commission, it set up such a chairmanship and made it lay. There is substantial lay representation on the board, although it is largely composed of working journalists and publishers, people in the field of communications generally. If I may give you some of the highlights of the recommendations of the Royal commission report, it contained many distinguished people. I noticed J. B. Priestley was on the commission, and so were Barbara Worton and Charles Geoffrey Vickers. There are about 16 people there. Lady Bonham Carter was another. It says, in the commission conclusion, in winding it up:

> To summarize briefly the recommendations in this chapter, we recommend that the press should establish a general council of the press consisting of at least 25 members representing proprietor, editors, and other journalists having lay members amounting to about 20 per cent of the total, including the chairman, and nominated jointly by the Lord Chief Justice and the Lord President of the court of sessions, who, in choosing the other lay members, should consult the chairman. The chairman, on whom a heavy burden of work will fall, should be paid.
>
> The objects of the press council should be to safeguard the freedom of the press, to encourage the growth of the sense of public responsibility and public service amongst all engaged in the profession of journalism, that is, in the editorial production of newspapers, whether it is directors, editors or other journalists, to further the efficiency of the profession and the well being of those who practice it. In furtherance of its objectives the general council should take action as it sees fit, (1) to keep under review any developments likely to restrict the supply of information of public interest and importance—

You see, under that head you could say, "Well I am not convinced there would be any suppression of news and there is a large enough number of them that one would certainly spill the beans if another did not." I just do not know so much about that.

Hon. Mr. Wishart: This was apparent a week ago in the publication of the second Profumo story, and from all that the hon. member has read so far, that council's object is to widen their freedom. How much discipline they will apply would be dubious.

Mr. Lawlor: Well, I cited an instance previously. There have been quite a number of them where newspapers have been rapped on the knuckles and called to account by the press council. If this sort of discipline does not operate, then nothing will.

The fact is that here is an instrument which they devise by themselves and to which they subscribe. I mean, we can govern ourselves legally, the doctors govern themselves, I see no reason why the profession of journalists and commentators and news ought not to be so regulated. Complaints can be addressed to this body, which will have no great form of disciplinary power except public opinion itself, but the business of having a squib down in the corner of a newspaper where they will take various statements from people objecting to the misstatements of the newspaper of the day before, seems to me of very little cure. The whole tenor of newspapers, the void of sensationalism, the business of currying in terms of human privacy and whatnot seems to me to run directly contrary to the interests of the society.

When McRuer says that publishers, in his opinion and in mine, not infrequently take a

deliberate risk of a libel action in order to gain a little bit in circulation, I think there are grounds for that statement. The British Royal commission reviewing the role of the press tried to find out about blacklisting, about the business of designating members in public life, or public people, and deliberately omitting their names from the newspaper. I mean, no matter what they did, or how forceful or beneficial their actions were, they would not get any honorary mention, they would be snubbed or ignored, and that happens here, sir. Sure it happens here. I will not name names, but there are members in this Chamber who do not get any sort of coverage in the newspapers.

Hon. Mr. Wishart: Some of us might be grateful for that.

Mr. Lawlor: That may be so. Nevertheless this is a malicious policy, if it is decided before the event, however viable, however valuable the remarks of the member may be, that the newspaper is not going to give him any coverage because it is down on him for some reason or other, then I can hardly think you will deny that is a betrayal of public trust. There are, I suspect, many afflicted members of society. They found no great blacklisting in Britain. You remember they mentioned G. K. Chesterton; they would never mention him in the *News of the World*, because of some remarks he made—I thought jocular, rather than scathing—against them at one time or another, but it is not unknown in the course of the report to find some mention of it, it is not a great evil in the British press.

They were far more concerned with things like starting newspapers, and the tone of journalism in the British press, which I suggest to you is not markedly different from our own, they also have their scandal sheets in abundance. And my wife tells me sometimes that they have a more lurid tone, that the British do go into greater gyrations over sexual crimes than we do, and maybe that is because of their oedipus complex training as young people. I do not know.

An hon. member: Perhaps it is because they live on an island.

Mr. Lawlor: Yes, it may be that they live on an island, and they are confining, but it goes on with these objects to improve the methods of recruitment, education and training for the profession, to promote a proper functional relation among all sections of the profession by censoring undesirable types of journalistic conduct; and by all other possible means to build up a code in accordance with the highest professional standards in this connection, and should have the right to consider any complaints which it may receive about the conduct of the press, or of any persons towards the press, to deal with these complaints in whatever manner may seem to be practical and appropriate and to include in its annual report any action under this heading; to examine the practicability of a comprehensive pension scheme, and to promote the establishment of such common services as may from time to time appear desirable, to promote technical and other research, to study the benefits of the press—which may tend towards greater concentration from monopoly; to represent the press on appropriate occasions in its relation to the government, with the organs of United Nations with similar press organizations abroad; to publish periodical reports, recording its own work; and reviewing from time to time the various developments in the press, and the factors affecting them.

Hon. Mr. Wishart: What sanctions does it have?

Mr. Lawlor: It does not, it is a self-governing profession. They do not have to propose fines or levies, and I suppose if a journalist ran afoul of the purposes of the press council, he could lose his status and prestige. He could be at least held up to public scrutiny. If he is forever engaging in a particular piece of baiting, or certain kinds of thing, or whatever twist he has in his personality, would become known.

There are certain journalists with fixations on this, that and the other thing, who abuse the privileges of being able to write and be published. I would think that they were grateful in this particular area. We have all suffered the slings and arrows of erroneous reporting—you no less than anyone else—this would give you certain area of redress. I do not want them to be fired, necessarily, but if this was contumacious I would think that in the—look at the thing if you bring it into being—if you consider it at all the growth of itself.

Let us have a natural growth, and see what powers and what sanctions may be necessary—in this way I assume your cloak of caution. Nevertheless the major and pervasive benefits that are involved here have been proven in Great Britain, I suggest. The press council continues to operate, and to

operate very efficiently. I thing it does raise the whole quality of British journalism without necessarily using whips and scorpions. Persuasion among intelligent people is usually enough.

There are quite a number of other features in these recommendations. I thought I might read for the delectation of the working press what they have to say at paragraph 638. Before I speak of this may I say that the council does not agree.

> We are aware that some people who have given thought to this problem consider that the competitive nature of the press, the relationship between the working journalist employee and the proprietor or his representative as employer render such a development impracticable. It has been suggested to us that the best way to foster a sense of responsibility to the press is to put behind the standards of the working journalist a sanction sufficiently strong to make them prevail against the supposedly lower commercial standards of this employer.
>
> It was suggested to us that this could be either a registration council with power to keep a roll of qualified journalists and to strike a man off the roll for professional misconduct, or a single professional association embracing all journalists with power to expel. It was said that a body armed with such sanction could resist or enable the individual journalist to resist pressure from the employer to break the professional code. But, if in fact, the standards of the employer and the standards of the journalists were necessarily or frequently in conflict, the latter could not be effectively enforced against the employer unless two conditions were fulfilled:
>
> 1. A journalist asked to do work contrary to the professional code would have to be in a position to warn the employer that if he did the work, he would be struck off the roll.
>
> 2. That the employer would have to be debarred from employing either that journalist or any other not on the roll.
>
> These conditions could be created only by turning journalism into a closed profession and that would be, in our view, unnecessary.

Hon. Mr. Wishart: They did not accept that recommendation.

Mr. Lawlor: It brings up the point of the interrelationship between the working journalist and his boss, and there were numerous complaints under this brought up in the course of the inquiry.

> We recommend, therefore, that the general concept of the press by censoring undesirable types of journalistic conduct, and by all other possible means, should build up a code of conduct in accordance with the highest professional standards. You should have the right to consider any complaints that it may receive about the conduct of the press, and to deal with these complaints in whatever manner may seem to it practicable and important, and to include in an annual report a statement of any such actions taken, and this report is made to Parliament by the press council itself.

Such is the British experience. I notice that in Quebec, in an article in May of this year, this position is put forward:

> A gentlemen's agreement in the form of a publisher's proposal for a Quebec press council, is the best way of ensuring freedom of the press, the National Assemblies committee investigating the subject was told yesterday. Andre Boreau, the bureau's lawyer, said the council's first objective would be to maintain freedom of the press in Quebec in order to ensure—

Hon. Mr. Wishart: Mr. Chairman, did that not arise out of the actions and projected moves of the government of that province to curtail certain activities of the press? I have looked at that council story, and I think there are certain good things about it, and it has merit for individuals, but how do you stop the *Daily Mirror*? What does the council do about the *Daily Mirror* when it wants to publish something? Did not what happened in Quebec arise out of the desire to ensure the freedom of the press because they feared, and anticipated, some action by the government to curtail their activities?

It seems to me that that seems to be the great merit of the press council. Now I know it might have other merits to bring about discipline, particularly for individuals, working people, but I wonder how much discipline it brings to bear on the *Telegraph,* or the *Mirror,* or the *Times*?

Mr. Lawlor: I am not completely aware of the strength of the public opinion that can be brought to bear in Great Britain on the newspapers. The fact that the council itself has grown and prospered over the years and that

it does seek to set a code, by way of individual cases, for the general quality of journalism in that country, would seem to me to be altogether salutary and beneficial, whether there are renegade newspapers not abiding by the code or not. This can certainly be made clear to other newspapers, that this newspaper is of that ilk, and on the level of public opinion again I am sure that the consequences that they suffer can be quite effective. Now, I am not saying and I do not know, but I will look into it, as to whether you can bring them to heel in this particular way, those who are determined to run counter to what their professional associates think are decent standards of reporting. You would have to know the flavour of the British theme to answer that question.

Nevertheless, you are not wholly in trouble on this, because in Ontario, newspaper publishers are in favour of a council—a considerable number of them.

> "I think there are merits in the suggestion that it would play a positive role," Mr. Honderich says. One of the province's strongest advocates of a press council said he was disappointed at the failure of many publishers to endorse the idea and urged discussion among them to air their objections.
>
> Honderich said: "An Ontario council could promote high professional standards in reporting, encourage truthfulness in advertising, consider and report complaints against the press, and make the public aware of the trend towards monopoly of ownership in Canadian newspapers."

Mr. Sinclair Balfour, president of the Southam Group, said he favours an Ontario Council but doubts "it if ever could be achieved without someone saying we have to, and the reason I am standing here this afternoon is to say that you should say that we have to."

Because of the opposition to the idea, he said, the government would probably have to demand formation of the council. Once established, the council could operate without any government involvement.

The Quebec council which they mention here, which would be modelled roughly after the successful British press council in England, would be composed of newspaper publishers, journalists, members of the public and a neutral chairman. Mark Farrell of the Windsor *Star*, supporting a council, said that a press council should be established. It would have to be a provincial body or council. It could not really operate on a national basis, because laws which have a lot to do with news treatment are provincial. He thought a council could perform a valuable and desirable function in acting as an ombudsman between the press and the public. Only newspapers should be involved in a council initially, Farrell said, because we have to learn to walk before we run.

I am quoting the affirmative people; there are people here who are opposed. Robert L. Kearn, publisher of the Sault Ste. Marie *Daily Star*, said an Ontario press council would be ridiculous. Please do not be influenced too much by the local press. There is a certain amount of sentiment for it, and a certain amount of benefit in it.

When you mention Quebec in this context, with the shadow of Duplessis, and the position of the government of the province of Alberta not so many years ago, you can say there might be special reasons why they would feel that such a council should operate in those provinces. It is not wholly and entirely for the benefit of the press, which is the emphasis which you have placed upon it thus far, Mr. Attorney General. As I see it, it is for the protection of the public, for the protection of criminals and for the protection of the members of the press themselves as working journalists. There is a landscape of beneficial effects flowing from the thing, and and you may say, *hic et nunc*, in Ontario there is no great need. Who are we to say that? I mean, first of all, we do not know the general comportment and disposition of the press. There are areas in which an investigation has never taken place.

Before launching on the enterprise it may be wise to have an inquiry perhaps just as the British did, and in the process of their doing so they unearthed all kinds of information which led them to believe that the press council was a valuable thing. It was not critically necessary, but its main dispositions were on the whole beneficial, and as I say, have proven so. So much so that our fundamentally free-enterprising publishers have seen fit—many of them; some of the most eminent—to say that there will be consequences and benefits flowing from such a council. So, we as legislators ought to give cognizance to that voice and go the step further because, as they say, there is not sufficient consensus or harmony among themselves to bring it about and our job is to give leadership, to indicate areas in the body politic and the life of the social whole where

generally a certain amount of guidance, a certain rule and measure, a certain hegemony, a function, is recognized and given enforcement to.

I have gone on long enough on a press council, I feel, I just brought it forward as a possible area in which some scrutiny can be given and possibly an investigation of some kind of task force. I am not recommending a Royal commission as the British have done. I think that work fundamentally has been accomplished and would not have to be on that scale, but I think it should be looked into. I think some kind of commission might investigate the possibilities in Ontario of bringing into being a press council. And that, I think, is where I will leave it for this afternoon.

Mr. Chairman: Does the hon. Minister wish to reply to any of the comments at this point? I thought the hon. member said he was going to leave it at that.

Mr. Singer: He is just going to leave that point.

Mr. Lawlor: I shall leave the press at that point, as the press has left me a long time ago.

I want to go on now, Mr. Chairman, with a few words—and as many as possible—about off-track betting. You have been ambivalent about off-track betting. So have I. My first reaction on hearing about—

Hon. Mr. Wishart: I did not get the adjective. I have been what?

Mr. Lawlor: Ambivalent.

Hon. Mr. Wishart: Ambivalent, thank you.

Mr. Lawlor: Torn down the middle. My initial reaction was negative. That is a very conservative reaction: to be negative initially, and then slowly be moved and turn to a position after a great deal of intelligence and pettifogging goes in to bringing about the change of mind. My first reaction was against it, because it seemed to bring the possibility of organized crime into the province of Ontario. Well, my second reaction is in the opposite direction. Hegel says, the reaction against the reaction.

Hon. Mr. Wishart: Might I ask, did the hon. member follow my lead or did he lead me? Which is he going to come out with there?

Mr. Lawlor: We came out the same gate together. Anyhow, I have changed my mind, and I hope you have, because organized crime is here anyhow. And under your present disposition of law, it is an open invitation, as things presently sound, to keep the thing in subterfuge. To have speak-easys, so to speak, is far more an area of invitation to organized crime than to have the thing brought to the surface, held out and clarified before the public and made visible. Crime, if you will, made visible, sometimes ceases to be crime. And certainly you know with any sensible philosophical designation, gambling is not criminal—and you make a good many criminals out of people simply because they gamble, and by pushing this crypto-puritanical stance, which is an abiding quality in the Conservative government—or has been up until your emergence, Mr. Attorney General. And I am sure the world is going to change almost immediately. This has been—

Mr. Bullbrook: He means you are not puritanical.

Mr. Lawlor: Oh, the Attorney General is not very puritanical. But I think that driving it underground is not the answer.

May I cite a few statistics, Mr. Chairman? In Great Britain, there are 16,000 off-track betting establishments with a £1-billion turnover per year; that was in the year 1966. There is a tax of 2.5 per cent, called a turnover tax, and the return budgeted for in 1968 was £17 million. It actually returned £50 million. There are also 50,000 people directly employed as a result of these establishments who are earning better than normal wages. Therefore, the income tax department derives some benefit from that end also. In other words, my argument is crass, as you like, as vulgar as you will. We need money, and it is going on anyway, so let us move in; let us get the door open. The tax was increased this year—I made up these notes last spring—to five per cent; it was doubled this year and so the estimated return this year in terms of American dollars is $260 million.

Hon. Mr. Wishart: I am sure the hon. member will agree with me, though, that before we can move into this field which he so ardently desires, they must change the legislation at Ottawa.

Mr. Bullbrook: That is being done.

Hon. Mr. Wishart: Is that being done? Mr. Turner had some reservations about it.

Mr. Lawlor: Mr. Chairman, the hon. Attorney General mistakes forcefulness for ardour.

There are things I will get worked up over, but this is not one of them. I shall simply put the case as strongly as may be.

There is a strong case to be made, and it has not yet been made. As to your second remark, if it has to get Criminal Code approval, that is what I thought you were doing up in Ottawa that weekend.

Hon. Mr. Wishart: Well, we did many things.

Mr. Lawlor: Any weekend. All weekend. I thought you had gone up to see the Minister of Justice, and after your first fulminations had blown away, the change of heart began to creep over you; with a change of colour, you got up and committed yourself. You committed yourself; you said, in the true puritanical spirit, we must bring an end to these heinous operations. But, then, being a hail fellow well met, and being informed of the possibilities of the taxes, which turns even the worst puritan into a sheer moneygrubber—

Mr. J. Renwick (Riverdale): Best puritan.

Mr. Lawlor: Best puritan. It was already too late, even though you had committed yourself. The Minister of Justice said, "All-right, boys. All nine or ten of you, move in on the situation to split the buck. We will be open to suggestions that this law can be amended, should you so reach." And I would have hoped at that stage—or after this debate is over—that your mind would have been in such a state as to urge, now or in the future, upon the Minister of Justice for Canada, the advisability—indeed perhaps the necessity—of bringing such an amendment to the Code, such an exception to the Code.

In the case of Ontario, or in the case of any other province that desires to use it—there will be many who will not, it ought not to be a matter of consensus—this is a matter of our internal revenue, an area over which we ought to be exercising jurisdiction. We were the ones who put the racetracks into existence, we are the ones who sustain them—and sustain them pretty well, you know—we will come to that.

About some of the figures: I said that the estimated returns this year were $260 million in Britain and their wager, incidentally, is normally 40 cents, whereas—it is well known—the wagers here are a minimum of $2. Figure it out from that.

One can generate delusions of grandeur, you know, about monetary differences. It probably will not work that way at all, at least it will not work that way completely, that the amount of revenues that would flow from it would be on no such scale, I am sure. This is the figure from Britain as we see it and I will give you figures from France in a minute. It is certainly substantial, but if it only were $15 million, I would not expect the $100 million the first day. But, if it were only $15 million in the first year, what an alleviation of the Treasury that would bring about.

You are going to have to find alternative sources of revenue. You are stepping out of the succession duties field in the near future. Where you can turn to to find added money is always the most fundamental puzzlement of government. We have listened for days to the Minister in charge of housing over here roll his eyes and wring his hands over the failure of funds. Have a licence fee for off-track boards, and you will be able to provide public housing, even if you called it the housing tax and used the moneys exclusively for the purposes of low-rental subsidized housing or, for any other housing for that matter. All to the good.

Hon. Mr. Wishart: For the Attorney General? For Justice?

Mr. Lawlor: In France, the state, in 1966, pocketed £59,250,000; the 1960 turnover was £300,000,000. It is the tenth biggest industry in France. The parimutuel has 2,000 offices throughout France. It is done by way of a private company. And may I put a *caveat* upon all my statements; leave the Jockey Club out of it. My understanding is that the Jockey Club does not want to be in it, but with a little encouragement from figures of this size and the possibilities that lie under the stones, I would daresay they could do a flip and try to get it.

I want this on a free enterprise principle, in other words I want individual proprietors over whom you can have governance and control to operate it, I want this as widely disbursed as is economically feasible.

Hon. Mr. Wishart: Not the government?

Mr. Lawlor: Not the government.

Hon. Mr. Wishart: That is a strange statement coming from that side of the House.

Mr. Lawlor: I know. We socialists, though, are very flexible people. I think the government operation of the lottery would be, you

know, top heavy. There would be all kinds of internal ills about appointments and all that underbelly of politics. Let us leave it in the hands of the people, let us give them a thorough control, however.

The state's share of the money is for 22 per cent whereas in our case the province would pick up seven per cent presently and the federal government one half of one per cent, I believe.

In 1964, the French government—the figure I gave you before was a 1966 figure—picked up 980 million francs out of it. Now, you break it down, I suppose, what, 350 francs to the dollar. On the black market, when I was over there, it was slightly higher, Mr. Chairman. I perhaps should not make this submission but this was the way the ball bounced.

Having listed six arguments, one is to ban all off-track betting—which has been done—and that is tantamount to actually supporting a system of crime. Turning it around, and putting it in that harsh way, if you consider the alternative, it drives us to bookmakers. The control of electronic devices—of which you well know, I will not go into details—is contended to be dangerous I would have to be convinced, as you would, but as much as I can find out it seems to be controlled through a central computing system where all the various offices are plugged in, so to speak, to central office, and your inspectors could check out how the thing is working.

Curiously enough, it raises the quality of racehorses, if you look at this edition of *Sporting Life*. *Sporting Life* on July 2, 1965, says the quality of French racehorses has gone up enormously due to the great affluence. They can breed better horses; this one fact alone accounts for the extraordinary prosperity of French racing and the high quality of French racehorses. I am sure the hon. Minister has seen the article I am referring to here. If he has not, I will send a photostat across. There has been a good deal in the press about it, Mr. Chairman—

Hon. Mr. Wishart: Are there any arguments against it? Has the member heard any fulminations against it?

Mr. Lawlor: Oh, I think I could devise an argument but since I am in favour of it I will not assist the Attorney General in that regard. We can always think of arguments, you know, and there is always something wrong with everything. It is a question of balance, it is a question of how presentable and what the weight of the evidence is one way or the other, but I suggest that with any scrutiny you are going to end up doing it. And if you do not, we will.

I want to refer you to an article by Peter K. McWilliams who was former Crown attorney out in Carleton, I believe. One of his arguments is that our gambling laws have been an open invitation to police corruption, and many will recall the disclosures about how some criminals tried to infiltrate the Ontario Provincial Police anti-gambling squad, and they claim, with just pride and satisfaction, that in Ontario corruption was minimal, and all this sort of stuff and malarkey and self congratulation, but we do not know. In any event, there is a tendency under the present law, to subvert the very people who ought to be enforcing the law. Why leave that possibility open? You can foreclose that.

There are articles from the *Globe and Mail*, and the *Star* has an article—I will not go through all these. There is "A Good way to keep the Mafia out of betting." Here is an article from the *Globe and Mail* of May 7, Might as well Face Facts," it says. It mentions Desmond Morton's report and then it says:

> The principle is surely plain enough for even a baby to understand. No matter what the Justice Minister and the Attorney General do with the laws, betting is going to continue on an enormous scale. Illegal operation will put profits in the wrong pockets. A legal operation carefully supervised by the government would pull the same money, put the same money into respectable pockets and swell the public purse.

I have come to an end of this particular section of my preamble, and would be pleased to continue tomorrow sometime, perhaps. Would the Chairman accept a motion to adjourn the debate?

Mr. Chairman: No, we will await instructions from the House leader. The hon. member reports that he has come to the end of a phase.

Hon. R. S. Welch (Provincial Secretary): How many more pages?

Mr. Lawlor: Oh, a day or two. I am a little tired now and I would appreciate it if you would consider adjourning the House as I have finished a certain area of my speech

and, rather than go on to something else, I thought maybe it would be wise to—

Hon. Mr. Welch: Very considerate of the hon. member, Mr. Chairman.

Hon. Mr. Welch moves the committee of supply rise and report certain resolutions and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report that it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, tomorrow we will carry on with the consideration of these estimates, to be followed by the estimates of The Department of Lands and Forests.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 6.00 o'clock, p.m.

No. 183

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 16, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, October 16, 1969

Schools Administration Act, bill to amend, Mr. Pitman, first reading 7113

Assistance to municipalities with sewage and water works projects, statement by Mr. Kerr 7113

Report, commission on university government, Mr. Davis 7115

Additional costs of educational grants payable, questions to Mr. Davis, Mr. Nixon 7117

Algoma Central Railway timber rights, questions to Mr. Brunelle, Mr. Nixon 7118

Meeting between human rights commission and Granite Club representative, questions to Mr. Bales, Mr. J. Renwick 7119

Minimum wage adjustment, questions to Mr. Bales, Mr. Gisborn 7119

Individual privacy in consumer credit field, questions to Mr. Wishart, Mr. Ben 7119

Operation of gravel pits and quarries, question to Mr. A. F. Lawrence, Mr. Paterson 7120

Takeover of Union Gas and drilling for gas in Lake Erie, question to Mr. Kerr, Mr. Paterson 7121

Alma nursing home, questions to Mr. Wells, Mr. Ben 7121

Trenton memorial hospital, questions to Mr. Wells, Mr. Ben 7121

Pollution from government-owned automobiles, questions to Mr. Kerr, Mr. Ben 7121

Meeting on urban renewal in city council chambers, questions to Mr. McKeough, Mr. J. Renwick 7122

Interference in land transaction by the OMB, question to Mr. McKeough, Mr. Stokes 7122

Supply of qualified teachers in Ontario, questions to Mr. Davis, Mr. Pitman and Mr. T. Reid 7122

Return of Hal Banks, questions to Mr. Wishart, Mr. Gaunt 7124

Report on Lake Erie land ownership, questions to Mr. Brunelle, Mr. Haggerty 7124

Children forced out of school because of inaccurate and libelous records, questions to Mr. Davis, Mr. T. Reid 7125

Ontario College of Art Act, 1968-1969, question to Mr. Davis, Mr. T. Reid 7125

Serviced lots in Fontainebleau area, Windsor, question to Mr. Randall, Mr. Burr 7125

Industries polluting air and water, questions to Mr. Kerr, Mr. Burr 7126

Treatment of seed grain, question to Mr. Stewart, Mr. Burr 7126

Business harmed by action of provincial government department, question to Mr. Wishart, Mr. Burr 7127

Mercury levels in game birds in grain growing areas, question to Mr. Wells, Mr. Burr 7127

Evictions from OHC units in Guelph, questions to Mr. Randall, Mr. Martel 7128

Estimates, Department of Attorney General and Minister of Justice, Mr. Wishart, continued 7129

Recess, 6 o'clock 7158

LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, OCTOBER 16, 1969

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: Once again we are pleased to have visitors with us today. In the west gallery we have students from St. Joseph's College School, of Toronto; and in the east gallery, students from the Bishop Townsend Public School, in London, and St. George's Public School also in London.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

THE SCHOOLS ADMINISTRATION ACT

Mr. W. G. Pitman (Peterborough) moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

Mr. Pitman: Mr. Speaker, there are three amendments involved in this Act: the first amendment is designed to encourage the community use of educational facilities; the second to allow every pupil about to be expelled by any board of education, an opportunity to appear before the board with counsel, if desired, and state his case; and finally the third amendment abolishes cadet corps in the schools of Ontario.

Mr. Speaker: Introduction of bills.

Mr. G. Ben (Humber): Mr. Speaker, may I ask concurrence of the House to withdraw resolution number 36. I find I have two resolutions on the order paper—which is not cricket.

Mr. Speaker: Do I have the concurrence of the House for the hon. member's request to withdraw resolution number 36?

Agreed.

Mr. Speaker: Introduction of bills.

The hon. Minister of Energy and Resources Management has a statement.

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, on behalf of the government, I am pleased to announce the approval of two major financial programmes to assist municipalities in projects related to sewage and water works.

Approval has now been given to a submission by the Ontario Water Resources Commission that some assistance be granted by the government of Ontario to small municipalities with high-cost projects, so that sewage and water works may be built for these communities. The programme approved will provide provincial assistance sufficient to ensure that the cost of a sewage works in a municipality will not exceed an average home charge of $120 per year. The communities requiring such assistance are the ones facing unusually high costs because of topography, type of soil or rock, which increases the charges for construction, or those with a small population and low assessment. The provincial assistance programme will ensure, where necessary, that every municipality in Ontario will be able to have essential water and sewage works, regardless of size.

In water servicing, when costs rise above $100 per average home per year for a community, the province will grant assistance. The maximum contribution by the province for both water and sewage works may not be greater than 50 per cent of the total cost of the works. There may be a few cases, therefore, in very high-cost projects, that the 50 per cent grant may not be sufficient to meet all costs above $120 or $100 per year for sewage and water respectively. An example is Haliburton, where provincial participation of an estimated $739,000 will not be sufficient to reduce the sewage charge to $120. The original charge of $311 per home will be reduced, however, to $155 per home by the application of this formula.

The importance of providing this assistance will be appreciated by the hon. members of this House, since there are a number of communities willing to install essential sewage and water works, but which find the costs are beyond their financial capacity to

do so. In some cases, the Ontario Municipal Board has had to ask that such projects be postponed because the project was beyond the financial capacity of the small community, even with provincial assistance through OWRC financing.

I believe that everyone in the province agrees that the programme to control pollution must ensure that all municipalities have adequate sewage treatment works. It is not realistic today to permit a small community, already established for many years, to go without the necessities of pure water supply and treatment of wastes. Downstream users will benefit directly from such projects. Provincial assistance will average approximately 30 per cent of the cost for municipalities under 5,000 population. In the year 1970-71, the provincial assistance would cost an estimated $3 million for both sewage and water systems, rising to $12 million in 1971-72 because of the backlog of projects which will get underway at that time. It should decrease in the years after that.

I want to stress to hon. members that provincial assistance for such small municipalities is to assist the existing community only, and is for new works. The programme would not apply to any future addition or extension of such new plant. In other words, the province will work itself out of this problem by assisting those who need assistance now. The rate of $120 for sewage per average home per year is above the cost of any of the larger communities who have either financed their own works or constructed such works with provincial assistance. The subsidy, therefore, does not create an advantage for small communities over the larger ones. I believe all members will agree that this is an excellent programme, indicating the seriousness with which the Ontario government views the importance of establishing such works in all communities requiring them.

The government has also approved a proposal for financial assistance to ensure that areas projects for sewage and water may be oversized for future developments. To qualify, the oversizing must be beyond the needs of communities initially serviced. This is really in accordance with proper planning and engineering design principles and will ensure that adequate services will be available for the predicted population. Under this plan, the province may contribute 15 per cent of the total capital cost of works.

We are facing such possible expansion in the areas of Sarnia and St. Thomas. An additional expenditure of approximately 15 per cent will permit area schemes to substantially increase in capacity. This assistance will be granted after a careful review of the programme to ensure that growth in the area is in the best interests of the province. To date, this assistance applies to the works constructed to serve the Lake Erie-St. Thomas line, which will provide connection to the communities of Port Burwell, Southwold, Yarmouth, as well as St. Thomas and the industrial concerns north of St. Thomas. It also applies to the Lambton-Sarnia area water system, and permits increased capacity to be built into this line to service the townships of Sarnia, Moore and Sombra and the communities of Corunna, Courtright, Sombra, Port Lambton and Brigden. The OWRC is presently studying such oversizing for a system in the eastern Lake Erie section north of Nanticoke.

It is becoming increasingly apparent to me that area programmes will become more essential, particularly guaranteeing water supply for communities inland of the Great Lakes. It is no longer adequate for us to rely on ground water supply alone for rapidly developing Ontario communities. The increased capacity of such area programmes will permit both residential and industrial development to take place with advanced planning by those directly involved, under the general direction of The Department of Municipal Affairs.

The government of Ontario is pleased to announce these new policies. This statement is to indicate to the House the seriousness with which we view the needs of servicing Ontario communities. The results can only be to the benefit of the entire province.

Mr. R. F. Nixon (Leader of the Opposition): Mr. Speaker, I believe the Minister's statement is one of great importance and will allow many communities whose growth has been held up for many years to proceed once again.

On a matter of clarification, if you will permit me, the first thing that comes to mind as the Minister reads this information to the House: There are a number of small communities which have already made substantial financial commitments to sewage and water facilities that are just now being paid for, perhaps in the first or second year. Is there any hope that these communities, which have taken the initiative themselves to break the deadlock which has held them up in their

development for so long, will have any benefit from the announcement that the Minister has made today?

Hon. Mr. Kerr: Mr. Speaker, we realized that this point would be raised and this problem would arise. However, we do not really know of a better method than saying as of now, new applications and new projects will qualify.

Another point that I think would be of interest to the hon. members is the fact that under this formula it may well be that the communities or projects to which the hon. member refers would not necessarily qualify. But all I can add is, where would you stop, how far back would you go? At this point, we have no policy other than to apply this formula to new projects not yet in operation.

Mr. Nixon: Perhaps for further clarification, I am sure the Minister's advisors under the gallery would be able to tell us, if they had an opportunity, that there are some communities which are just in this stage, and I am sure that they will be making representations to the Minister in this regard.

The second thing I would like to ask, with your permission, Mr. Speaker, is how this would affect the plans that have been put before a number of municipalities by the OWRC for the provision of new pipeline arrangements which, until now, would have had to be shared by a number of cities as well as smaller communities. I think particularly of the proposed Grand River pipeline, which has been pressed by the OWRC and so far has not been accepted by the major centres concerned.

Hon. Mr. Kerr: The policy regarding oversizing in respect to the project to which the hon. leader of the Opposition is referring would, in my opinion, comply and come within the purview of this statement.

Mr. Speaker: The hon. member for Peterborough.

Mr. Pitman: Mr. Speaker, my question is very similar to that of the leader of the Opposition (Mr. Nixon). I was wondering about communities which have not yet begun building but whose applications are in, such as Norwood and Lakefield, where you have the works but really the financing is not entirely and completely set out yet. Could the Minister clarify whether these communities could possibly qualify?

Hon. Mr. Kerr: I think they would, definitely—where there is no final agreement with OWRC regarding the type of project and where there has been approval of OMB, these projects would qualify.

Mr. D. M. Deacon (York Centre): Mr. Speaker, will this mean that the Minister will no longer require formal agreements with municipalities which will need the Ontario Municipal Board approval?

Hon. Mr. Kerr: No, it does not mean that at all, Mr. Speaker; they still have the same procedure of agreements with the commission, but the application of this formula will mean that the cost to the municipality would be that much less, and therefore would be more likely to obtain approval from the municipal board.

Mr. Deacon: That spoils the whole thing.

Mr. Speaker: The hon. Minister of Education also has a statement.

Hon. W. G. Davis (Minister of Education): Mr. Speaker I have a brief statement.

Copies of the report of the commission on university government at the University of Toronto have been forwarded to my office and I understand they will be released publicly soon. The document will be reviewed carefully by members of the government and officials of The Department of University Affairs. The commission members have given much time and thought to the question of the form of government that should exist within the university in future years and because of the considerable interest which exists in such matters, not only in Toronto but on all university campuses, their recommendations will require serious attention.

It is my understanding that the report will be widely circulated within the university community and that all who are interested in the institution and its future—the board of governors, faculty, administrative and technical staffs, student body, alumni and citizens at large—will have an opportunity to study its contents and offer their reactions to the proposals which it contains. The outcome of the many necessary discussions that will take place will, it is hoped, lead to some consensus within the university, and without, as to the type of internal organization that will serve the needs of the institution in the 1970s and 80s. The government will, therefore, look forward to receiving the final recommendations from the university once the dialogue is complete and at that time careful consideration can be given to any changes to The University Act that may be required.

I would also say, Mr. Speaker, that the report was really for the university—not involved with the department at all—but if any members opposite would like copies of the report and if they would notify my office I shall endeavour to get them for them.

Mr. T. Reid (Scarborough East): Mr. Speaker, on a point of clarification, was the report forwarded to the Minister by the board of governors of the University of Toronto?

Hon. Mr. Davis: Mr. Speaker, I cannot tell you whether it was forwarded by the board of governors. I received a copy of the report. I will have to check with the hon. member to see whether it came from the board of governors or the president. I will find out.

Mr. J. Renwick (Riverdale): Mr. Speaker, on a point of clarification, would the Minister make a copy available as quickly as possible to all members of the Legislature? It is a document of great importance.

Hon. Mr. Davis: Mr. Speaker, I am not sure how many copies are available. I would think there would be sufficient; I will certainly try to do so.

Mr. Pitman: Mr. Speaker, I wonder if the Minister might consider suggesting to the chairman of the committee on education and university affairs that representatives of this commission might come before that committee and a discussion might well take place in that forum.

Hon. Mr. Davis: Mr. Speaker, this might be worthy of consideration. I think that it would be really one of timing; I would have to give it some thought. I really think the dialogue should be commenced, and I am sure it will be within the university. I will give this matter some consideration as time goes on.

Mr. T. Reid: A further point of clarification, if I might. Was this report signed by the members of the board of governors of the University of Toronto? From whom is this report coming, and who approved it?

Hon. Mr. Davis: Mr. Speaker, I do not have the report with me. There are a number of signatures on it and I recall that there are signatures from the students who were on the commission, faculty members, some from the administration and the president. I believe, and I am just going from memory that the board members, that is the membership on the commission from the board of governors were there as *ex-officio* members. I do not know whether they were entitled to sign the report, I am not sure. But the membership basically came from within the university and my recollection is that all the members of the commission signed the report.

Mr. D. C. MacDonald (York South): Mr. Speaker, a point of further clarification. Some years ago I introduced a resolution in this House inviting the House to discuss the desirable structure of universities. One of the Minister's colleagues, now the Minister of Revenue (Mr. White), in effect said that this was a gross invasion of university rights. Do I conclude correctly that now the Minister feels that it is a legitimate proposition that this Legislature should discuss the desirable kind of reform within the universities?

Hon. Mr. Davis: Mr. Speaker, this is rather far afield. My recollection is that we have discussed this over the last two or three years in some form or other on many occasions.

Mr. MacDonald: The Minister ought to read what his colleague said.

Hon. Mr. Davis: My recollection, I think, is reasonably accurate in this regard.

Hon. J. H. White (Minister of Revenue): Unfortunately, I did not hear what the hon. member said, although I am sure he misquoted me.

Mr. Pitman: I wonder if I could clarify one point. I assume that this report has not been accepted by the University of Tornoto yet. I am wondering if the Minister regards it as appropriate for the Legislature to keep debating over a year what has not yet been decided in the jurisdiction in which this report will have validity.

Hon. Mr. Davis: Mr. Speaker, this was the point. When the hon. member suggested it come before the education committee I suggested that really I thought the dialogue should begin, and the discussions be, at the university. It is not a government report.

Mr. T. Reid: Mr. Speaker, on a point of clarification, what, therefore, was the purpose of the Minister's statement?

Hon. Mr. Davis: Mr. Speaker, my purpose, of course, was to inform the hon. members, because if I had been a member opposite—and heaven forbid that that should ever take place—it would have been, in my view, a

very obvious question that I would have asked, tomorrow morning at 10.30.

I have already been asked by the press for comment and I am sure the member for Scarborough East would be anxious to receive the same comments here that I made to the press. I was just attempting to keep the House fully informed.

Mr. Nixon: When I saw the Minister rise I thought he was perhaps going to answer the question that has been put to him so frequently for the last six months—and which he is about to answer—if he is now prepared to inform the House the additional costs of educational grants payable following his supplementary grant announcement last spring.

Hon. Mr. Davis: Mr. Speaker, I am sure the leader of the Opposition will be delighted to know that I have an answer for him today. The member for Peterborough I think, asked this question on other occasions as well.

I think it was on September 30, 1969, Mr. Speaker, that I undertook to provide additional information. I think I indicated to the leader of the Opposition that I hoped to do so within ten days. I think 13 sitting days have gone by; we are not really far off schedule.

Up to the present time a substantial proportion of the boards have provided the department with their estimates of the subsidies to the municipalities in their jurisdiction. In some instances this information was received by telephone and is subject to written confirmation. We have a projection based on this information and I want to emphasize, Mr. Speaker, that the figure I am giving to the House today is a "guesstimate". We think it is reasonably accurate, but it is subject to final figures still to be received from some of the boards, and it will be many weeks before the total information is available to us.

It would appear, Mr. Speaker, that, with these qualifications in mind, the total amount of additional assistance to taxpayers—and I want to emphasize that these funds that are being provided are in the form of a subsidy —they do not go to increase the budgets of the boards, they go to the direct relief of the taxpayers through a holding of the mill rate—we estimate the cost will be in the neighbourhood of $48.4 million.

As the members are aware the—

Mr. Nixon: The Toronto *Globe and Mail* had that good a "guesstimate" six months ago.

Hon. Mr. Davis: Mr. Speaker, far be it from me to question the validity of any estimates made by any of the communications media, but, as the members are aware, legislative grants are made on an instalment basis, and the funds already included in the estimates will provide for the regular payments and subsidies until a firmer figure for the total subsidy is available.

It should be pointed out that the $48.4 million, taken in its total context and in perspective, is approximately equivalent to 7.2 per cent of the $616 million already earmarked for legislative grants this year. The House, Mr. Speaker, will be interested to know that subsidy payments have been received by those boards which have provided the necessary information to permit a calculation to be made.

I might also point out, Mr. Speaker—it is not included in this or in the $616 million, but during the last few months we have indicated to the boards that there will be assistance available to them for the French-language secondary schools. We have had some discussion with the federal authorities related to any federal assistance for this particular part of the programme. I cannot give an accurate figure; but it does not relate to any subsidy situation or to the legislative grants initially. This is a programme that we started some months ago where the boards will be receiving some assistance, but I cannot give the hon. members an indication yet as to the total amounts.

Mr. Nixon: I would like to ask the Minister what machinery is available to him and to the Treasurer (Mr. MacNaughton) to make additional payments of $48 million under these circumstances. From a supposedly balanced budget last February it seems strange that the Minister has the authority to make large additional payments, and I think he owes the House an explanation.

Hon. Mr. Davis: Mr. Speaker, quite obviously—I am sure the leader of the Opposition is aware of this—the alterations in grant regulations providing the subsidies have been approved by government, by Treasury Board and the Treasurer will be providing the department with these funds. I am sure that he will have a very adequate explanation, perhaps even some good news for the leader of the Opposition as to where the $48.4 million will be coming from.

Mr. Nixon: I would further like to ask the Minister if this, let us say, supplementary safety type of grant, will be available during the coming year to overcome the, let us say,

shortcomings in the present standard grant programme.

Hon. Mr. Davis: Mr. Speaker, the grant regulations, of course, are always under review and subject to change and alteration. I would just make a general observation, that this approach of a subsidy, which is really the first time it has been done, which goes directly to the relief of the mill rate, is in itself a good control mechanism.

Mr. Nixon: It went to pay for the cost of education. The Minister can emphasize it any way he wants but that is what it went for.

Hon. Mr. Davis: I would also point out to the hon. member that this cannot be the only part of any grant plan because when you have a floor of 104 per cent, this is fine for some boards that have, shall we say, a relatively high level of educational programme. It is not fair for some of the newer boards where they are coming from, say, point A and have to reach point B to operate within the 104 per cent. So the grant scheme over a period of years must have a degree of flexibility to take into account the objective of this government and, I would like to think, of this House, Mr. Speaker, and that is the quality of educational opportunity in this province.

Mr. Nixon: I would like to ask further, if the payments that have already gone out have been based on warrants. What was the basis other than that the transfer of funds took place?

Hon. Mr. Davis: Mr. Speaker, I thought the hon. member would—

Mr. Nixon: Do not give me that palaver.

Hon. Mr. Davis: No, there are sums allocated, $616 million, which we pay out over a period of time—from four to eight payments during the course of the year.

Mr. Nixon: Before the end of the year, the Minister is going to have to pay $48 million extra. Now what authority has he got to make that payment?

Hon. Mr. Davis: This has not been finally determined. I gave the hon. member the figure as to the amount of the subsidy that we estimate—

Mr. Nixon: Does the Minister think he is going to save on the apples what he is spending on the oranges?

Hon. Mr. Davis: I am not saying that.

Mr. Nixon: I do not know what the Minister is saying.

Mr. Pitman: Can I follow up on those questions a moment? I would very much like to ask the Minister whether—

Mr. V. M. Singer (Downsview): Mr. Speaker, on a point of order, the rule presently is that no one else can get in on another individual member's questions. If he is going to start, then the thing is going to be wide open.

Mr. Pitman: I was under the impression this was a ministerial statement.

Mr. Singer: No, sir, it was not.

Mr. Pitman: I would suggest, Mr. Speaker—

Interjections by hon. members.

Mr. Speaker: Order. I must say that the remarks of the hon. Minister of Education were in direct response to question No. 2232. I permitted numerous supplementary questions because it was a question of great magnitude but it should not become a debate. Therefore, the question has been answered.

Mr. Nixon: Mr. Speaker, I have a question of the hon. Minister of Lands and Forests:

Is the Minister in a position to announce the details of the agreement between Algoma Central Railway and his department, in respect to the three-quarter million acres of timberland rights north of Sault Ste. Marie?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, in reply to the leader of the Opposition, the agreement between Algoma Central Railway and the Crown, included the conveying by the company, of all rights, title and interest, in the game and fish in some 850,000 acres of railway land for a conveyance from the Crown of the Crown's right to the pine on these lands.

Under this arrangement, the public will be entitled to hunt and fish on these lands subject to the necessary precautions to protect operations being conducted on the land. For a number of years the company had questioned the position of the Crown regarding the ownership of the pine and this matter has now been clarified.

The second part of the exchange relates to the land that reverted to the province in the 1940's. At that time, the province honoured

an agreement between the Abitibi Company, who had exclusive rights to the five species of pulpwood on these lands until the year 2010. The railway has donated the five pulpwood species to the province. This transaction will give the department greater control over the management of these lands; as well, the province will realize a revenue from the sale of timber to Abitibi, which was not the case previously. Such timber that Abitibi will not require can be sold to other users.

Mr. Nixon: Might I ask the Minister, if the department is in a position to grant specific limits in the area now to Abitibi? Is that the contracual arrangement with Abitibi, that they be granted timber limits?

Hon. Mr. Brunelle: Mr. Speaker, I believe —and I can be corrected—I believe, it is my understanding that we would give Abitibi first choice. Should they not require the wood, then the wood would be available to other users in the area.

Mr. Nixon: The first choice in the whole 850,000-acre tract?

Hon. Mr. Brunelle: On these five species on reverted lands—mainly spruce.

Mr. Speaker: The hon. member for Riverdale has a question of the hon. Minister of Labour.

Mr. J. Renwick: Mr. Speaker, my question to the Minister of Labour is: What was the result of the meeting on October 15 between the Ontario Human Rights Commission and the representative of the Granite Club and who attended this meeting?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, the meeting was attended by Dr. Daniel Hill, head of the Ontario Human Rights Commission; Mr. J. D. Murray, president of the Granite Club and Mr. Donald Steele, who acts as counsel for the club. There was a general discussion and I am informed by the commission that it was proposed that in the interest of better community relations, that informal discussions would continue. And this is under consideration.

Mr. J. Renwick: If the Minister would permit a supplementary question, Mr. Speaker, I would like to know whether or not the Minister is going to give consideration to amending the Human Rights Code to put some effective sanction on the question of discrimination in private clubs.

Hon. Mr. Bales: Mr. Speaker, there are no conclusions on this matter nor is there proof that there has been any discrimination in this case. I would not want to decide until I look at the matter further.

Mr. J. Renwick: I have a question, Mr. Speaker, of the hon. Minister of Municipal Affairs (Mr. McKeough).

Mr. Speaker: I wonder if the hon. member for Riverdale would mind; the hon. Minister of Labour has to leave the chamber and I had one or more questions for him.

The hon. member for Hamilton East.

Mr. R. Gisborn (Hamilton East): A question of the Minister of Labour: In view of the increase of the average weekly wages and salaries in Ontario to $122.71 in August 1969 from $117.94 in January 1969, and further the increase of the consumer price index in Toronto to $125.80 in 1969, from $121.30 in January 1969, will the Minister recommend to the Cabinet an increase in the minimum wage for Ontario during this session of the Legislature?

Hon. Mr. Bales: Mr. Speaker, the hon. member may recall that I said several times that the research branch of my department had undertaken a study to determine the impact of the increase in the minimum wage which was brought in on January 1 this year. When that study is completed, it should be helpful to us in deciding any future change in the minimum wage.

Mr. Gisborn: By way of a supplementary, Mr. Speaker, would the Minister indicate how the results of such a survey would influence the decision to adjust the minimum wage upwards?

Hon. Mr. Bales: Mr. Speaker, the study will indicate the impact the last change had because it has an influence, not only in changing minimum wage, but in increasing other wages.

Mr. Speaker: The hon. member for Humber has a question of the Minister of Justice and Attorney General.

Mr. Ben: Yes, thank you, Mr. Speaker.

A question of the Minister of Justice and Attorney General: In view of the statement before the Commons committee on finance, trade and economic affairs yesterday, by Mr. Keith MacDonald, president of the federated council of sales finance companies of Canada, that concern with individual privacy in the

consumer credit field is "counter-productive", will the Attorney General assert his leadership in this area of growing concern:

1. By reiterating in the strongest terms the paramountcy of privacy:

2. By introducing the private member's Bill 182 of the member for Scarborough East on data surveillance, or a variation thereof, as a government measure, at the earliest opportunity, and without waiting for the federal Minister of Justice to pre-empt this area of concern?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I do not not propose to make any statement about the remarks to which the question refers. I am not familiar with them for one thing. Secondly, I certainly feel I should wait until the federal Minister of Justice has brought forward his legislation in this whole area of privacy, and I can see to what extent that legislation has gone.

I think at that point, there may very well be some area of civil jurisdiction with which the province could concern itself and on which we might need legislation. My understanding of the approach that the federal Minister of Justice has taken in this matter is that legislation is coming forward, very wide-ranging legislation, on the matter of privacy.

I think the report of the Ontario Law Reform Commission which we have, which has been furnished to the federal Minister of Justice as a part of our brief on this subject, will be much more meaningful to us after we see the extent of federal legislation. I do not propose to introduce any legislation at this time on that subject.

Mr. Ben: Mr. Speaker, I wonder if the Attorney General will accept a supplementary question. Is the Attorney General informing this House that privacy would come within the definition of civil rights—in which case I would suggest that it is totally within the jurisdiction of the province—is the Attorney General suggesting that they are not holding conferences with the Minister of Consumer Affairs, or with the Minister of Justice to know in advance what they are planning in order to determine whether he is in concurrence with such plans?

Hon. Mr. Wishart: Mr. Speaker, we have, I think I indicated in my earlier remarks, that we have had discussions with the Minister of Justice. We presented a brief on the matter of privacy. Part of our presentation was the study which we had initiated with the Ontario Law Reform Commission and I think our report was perhaps the best piece of material which went before the federal study.

Certainly I have discussed it with the federal Minister of Justice. I feel very certain that his legislation will range not only on the criminal side of invasion of privacy, but will probably go far afield into what might be considered as the purely civil. Now, I think until we see to what extent the federal government takes that jurisdiction, we shall wait. That should not be a long wait because I understand that legislation, which I have been urging for some two years, is now coming forward.

I think that we can wait until we get it. I do not think I should get into the field now when the federal government is moving into it. Let us see where they go; if there is something left for us to do we will certainly do it.

Mr. Ben: Good!

If I may, Mr. Speaker, to the Minister of Justice, surely, when somebody invades his field of civil rights, should he not correspond with them and say: Look, this affects us; could you now inform us what you propose to do in this matter, so that we can offer you any advice that might be of assistance to you?

Would not that be normal conduct between Ministers of Justice?

Hon. Mr. Wishart: We have offered advice, we have presented a brief, we have presented a very thorough report which we produced through the Ontario Law Reform Commission.

Mr. Ben: He will not tell the Minister what is in his bill.

Hon. Mr. Wishart: I do not think the Minister of Justice necessarily should tell me at each stage in the bill, but I am sure he will keep me well informed. If good legislation comes from Ottawa, even on the field of civil rights, I think constitutionally, perhaps they might have a right to do it. In any event, if it is good legislation, I would be satisfied to accept it.

Mr. Speaker: The hon. member for Essex South has a question for the Minister of Mines.

Mr. D. A. Paterson (Essex South): Yes, Mr. Speaker, to the Minister of Mines. Does the Minister intend to introduce legislation in this session to set out uniform bylaws governing the opening and operating of gravel pits

and quarries and the restoration or treatment of worked-out areas as recommended by the select committee on conservation?

Hon. A. F. Lawrence (Minister of Mines): Mr. Speaker, there was a similar question asked of me a couple of weeks ago by the member for York South, and my answer now, as then, is no.

Mr. Paterson: I have a question No. 2260 of the Minister of Energy and Resources Management:

Does the Minister relate the take-over bid of Union Gas by Consumers Gas to an expansion of drilling for gas in Lake Erie? How many acres under Lake Erie are now controlled by Union Gas and by Consumers Gas?

Hon. Mr. Kerr: I am sorry, I did not hear the number of the question.

Mr. Paterson: The question is No. 2260, Mr. Speaker.

Hon. Mr. Kerr: The answer to part one is, no. Part two, the acreage under Lake Erie controlled by Union Gas is 5,560 and by Consumers Gas 1,425,900.

Mr. Speaker: The hon. member for Humber had a question from yesterday for the hon. Minister of Health.

Mr. Ben: I believe I had two of them, Mr. Speaker.

Mr. Speaker: Perhaps he could start with question No. 2255 and I will try and find the others.

Mr. Ben: All right. Of the Minister of Health:

1. Did the Minister receive a letter from Mr. E. B. Clauson, administrator of the Alma Nursing Home Limited, dated October 11, 1969?

2. Have relatives of all the patients at the Alma Nursing Home received letters dated September 29, advising them that patients are to be moved to other nursing homes?

3. Was the nursing home and its fire safety provisions approved in 1965 at the inception of the homes of special care programme?

4. Is it true that local police security requirements for the home are in conflict with the requirements of The Health Department in regard to the locking of doors at night?

5. Is the Minister attempting to close this home through the use of the fire marshal's office or fire regulations?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, I will take that question as notice.

Mr. Ben: I have another question, Mr. Speaker, from yesterday, No. 2265.

Mr. Speaker: Right.

Mr. Ben: It reads as follows: Is the Minister planning to intervene in the conflict between the board of directors of the Trenton Memorial Hospital and hospital doctors?

Hon. Mr. Wells: Mr. Speaker, in answer to this question, I might say that this matter was drawn to my attention and discussed with me last Friday by the hon. member for Quinte (Mr. Potter) in whose riding this institution is located. To give the member a bit of the background, the Ontario Hospital Services Commission prepared and presented a report last June dealing with certain problems that were present in this hospital and they made recommendations at that time to correct these problems.

This report of last June was accepted by the board and the medical staff and we believe that work was being done to implement the recommendations. However, apparently something has gone wrong again and the team of consultants from the Ontario Hospital Services Commission, who did the original survey and prepared the report, are back down there again and trying to resolve the situation.

Mr. Ben: A supplementary question: Will the Minister keep us informed of the progress they are making?

Hon. Mr. Wells: Yes. I just wanted the member to know that the member in whose riding this is, is very concerned about this and has had the matter in hand.

Mr. Ben: I am sure he appreciates the Minister's concern. Mr. Speaker, I have one final question of the Minister of Energy and Resources Management.

Mr. Speaker: No. 2259?

Mr. Ben: Yes. A question of the Minister of Energy and Resources Management:

What recommendations is the Minister making in connection with 1969 government-owned automobiles which presently emit pollution? Is the Minister prepared to have devices installed on all government cars in view of the changes in the 1970 models?

Hon. Mr. Kerr: Mr. Speaker, I am trying to find out just how many 1969 automobiles the government owns. Changes were made

in 1969 models to have pollution control transmissions installed although they are not as sophisticated or as effective as the ones in the 1970 models.

To the second part of the question, my answer would be "yes".

Mr. Speaker: The hon. member for Riverdale would perhaps like to direct his question to the hon. Minister of Municipal Affairs?

Mr. J. Renwick: Yes, Mr. Speaker.

A question of the Minister of Municipal Affairs: What happened at the meeting with the hon. Mr. Robert Andras and the Minister on urban renewal in the city council chambers in Toronto last night?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, I am perhaps just a little bit confused as to what the hon. member may want. I would not always be in a position to say this, but I have checked over the press reports in those three Metropolitan dailies which we all read, and I would say that the three of them give a very accurate account of what went on at what was a public meeting last night. If there is some further amplification I can give beyond the press reports, I would be delighted to do so.

Mr. J. Renwick: I would like to ask the Minister then, if I may, by way of a supplementary question, does he get the impression that the rise and fall of interest in urban renewal is cyclical depending on the nearness or remoteness of municipal elections in the city of Toronto, and whether it is purely a matter of talk?

Mr. MacDonald: Now, Solomon, what hast thou to say?

Mr. Speaker: I am not sure that question is supplementary.

Mr. C. G. Pilkey (Oshawa): Mr. Speaker, do not try to get him off the hook.

Hon. Mr. McKeough: I would not want to impugn any motives.

Mr. J. Renwick: It is elliptical to say the least, if not cyclical.

Mr. Speaker: The member for Thunder Bay (Mr. Stokes) had a question of the same Minister. I believe the member for Oshawa would like to place that question.

Mr. Pilkey: Thank you. Mr. Speaker, a question of the Minister of Municipal Affairs. Why has John Worthington, of Toronto, been denied by the Ontario Municipal Board the right to purchase Lot 35, Conc. 2, in Haldimand Township?

Does the Minister think that the Ontario Municipal Board should interfere in a land transaction between a willing buyer and a willing vendor?

Hon. Mr. McKeough: Mr. Speaker, with regard to this question, I received the impression that we are probably talking about a severance, which presumably would have been turned down by The Department of Municipal Affairs or perhaps by a committee of adjustment and which has been appealed to the Ontario Municipal Board. We have no record in our files of any such severance. The Ontario Municipal Board has no record, so far as they are able to determine in their files, of a hearing or anything before that. If the hon. member can supply more details perhaps I can give him an answer but, frankly, at this point neither the board nor The Department of Municipal Affairs know anything about this matter of extreme and urgent public importance.

Mr. Speaker: The hon. member for Peterborough has been trying to get the floor. What is his question and to which Minister?

Mr. Pitman: Question 2280.

Hon. A. Grossman (Minister of Correctional Services): Two thousand, two hundred and eighty?

Mr. Pitman: Well, I am not responsible to all of them, I would say to the Minister of Correctional Services.

It is addressed to the Minister of Education, Mr. Speaker. In view of the recent announcement by the Toronto Board of Education that it intends to recruit teachers in Great Britain, would the Minister give more specific advice regarding the existence of qualified teachers in Ontario?

Mr. T. Reid: Mr. Speaker, I have a similar question, No. 2258. In view of the statement in the *Globe and Mail* of October 15 paraphrasing a statement by trustee Lloyd White of the Toronto Board of Education that the province should find a way to provide precise statistics on the numbers of unemployed new elementary teachers in Ontario, what action, if any, is the Minister taking to provide school boards and the public with precise, up-to-date aggregate statistics relating to elementary school teachers in Ontario?

Hon. Mr. Davis: Mr. Speaker, the two questions are related, although I think the report, as I understand it, that the member for Peterborough was referring to, was basically related to secondary school teachers. I am not sure of this, but I think this was part of it. I should point out that there is an adequate supply of elementary school teachers in this province, and there are indications that the shortage of secondary school teachers is diminishing. The shortage still exists, but it is diminishing, we believe. We also feel that there remains a shortage of qualified secondary school people in certain fields, such as maths and science. We have, I think, made it very clear to the board that there are sufficient elementary school teachers in this province and that they should be hired as long as there are sufficient numbers of teachers; this does not apply to secondary schools.

I think I pointed out last week in the House that the most accurate estimate I could give was the one I gave in the latter part of May or the early part of June, with respect to the question asked by the member for Scarborough East as to whether or not it would be possible to have aggregate up-to-date statistics as to the numbers of teachers. I think he realizes the complexity of this particular problem. Just to give some figures, because we do not even have the figures of teachers moving in from other jurisdiction until they arrive, in 1967-68, out of the total number of 11,045 acquisitions—if we can use this term—to elementary school teaching, 5,544 were new graduates of the teachers' colleges.

In other words, some came back from, say, their other careers, such as raising families, back into the teaching profession; so it is really very difficult to calculate the number of withdrawals and the reason for them and the number of qualified teachers that are available in this province because we do not know they are available until they actually make application for a job. I recognize it would be desirable if we could have this type of statistical information. It should also be pointed out that the numbers of acquisitions and withdrawals vary considerably from year to year. There is no set pattern in this regard, either.

I would also like to clarify something, or correct something, Mr. Speaker, that I noticed in *Hansard*. I think the member for Peterborough asked about the numbers in teachers' colleges this year and I indicated, inadvertently, that there was a slight increase. In fact, there was a slight decrease in the numbers of students in teachers' colleges this year—I think it was around ten per cent. But there is one very encouraging note: There is about a 95 per cent increase of BA students in the teachers' colleges this year. This is a very major increase, and I think we are all delighted with this particular figure.

Mr. T. Reid: Could I ask one very brief supplementary question, Mr. Speaker? Could the Minister assure the House that boards are not going out to secure qualified elementary teachers in Great Britain? In other words, does the Minister have any power over this? If not, could he indicate this?

Hon. Mr. Davis: Mr. Speaker, I do not believe there is any statutory power to restrict a board from recruiting outside, particularly if they are going to recruit teachers who are specialists in certain fields where there are not sufficient numbers of this type of specialist in this jurisdiction. I shall undertake to further acquaint the boards—although I think they are pretty well aware—as to the supply of elementary school teachers in this province. I think the boards recognize it but I shall mention it further.

Mr. T. Reid: Could I ask a supplementary question, Mr. Speaker? Although it is a problem dealing with the collection of statistics like this, does the Minister not think that this is one function his department could do? In other words, does the Minister not agree that we ought to know how many qualified elementary school teachers there are in Ontario and how many are, in fact, out of teaching because of family responsibilities, but who may return? If the Minister agrees with this objective, what steps is he taking to collect this type of information?

Hon. Mr. Davis: Mr. Speaker, I think we can, within the reasonable degree of accuracy, say how many teachers hold certificates in this province; I think we can say how many teachers are presently employed. We cannot predict the actual numbers required in the next academic year by the school boards because they themselves do not know until they receive the number of resignations. The one statistic that is, I think, very relevant, which we can not provide, is the number of teachers who are presently out of the teaching profession who may wish to go back in. This is something that I think, statistically, would be almost impossible to obtain. We do know—and can give the boards—the total number of certificates

and they know the number of teachers presently engaged. As to how we might relate the number who might some day go back into the profession, I do not know how this could be done.

Mr. Speaker: Is there a supplementary question?

Mr. T. Reid: Does the federal government not have this type of manpower service available to the provinces? Do they not know the qualifications of the people in Ontario through some sort of manpower service?

Hon. Mr. Davis: Mr. Speaker, I am sure they may know the qualifications. The point I am trying to make is that there may be a housewife who has her certificate to teach who is, today, raising a family and who may decide three weeks from now to supplement the family resources and go back into teaching. I do not know how The Department of Manpower or we could make this determination. And there are many hundreds of them, perhaps many thousands.

Mr. Speaker: The hon. member for Huron-Bruce has a question to the Minister of Justice and Attorney General.

Mr. M. Gaunt (Huron-Bruce): A question of the Minister of Justice. In view of the secret documents now made public in the Hal Banks case, as reported in today's Toronto *Telegram,* does the Attorney General have any additional information which he would like to report to the House?

Hon. Mr. Wishart: Mr. Speaker, I have read the comments in the newspaper and I have no comments to make. I think I have stated in replies to similar questions raised on half a dozen occasions in this House that if Banks is returned to this province, he will be prosecuted. The matter is one between the Secretary of State of the United States and the Secretary of State of the federal government of Canada.

Mr. Speaker: The hon. member for Welland South has a question for the hon. Minister of Lands and Forests.

Mr. R. Haggerty (Welland South): Thank you, Mr. Speaker, a question to the Minister of Lands and Forests.

Is the Minister now in a position to table the report on Lake Erie land ownership promised in September? May we have this before his estimates?

Hon. Mr. Brunelle: Mr. Speaker, in reply to the question from the hon. member, I am not able to table a report at this time on Lake Erie land ownership.

I might say that we have examined 1,458 patents covering 2,000 representative parcels of land fronting on the lower Great Lakes. There are presently cases before the courts dealing with this question and any statement I might make regarding the legal position must await a decision of the courts.

Mr. Speaker: The hon. member for York Centre.

Mr. Deacon: Mr. Speaker, a question for the Minister of Energy and Resources Management. It may be a little bit off from the statement he made, but does the Minister propose to require formal agreement from municipalities before construction proceeds on the $65-million scheme to serve the area north of Toronto, which was announced by the chairman of the OWRC last Friday?

Hon. Mr. Kerr: Mr. Speaker, I will have to take this question as notice as it concerns a very complex subject. I have asked the chairman of OWRC for a report concerning this strictly exploratory meeting, which was held last week, and to which the hon. member refers. There were no commitments, made whatsoever, I understand. It was a matter of discussing possible proposals for that particular area of the province.

Mr. Deacon: If I could ask a supplementary to that? Does the Minister endorse in principle the concept of the servicing proposal that has been put forward by the commission?

Hon. Mr. Kerr: I am not ready to do that at this time.

Mr. Deacon: I have a question for the Minister of Highways.

Has the Minister received any report of the results of representations to the federal government, which the Premier assured the Legislature earlier he would make, to insist the railways provide commuter service in the Toronto area on a basis similar to that enjoyed by Montreal commuters?

Mr. Speaker: There are four sections to the question; perhaps the hon. member should repeat the entire question.

Mr. Deacon: Has the Minister compared the detailed financial statements of the GO-Transit operation with those of the Chicago

and Northwestern commuter operations, to determine why GO-Transit operates at a 50 per cent loss, which cost Ontario taxpayers $2.5 million last year, while the Chicago operation reported a 12½ per cent profit, after taxes, for a similar period?

Does the Minister now plan to arrange with the CNR for provision of a commuting service to the area north of Toronto for a 30-day period?

How does the Minister plan to provide for the commuting of people who move into the extensive areas north of Toronto which are to be opened up under the $65 million service scheme announced by the chairman of the OWRC at the end of last week?

Hon. G. Gomme (Minister of Highways): Mr. Speaker, I will have to take these questions as notice.

Mr. J. Renwick: Mr. Speaker, in view of the importance of the question that I was going to address to the Treasurer I wonder whether it would perhaps be possible to address the question to the House leader about whether or not the Treasurer is going to introduce a supplementary Budget this session?

Mr. Speaker: I have a great many more questions and I have not come to that question yet. Is there any reason why it should be dealt with immediately?

Mr. J. Renwick: Mr. Speaker, I simply rose in what I thought was the order to catch your eye on the question to ask whether or not, in the absence of the Treasurer, I could direct to the House leader the question which I had placed to the Treasurer. It is one of importance as to whether or not the Treasurer intends to introduce a supplementary Budget during this session of the Legislature.

Mr. Speaker: I will come to the hon. member's question fairly quickly and then we will decide if the hon. House leader wishes to reply to it. Is that satisfactory? Now the hon. member for Scarborough East.

Mr. T. Reid: A question to the Minister of Education.

Can the Minister indicate what action he is taking to investigate the allegations made by the president of the Welland Progressive Conservative Association, Mrs. Yvonne Szilagyi, as reported in the Toronto *Daily Star* on October 10, 1969, that thousands of children are being forced out of school because of inaccurate and libelous records compiled by unqualified teachers who pretend to be psychologists?

Hon. Mr. Davis: Mr. Speaker, the hon. member himself has pointed out on many occasions the confidentiality of student records and, if the lady in question has knowledge of misuse of record cards or these documents, I suggest it should be communicated to the board concerned. As far as I am concerned I would be quite prepared to co-operate with her in any other way if she can present some of this factual information to me.

Mr. T. Reid: Is the Minister aware that Mrs. Szilagyi is a former Welland area school trustee?

Hon. Mr. Davis: I am aware of that, of course.

Mr. Speaker: The hon. member for Scarborough East has one more question.

Mr. T. Reid: Yes. When does the Minister intend to resume the debate on his motion for second reading of Bill 41, The Ontario College of Art Act, 1968-1969, which was adjourned almost seven months ago, on March 26, 1969, *Hansard*, page 2750?

Hon. Mr. Davis: Mr. Speaker, I anticipate it will be very shortly. I do not want to keep the hon. member waiting too long.

Mr. S. Lewis (Scarborough West): I have been reporting to the caucus on that bill every week.

Hon. Mr. Davis: Mr. Speaker, I am delighted that the hon. member for Scarborough West has been reporting to his caucus on it. It will mean he will be that much better prepared to discuss it when we get to it very shortly.

Mr. Speaker, I have a further question from the member for Scarborough East.

Mr. Speaker: Is it an older question? Could I have the number?

Interjections by hon. members.

Hon. Mr. Davis: I would be delighted to give the answer.

Mr. Speaker: The hon. member for Sandwich-Riverside has a question for the hon. Minister of Trade and Development.

Mr. F. A. Burr (Sandwich-Riverside): Why are the 400 fully serviced lots in the Fontainebleau area in Windsor not yet available either for sale or for leasing?

Hon. S. J. Randall (Minister of Trade and Development): Mr. Speaker, we have 351 lots in Windsor which are now fully serviced and available for leasing. These have not been advertised for disposal as the Ontario Housing Corporation is awaiting the concurrence of Central Mortgage and Housing Corporation as to prices and leasing arrangements which are expected shortly.

Mr. Burr: I am sorry, I did not hear the very end of that.

Hon. Mr. Randall: We are waiting to hear from Central Mortgage and Housing with regard to leasing arrangements which we expect to get very shortly.

Mr. Speaker: The hon. member has a question to the Minister of Energy and Resources Management.

Mr. Burr: Has the Minister now revised inspection schedules so that industries pouring polluted effluents into air and water will not be able to anticipate inspections and reduce or eliminate pollution during the visits of inspectors?

Hon. Mr. Kerr: Mr. Speaker, the air management branch monitors air quality around the clock and while gross emissions cannot always be directly tied into a given source, they would be reflected in the date from the air monitoring system. Surveillance for visual indicators of air pollution is carried on throughout the daylight hours. If there is any indication that companies are shutting off air pollution control equipment during the night we will require recording instruments on this equipment which will prevent them from shutting down without our knowledge and consent.

With respect to water pollution, OWRC industrial inspections are carried out purposely at irregular intervals. Refinements of inspection techniques such as aerial surveillance are also being used, which makes it most difficult for pollution to go undetected.

Mr. Burr: Mr. Speaker, as a supplementary question, I believe the Minister announced during his visit to Windsor that he would use unmarked boats in the Detroit River area. I was wondering, why use boats at all? Could you not use trucks with small boats in tow that could go out into the river and get samples? Because, when a boat is used, whether it is marked or not, its course is predictable.

Hon. Mr. Kerr: Yes, Mr. Speaker, if our surveillance is more effective, as I indicated in Windsor, by using unmarked craft, we will do so. However, as far as water pollution is concerned, as the hon. member well knows, if there is effluent that is polluting and is completely untreated, it can be found for some time after, particularly if there is any concentration. Whether or not we use an unmarked boat really does not make that much difference. But if we find it is more effective, we will. Certainly we have not got a big enough navy in the OWRC to satisfy our inspection procedures anyway, and we usually hire boats which are unmarked.

Mr. Burr: Why did one of your officials remark that one of the Amherstburg plants had been misleading the commission? Apparently it was through the inspection being anticipated.

Hon. Mr. Kerr: Maybe our inspector's brother-in-law works at the plant, I will try to find out.

Mr. Speaker: The hon. member for Sandwich-Riverside has a question for the Minister of Agriculture and Food.

Mr. Burr: This is left over from yesterday: Has the Minister investigated the hazards of permitting mercury fungicides to be used in the treatment of seed grain now that mercury poison levels found in Alberta game birds have been traced to their eating seed grain?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, first of all, I was not aware that the source of the mercury in the birds found in Alberta was due to their eating seed grain. I had heard of the story and had mentioned it to our staff. I must confess that there is unquestionably a danger in the use of mercury. It is a compound of great danger. It is capable of serious damage, but as long as we recognize that and do not use it indiscriminately, or unwisely, and use it as it has been used in the past for the treatment of seed grain, I feel that there is no great danger.

We have used this for a number of years through the regulations of both The Canada Department of Agriculture and The Ontario Department of Agriculture. We have maintained, through our inspection service, a very close watch on the levels of mercury that are used in the treatment of seed grain. We were never aware that there was any real problem or danger involved. As far as corn is concerned, which is the crop chiefly grown in southwestern Ontario, I am advised mercury is not used for root rot control.

I would point out, however, that we find it difficult to understand how the birds in Alberta could have obtained this level, to which you refer, of mercurial poison from seed grain. Seed grain, as far as cereals are concerned, is planted about two to three inches deep. How in the world could the birds get that in sufficient quantity to cause any problem?

The only other source that one could think of, if it was from seed grain, would be where refuse was thrown out from the plant where the seed grain was prepared or treated with the mercurial compound. This would be, I would think, most unlikely, because the refuse is never treated because of the cost involved. Only the seed itself is treated, and we just do not understand how this is possible.

It might be that birds might have found a bag of seed that was inadvertently left some place and had gorged themselves on it—now perhaps that might have happened—but, in discussing this with our staff and with those who are associated with the seed industry in Ontario, because of the report, we just cannot understand how this could have happened. I feel, Mr. Speaker, that we should make it abundantly clear that our department and the Canada department recognize the inherent dangers involved, but we feel that because of the steps that have been taken there is no real danger in the province of Ontario of such a thing happening.

Mr. Speaker: The same hon. member has a question of the Minister of Justice and Attorney General.

Mr. Burr: Mr. Speaker, may I put the question I did not ask yesterday because the Minitser of Health was not here?

Mr. Speaker: If the question is still in my group of questions we can ask it. I have the question for the hon. Attorney General next. Do you have that one there?

Mr. Burr: Yes. A question to the Attorney General.

What recourse outside of a civil suit has a taxpayer whose business is harmed or reduced significantly as a result of some action of a provincial government department other than in the case of expropriation?

Hon. Mr. Wishart: Mr. Speaker, it is impossible to give a specific reply to a question framed in such general terms. I would have to have the details of the case. It might be a case of a department requiring, for instance, the installation of safety features in a building. It might be a matter of restriction of access to a through highway. It might be a number of things. It might be a refusal to grant or renew a license, and various statutes provide various remedies of redress and so on. Without knowing the particular case I cannot answer specifically. If you will give me the detail I will be glad to pursue it.

Mr. Speaker: I have found the hon. member's question now for the hon. Minister of Health if he would like to place the question.

Mr. Burr: Has the Minister joined the health Ministers in the prairie provinces in agreeing to study the extent and seriousness of mercury levels in game birds in grain growing areas?

Hon. Mr. Wells: Mr. Speaker, in answer to this question, the hon. member has heard my colleague, the Minister of Agriculture, comment upon the inherent difficulty in associating the mercury poisoning with the seed grain. This, of course, is something that will have to be investigated. I suppose he has probably read the article in *Time* magazine that I read a few weeks ago which alerted me to this problem where it was pointed out that the Minister of Health in Alberta, and indeed, the Alberta government, had cancelled the hunting season on pheasant and partridges because there was an unduly high level of mercury in these birds. It was felt that if they were caught and eaten by humans they could be potentially dangerous.

The implication was that perhaps this mercury poisoning had come from seed grain, but as my colleague, the Minister of Agriculture, has pointed out, there are doubts in a lot of people's minds as to whether this was where the mercury came from or whether it was an unusual special occurrence, or one that was happening in general.

In our department, of course, anything that suggests a health hazard is investigated and we are looking into this. My colleague, the Minister of Lands and Forests, is having certain game birds in Ontario analyzed to find if they do have a high mercury content. This information, together with what The Department of Agriculture has, would be fed into our pesticides advisory board, and they will be asked to look at the whole question and report on it to me.

Mr. Speaker: The hon. member for Sudbury East has a question of the Minister of Trade and Development.

Mr. E. W. Martel (Sudbury East): A question of the Minister of Trade and Development.

(a) In view of the telegram I received on Wednesday, October 15, 1969, from Mrs. Myrna Coles, chairman of the Hilltop Tenants Association in Guelph, regarding the proposed eviction of the Krusky and Douglas families on October 31, 1969, I would like to know if the Minister will intervene personally to prevent this action taking place? If not, why not? Has the Minister any idea where the 15 children involved will be housed?

(b) Will the Minister order an investigation into the actions of the manager of the housing authority in Guelph to determine the reason why so many complaints are being made and to ascertain why 10 per cent of all the evictions from Ontario Housing units have occurred in Guelph?

Hon. Mr. Randall: Mr. Chairman, in answer to the hon. member:

(a) Concerning the proceedings against the Krusky and Douglas families, I have asked officials of Ontario Housing Corporation to review the circumstances to assure that every possible consideration is given. I am quite sure that if any eviction is necessary, assistance will be given to find alternative accommodation.

The answer to (b): Again, as I explained in this House, housing authorities are administered by local citizens and there is a limit of intervention that is appropriate on the part of the province. I wish to assure the member, however, that periodic visits by officials of the Ontario Housing Corporation are made to determine that local administration is in general conformity with the objectives of the federal-provincial partnership.

Mr. Martel: May I ask the Minister a supplementary question?

I am sure the Minister is aware of the type of situation that can occur, as it did, in the Sudbury area. Then, does it not become incumbent on the department when a number of complaints are received to really take a good look at the situation and take it out of the hands of the local personnel?

Hon. Mr. Randall: I said during my estimates that this is being done at the present time. We are looking at the Guelph Housing Authority and trying to decide whether area management up there would be better than what we have at the present time. But these two families represent unusual circumstances. As I intimated, we do not wish to do them any harm and we want to make sure that we have both sides of the story. I have people in Guelph and I have talked to the women in the two families myself. I recognize the circumstances are difficult but we are investigating that now. Perhaps Guelph and a few others are where we are going to start with our area management instead of a housing authority.

Mr. Martel: Would the Minister advise either personally, or with a reply, as to the outcome of the investigation before October 31?

Hon. Mr. Randall: I do not quite understand the member.

Mr. Martel: Well, if the Minister is having this matter investigated with these two families either personally or to the House, would he let us know the outcome as to whether these two families will, in fact, be evicted?

Hon. Mr. Randall: Yes, I would be glad to let the member know. I think the matter is going to court where justice will be done. And if the families are evicted, we will try to find them alternative accommodation. I must remind the member that the neighbours in that area are also involved. We have had some petitions from neighbours, so it is not just a matter of satisfying two families. It is a matter also of satisfying the people who have to live with them. As I pointed out, we want to be fair and we want to be just and I am having the matter investigated. I am quite sure when the courts make a decision, that we will do our best to see these people are settled. If they are not settled where they are now, we will try and settle them somewhere else.

Mr. Speaker: The hon. member for High Park has a question of the Minister of Health.

Mr. M. Shulman (High Park): Yes, a question of the Minister of Health:

Is it the practice of the department to attempt to collect daily charges from mentally ill patients whose hospitalization expires while in his institutions because they are unable to earn money while in those same institutions?

Will the department cease its efforts to collect $170 from Mr. Clifford A., who was in the Lakeshore psychiatric hospital until March 27, 1969, whose hospitalization expired while in the Lakeshore Psychiatric Hospital, and who has absolutely no funds whatsoever?

Hon. Mr. Wells: Mr. Speaker, I will take that question as notice.

Mr. Shulman: Mr. Speaker, I also have a question of the Minister of Correctional Services (Mr. Grossman), who appears not to be in the House.

Hon. Mr. Wishart: He will be right back.

Mr. Speaker: If the hon. members will just bear with me for a moment, I will check the questions to see if there are any others.

Are there any other questions of which notice has been taken for which any of the hon. Ministers now have answers? If not, that completes the question period.

Mr. J. Renwick: Mr. Speaker, the question which I had asked to be placed with the House leader obviously was urgent at the time because the House leader immediately fled the Chamber.

Hon. Mr. Wells: The member knows where he is.

Mr. Speaker: Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. R. D. Rowe in the Chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

(continued)

Mr. Chairman: The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Thank you, Mr. Chairman.

Yesterday at six o'clock I was about to enter into the area of law privacy and court reform. If I may seek your indulgence, Mr. Chairman, I shall revert for a moment or two to the remarks I made touching the press council concept of yesterday. There has come to my attention certain misgivings about the representations I made to the Attorney General (Mr. Wishart) under this head as to the voluntariness of the proposed press council.

I think perhaps the best way to handle it is to refer again to the British Royal commission of 1947-49. Its approach to the matter is commendable and fundamentally my own. They say:

> We have given much thought to the question whether the present general council should be established by statute or by the voluntary action of the press and whether it should include persons outside the profession. There is precedent for creating the governing body of a profession by statute. The general medical council, for example, was so created. The seven of us believe that the council would not be effective unless it were launched by legislation and endowed with statutory powers. We are all, however, agreed that a voluntary organization which proves itself effective in practice would have great advantages. We hope, therefore, that the press will take the earliest opportunity of establishing an institution the principal object of which will be to maintain those standards of professional responsibility and integrity which we are happy to learn are acknowledged by proprietors and generals alike. The body we have in mind would not require the powers to control entry into the profession which characterized the statutory professional bodies.

One newspaper man spoke to me, Mr. Chairman, as to his misgivings under this head, but I see no reason why professional status of an individual freelance reporter should be in any way in question under the head as I propose this.

> And it would depend for its effectiveness on its moral authority rather than on any statutory sanctions. It would derive its authority from the press itself and not from statute.

The second thing I want to comment on under this heading has to do with the nature of the voluntary. I really do not see much of a difference. I see a semantic difference as to whether or not the Legislature gives encouragement to—if not an impulse for—the creation of such a council.

In the first instance, of course, the people themselves who are most interested ought to organize their own interest. It is apparently a fairly deeply seated matter in this province that such council should come into being. By the way, in brackets at this stage, the argument about the freedom of the press being the chief incentive for its formation, I suggest could hardly apply to Great Britain which is supposed to be the bastion of freedoms.

The press council in Great Britain was not formed under the Damoclesian sword of any state legislation, *au contraire,* this is where it emanated and this is the country which at least boasts of the widest measures of human self-determination. But whether or not it

takes statutory form, if they set themselves up on a voluntary basis, it would be very well like other organizations who would then approach the Legislature with a view to giving them certain structure and a certain scaffolding for what they themselves want to do within the ambit of a statute.

I do not think the matter is of such overwhelming urgency that we should push it any further. I do not think unless they make an address to us, for instance, that we should consider setting up a select committee of the Legislature, much, much less any other form of inquiry, as the British have done.

The British experience lies behind us. The work has been substantially accomplished. The review of the practices of bias in the press, or the failure in the press to have many levels of intellectual address, or forms of sensationalism or misreporting—which are documented, at great length, by the way, in an appendix to the press report. Shown are various ways in which reporting has been done which brought the press council to recommend the very formation, instance after instance, in the British press.

Bipartisan, biased reporting, editorializing and what not; the failure when a retraction is made to make the retraction as apparent as the original statement, the burying of it; a whole host of defects and distortions exist but they should put their own house in order. But surely it is our duty, as members of the Legislature—in this area which is of such fundamental importance to civil liberties—to advert to and to urge them to organize themselves, if they will.

If they will not, then to have a recognition on their own part that they have failed in this regard and to make an address to ourselves to initiate an enquiry to see whether it would be feasible or not. We might even pass legislation to bring it into being, but the benefits, I think, are there, Now, I have said enough about that subject.

The rest of the time, I shall spend on purely legal matters, to do with the courts and the change in the administration of justice, in a kind of cursory manner. Oh no, before I get into the court situation, the Attorney General did have a few remarks to make during question period today touching the business of privacy. It may be just as well at this point to advert to Professor Ryan's report on the protection of privacy, issued during the summer, which, as the Attorney General has indicated, was submitted to the Minister of Justice at Ottawa, which is a very—

Hon. A. A. Wishart (Minister of Justice): I think I should like to be very exact. That was not really, I am quite certain, Professor Ryan's report. That is a report, I think, from the Ontario Law Reform Commission. Now, it is well known that Professor Ryan did a large part of the study and he is referred to in the report. But the way we get those reports is this: We ask for the study and the Ontario Law Reform Commission quite often engages expert personnel to do the study. The report of that group of persons is submitted to the law reform commission, and then the report that we get is not that report, necessarily of the individuals who did the study, but the considered opinion of the Ontario Law Reform Commission. I trust that is what the hon. member is referring to.

Mr. Lawlor: Mr. Chairman, the Attorney General is quite right on this point. Professor Ryan submitted the preliminary study, and this is the worked-over version. Yes, that is right, but I think he ought to be given a good deal of credit, because nowhere is the whole range and ramifications of the issue of privacy so thoroughly discussed, and the areas upon which you have jurisdiction so explored and delineated. That is what we have needed to clarify, to take the cobwebs out of a lot of the debate that went on here last year.

I propose not to unduly exhume this document since it is relatively new, and since the matter is under consideration in Ottawa. Just what the dimensions of that Ottawa situation is escapes me. I thought Mr. Turner was concerned with wire tapping largely, and Mr. Basford was concerned with certain elements of consumer credit reporting. But, however that may be, it will do no harm to bring some of the high points to examination for the members of the House who have not had the opportunity to see the report.

In the 25 pages between 72 and 100—if I may, I shall call it the Ryan report—this report does make a thorough mulling-over of the field. He sets up a 20-point proposal—and I shall only mention four or five of those points—covering the whole area of privacy that he wants to consider and give recommendations on. The recommendations coming out of this report coming again at the end of the chapter, are not conclusive or final in any regard; a great deal more study has to be done.

It is hoped that at this point in the report the reader will have a good overall view of the major considerations to define the problem. The constitutional difficulties that arise are intricate but not insurmountable, and a major provincial legislative programme for the protection of privacy could be undertaken without either the danger of straying into an occupied field or leaving the penumbra of section 92.

He says in a footnote to that—and I will read the footnote in this instance, because it is important—

It should be emphasized that the constitutional problems in the privacy area have been dealt with only in the abstract. Definitive answers thereto, must be sought when we draft definitive legislation. However, most of the broad principles that seem to the writer to bear on the subject matter of this report, indicate that the province may legislate with considerable freedom.

The selection of Ontario legislation illustrates that this province is behind some of the others in Canada in moving to deal with modern privacy problems.

I think he is thinking chiefly of British Columbia in this regard.

And the selection of legislation from other jurisdictions indicates that no one has yet attempted in Canada to muster the necessary implements of protection that modern conditions demand. The approach to the protection of privacy in this country has been episodic and fragmentary, poorly conceived, and only incompletely executed.

One of the major flaws of the collective Canadian approach, as evidenced by the mixed bag of statutory provisions set out above, is that Legislatures have been primarily concerned with treating the symptoms rather than trying to cure the disease.

This is the sentence that I want to emphasize for the benefit, largely, of the member for Sudbury (Mr. Sopha); the member for Downsview (Mr. Singer) has his moments of affliction too, when he breaks out in spots. The sentence is as follows:

The preoccupation with wire-tapping is one significant manifestation—

That is a manifestation of going after the symptoms rather than seeking to treat for the cure, and I think there is undue emphasis in this House and in the press—

Mr. V. M. Singer (Downsview): Would the member elaborate on the innuendo, please. I have not got the point.

Mr. Lawlor: You mean you were not paying attention.

Mr. Singer: Not completely.

Mr. Lawlor: Well, the point that I was making was that Ryan—or this law commission report—talks about how great a field we are dealing in and the ramifications of that field, and the wire-tapping issue is a relatively insignificant portion of the whole, and that it got its attack under these 20-point proposals, of which wire-tapping is only one point, and that the matter is not really being attacked at all.

Mr. Chairman: We will pursue that later on.

Mr. Lawlor: This is the strength of this report. He sees things in dimension and perspective, and it certainly impressed me under this head.

What does he come out with at the end of his report? I think his conclusions are—yes, he comes out with two possibilities: the creation of an offence of the invasion of privacy, which is contained at page 96, and, second, the creation of the tort. It covers both the quasi-criminal and the criminal side of the problem. He says:

It was discussed earlier in the report the creation of this offence under provincial law appears to be well within provincial constitutional competence.

That is the offence of the invasion of privacy.

In the opinion of the writer, it should be a specialized offence applicable to the more serious cases of invasion. At a minimum it should cover the use of wire-tapping—and the surreptitious electronic eavesdropping devices in all circumstances, including the use of a concealed portable tape recorder, and the offence of industrial espionage to be created and punished under this statute.

He goes on to a number of other matters.

Likewise, the offence could also apply to control both the acquisition of certain zone information about individuals.

And I will mention in a few minutes his protected zones. He set up areas which, under all circumstances, by all agencies of public credence, by governments in their internal or external relations, by private agencies of all kinds, either in their internal collective procedure or in the use of that procedure for sale or publication or for any other use,

externally. Either within the domain of employer-employee relationships, whether it is covered by union contract or whether it is a non-unionized situation.

In all these gray areas of the economy and finally, of course, within the police departments themselves he describes what regimen, what controls ought to be placed over them. The general protection of certain zones of privacy is given credence, and he says should be enacted into legislation.

Jumping over to the tort of the invasion of privacy, of the fact that such a tort should be placed on the statutes of Ontario there can be no doubt. The writer suggests that consideration be given to going further than has been done in British Columbia by using the *prima facie* invasion of privacy and the reverse of this device which is suggested above. In other words, there is an invasion of certain areas of privacy, that is of *prima facie* wrong. It would be up to the person who made the invasion to justify his actions; it would not be the other way around, that the individual who has been injured in this regard ought to carry the burden. He has a good deal upon where the unreasonableness of reportage would take place.

Having set that up, he does review a number of areas, with very specific recommendations touching the control to be exercised by this Legislature over those areas. I have discussed the first two of his 20-point proposals, but take the third proposal. I am not going to go through the full 20, so do not become alarmed. I just want to give the scope and trenchancy of this document. It is extremely good. The establishing of controls over the sale, advertising, use and possession of mechanical, electronic wire-tapping, eavesdropping and surveillance devices—he discusses that on page 75.

> If the Legislature so desires, it could simply declare that such devices are incapable of being the subject of property rights in the province.

He goes on from there. About advertising, he says it could be partially controlled by the province to the extent and in the same manner as it now controls liquor advertising. The bulk of the task would be federal, however.

The next area—the fourth recommendation —has to do with the established controls over governmental acquisition, use and disclosure of special information with appropriate personal remedies against the government for the failure to exercise discretion, and to obey the norms as to making disclosure, both internally and with respect to the acquisition of this by people outside the governmental apparatus. And he runs through a number of individuals—you would have to set up categories, as he indicates—for example, a lawyer in certain circumstances may have a bona fide need to know certain facts, but an oil company interested in selling credit cards to motorists with certain late-model automobiles may not have a need to know. That sort of restriction would come into being.

Then he mentions Weston. The great book on all this subject, up to this point, is published by Weston and is called "Privacy and Freedom in the United States." It is a very thorough résumé of the whole situation down there, particularly setting forth the position of the FBI and the police surveillance methods in the United States. But it also goes into polygraph machines, computer banks, credit listings and all this sort of thing. While Weston says it is probably the bona fide right the other way for the public to know, he suggests some form of judicial review as a means for preventing the use of non-disclosure regulations, with the burden on the government to show that the privacy of the citizen, rather than the masking of activities that should be known to the public, is the reason for withholding the information.

He goes on, in an interesting paragraph on page 80, to say that consideration should also be given to the creation of private remedies against the government to control its acquisition and use of private information. The government is, in many respects, in the position of a trustee that may only act in certain ways. If the party, subject to the trust is injured or apprehends injury, he should have his remedy. Until we have arrived at the position where we know public officers will always do what is right for the individual, then their conduct should be capably questioned by some judicial body or board, with appropriate injunctive relief and damages allowable to the aggrieved party.

In the next section, he goes into the whole position of private industry with respect to its methods of surveillance and sets up two fundamental principles. One has to do with the consent of the individual to be investigated or the consent of the individual to have the information which is collected disclosed to others. He goes very far in this particular regard. Our legislative approach to this problem would be to make non-consensual collection or disclosure of such data a *prima facie* invasion of privacy, with the burden on the collector to show that he came within some exception to the rule forbidding this activity.

I will jump very quickly over these pages as to how this would work out. He then goes on and says: "For example, enquiry into these areas"—these are the areas he thinks are protected zones and where implied consent—sometimes they argue that no one took a section or objection—is involved. However, there is implied consent if you are making application, say, for an insurance policy, that certain kinds of information touching your financial condition and what not and your past, would be very well supplied—necessarily supplied perhaps—to the agency. But that is peculiar to the very type of contract involved.

> For example, enquiry into these areas of disclosure of information that is in the legitimate possession of a collector without express consent in either case, could be deemed as *prima facie* and reasonable. The protected zones could include religious affiliation or belief, mental health, political ideology, social affiliation, sexual behaviour, in the solicitation of opinions or conclusions of any person as to whether the individual is normal, "well-adjusted", "honest". This data could still be sort of disclosed, but the person doing so would have the burden of showing that his actions were based upon a reasonable and legitimate interest.

He goes into the role of private investigators and says they should have no higher rights in their investigation than the techniques and tools they use to carry out this investigation than anybody else. You have adequate controls and the instrumentalities at your hand through The Private Investigators Act, which is an Act, of course, of this Legislature.

As to credit rating services, he has a good deal to say. He goes this far:

> Perhaps a duplicate of every formal report made should be automatically sent to the person concerned and periodic listings supplied in the case of informal disclosures. It may be desirable to place a limitation upon the length of time that an unfavourable bit of information may remain in the credit record file, even if it is true. Thought should be given to establishing a variable factor scale giving weight to time where an unpaid debt is disputed in the amount at issue. A $10 dispute can remain on the credit record for ever as things now stand.

And perhaps a bankruptcy should remain—lines would have to be drawn. Well, he goes into employer-employee relations again as to the erasure of records. He is of the opinion that so far as criminal offences are concerned there are some areas where it might be legitimate, when hiring a man, to ask certain questions. But, there should be a time limitation on that again, and I think he speaks of five years as being a time.

Then there is the whole business of mental health patients, etc. and asking questions as to whether people have ever been in a mental hospital is mentioned. This breeds a great deal of anguish and places many people who are perfectly normal and well—and men who wish to rehabilitate themselves in all good conscience—at a severe disadvantage in our society. It is almost, I think sometimes, an impossible position as things presently stand.

I say the man has foresight, and I might add very humane. He wants to alter that situation and he goes on to say: "Our record-keeping society is making it increasingly difficult to overcome his past."

I think we have given it a good enough look for the time being.

On the business of using the lie detector tests: The tests themselves, he thinks, should be totally banned, because they are themselves unreliable and scientifically unjustified. He thinks that other forms of bonding and whatnot would be far better utilized in this regard.

Finally,—

Mr. Singer: Does the member accept everything that this gentleman said in his report?

Mr. Lawlor: I am coming in pretty close, I am working at it.

Mr. Singer: Why does the hon. member not tell us what he thinks?

Mr. Lawlor: Stick around.

I think what he thinks basically—

Mr. Singer: The same applies to McRuer.

Mr. Lawlor: No. No, I am much more at odds with McRuer, to the whole philosophical approach. McRuer is on the other side of the fence.

Interjection by an hon. member.

Mr. Lawlor: Oh, yes. No. This fellow is probably a socialist.

He also wants an independent tribunal set up to make the review, and here again the whole concept of an ombudsman comes to the fore. And, as these reports are submitted to the Minister from the Ontario Law Reform Commission, there is a convergence of opinion. The lines are all coming in area after area of the life of the community that an ombudsman becomes a necessity and central figure.

I do not know how long the Minister would continue to be able to resist bringing in a legislation, giving at least an ambit of authority, a testing ground—so to speak—to an ombudsman in this province. But there is little question that in every civilized or developing jurisdiction that they have a crucial role to play.

The lines of society run too thick these days not to give, supplementary needs. The self-interest of government departments are too invidious, the coerciveness of the industrial strength and power are too great, and weigh too heavily upon the solitary individual not to have the means of redress beyond an official agency which has investigative powers.

They say that every one of us in this House is an ombudsman. Well, it is a euphemism at the very best because when you try to answer complaints from constituents, where have you got the investigatory powers? Can you go into the files, can you really find out? If anybody in the hierarchy is prepared to thwart you, you are thwarted. You may appeal to the Minister over his head, and you usually get a good deal of solicitude. You do not always get the balms, or the heart's balm that you are after, and you see no reason why you should not, because this is obviously the case of neglect or injury of one kind or another.

We need an ombudsman and he may work in very close conjunction with us in the Legislature, or however you want to arrange it. There are many models in the world today, but I think we are up against the system here again, in the hesitancy and overcaution shown by the Minister. We are overburdened with work already, pouring legislation out every year, having an enormous job to do, having to answer questions once in a while. Still there are areas that are severely neglected and where there is very much need.

Hon. Mr. Wishart: I think Mr. Chairman, if I might be permitted to interject here, that perhaps the hon. member has forgotten that this very question of the need of an ombudsman was referred to the commissioner of civil rights, the Hon. Mr. McRuer, and any minute his report may come in.

Mr. Lawlor: Is it in the press?

Hon. Mr. Wishart: I am sure Mr. McRuer will be producing that report soon and I am sure he will deal with the subject of an ombudsman. I would think that we may have something more to say in the estimates, but there is not really much more to say on this until we see what Mr. McRuer has to say.

Mr. Singer: Except that the Minister's boss closed the door.

Hon. Mr. Wishart: I do not think so.

Mr. Singer: Let us read his last speech and see whether he closes the door.

Hon. Mr. Wishart: Oh, I did not think so. I think the member has misinterpreted.

Mr. Lawlor: I want to go on now, Mr. Chairman, with the courts in a kind of a résumé. I reserve my main and contentious remarks, perhaps, to the estimates themselves when we come to the courts.

But a word or two might be said about one or two courts, and it may be a particular beef that I have. Take the division court: when on earth are you going to appoint judges to the Division Court, as recommended by Mr. McRuer? Take the load off either the county court judges who ought not be sitting in that court at all, or off *ad hoc* lawyers picked out of the air from day to day to sit in the courts. The ones who are competent do not sit there very long, I can tell you, and it is also a conflict of interest situation basically.

Hon. Mr. Wishart: I wonder if I could just ask this; I am not sure that I heard the hon. member rightly? Was he suggesting that in all cases you removed from the responsibility of county court judges the work of sitting in the division courts?

Mr. Lawlor: Yes.

Hon. Mr. Wishart: In all cases?

Mr. Lawlor: Well, no. I am confined, I am very provincial, in being urbanized. I think of city of Toronto when I am speaking. They sit in the outlying sections of the province and I quite agree with that. For example, I see that glorious old tyrant, Judge Shea, retired recently for the umpteenth time, and I am very glad to see it too. But you call in members of the profession and they are probably subsidizing the government, because they are not paid for the day they are sitting in court.

I am told all kinds of curious tales about what goes on by these lawyers who are judges for the nonce. The business, for instance, of service of documents, not only the summonses in those courts, but of the garnishee notices and the judgment summonses,

and the failure for defendants to appear is a very curious situation. Apart from the First Division Court, I understand that the bailiffs and court officers of those courts derive their fees from the amounts they charge to people initiating actions.

In the case of the first division court a few years ago, the volume of work got so great—and they were making such an awful lot of money—that the Attorney General stepped in and said: No, you are going on a salary basis, we are taking the benefits. But this is not true all over, nor is it true all over Metropolitan Toronto. What are there, eleven division courts? All the rest of them depend upon these cases for their livelihood. They live in cahoots with the collection agencies because they are the ones that supply them with the cases—and the "cahoots" goes pretty far.

I do not want to be too tough about this, but it seems to me that—from what I can get—that they do not break their arms trying to serve the summonses. It is easier to get the judgment for the collection agency the other way, by default judgment. It is easier to get a judge, coming up on judgment summons, if you have an affidavit in front of him to the effect that service was endeavoured to be made but that they failed. The fact of the matter is that they did not even try.

Lawyers who are called in to these courts to sit for an afternoon are presented with a bundle of papers—that high—as to notices that they are supposed to sign. My opinion is, you may say, that this is a failure in conscience, or something like that, in responsibility. They sign them because they have to get on with their court work. What they are really saying in these documents is that failure has been made to serve—and that on good grounds—and that the people should suffer the judgment going against them, or the garnishee order being served on the employer.

It never got to the person that it was intended to, to the debtor, to have a chance to defend and to appear and stand in it rights. It never got there. They did not want it to get there, and you cannot really blame these lawyers called in as judges. They have got to sit for the rest of the afternoon and hear the cases, and I am told this goes on, Mr. Chairman.

Hon. Mr. Wishart: These are somewhat serious allegations, although I have not heard very many of this type of complaint from persons involved, the defendants in civil small court actions. I take it that the hon. member says he is told. He is reciting things that are apparently reported to him—not of his own knowledge, surely.

Mr. Lawlor: No, not to my own personal knowledge.

Mr. Singer: It is a pretty accurate summary.

Hon. Mr. Wishart: Well, I have not heard that type of complaint to any great extent.

Mr. Lawlor: Well, knocking around in the common rooms of the law one picks up these things, and I—

Mr. E. Sargent (Grey-Bruce): You do not know what you are talking about. Why do you not get on with some business?

Mr. Lawlor: This is House business, why do you not go and have a drink?

Mr. Sargent: Who are you to talk two hours, sit down.

Mr. Lawlor: Who are you to talk at all?

Mr. Sargent: You have talked two hours, who do you think you are?

Mr. Lawlor: Settle him down, you will be here for another six weeks if you do not shut up.

Mr. Sargent: There are bounds of decency. Who do you think you are to inflict yourself upon 117 members like this? No wonder the House is empty.

Mr. Lawlor: It is outside the bounds of decency to inflict yourself upon the electorate at all.

Mr. Sargent: Mr. Chairman, on a point of order.

Mr. Chairman: State your point of order.

Mr. Sargent: The House leaders are meeting today, Mr. Chairman, because of this situation we have evolved into in this House. And I think that there is an area of concern on the part of each member not to inflict himself upon us. This dialogue, this tripe has been going on for two hours.

Mr. Chairman: That is not a point of order. The member for Lakeshore has the floor.

Mr. Lawlor: I will not seek to answer the member in his own terms. The sarcasm would overcome me. I am carrying out my responsibilities as I see it; I think the remarks are

valuable and to the point. They will either be made now or during the course of the estimates. The point is to get them over. There are abuses in the process of justice in this province, and as I understand them we have been elected to point them out.

Hon. A. Grossman (Minister of Correctional Services): It is like a Throne Speech.

Mr. R. Gisborn (Hamilton East): It is not that you bore them, but that you are too far above their heads.

Mr. C. G. Pilkey (Oshawa): They do not understand it, that is the problem.

Mr. Lawlor: Well, in any case, I shall do what I think is right. I shall not relinquish the floor until I am finished. So the member for Grey-Bruce can squawk all day, it will not do him a bit of good.

Hon. Mr. Wishart: Mr. Chairman, I would just like to say this: The member just said they either should be said now or in the estimates. He prefers to make his comments now. I just hope he bears this in mind when we get to the individual estimates—I am enjoying his remarks, I think he is covering a wide field—but I hope he does not repeat them.

Mr. Sargent: Why do not the two of you just go and have a talk outside?

Mr. Pilkey: Well, you understand it is going right over their heads.

Mr. Sargent: I admit I do not understand it; I am just an ordinary guy. If they want to talk that legal jargon let them do it some place else.

Mr. Chairman: The member for Lakeshore has the floor, please proceed.

Mr. Pilkey: What the hon. member for Grey-Bruce has to do is read Plato.

Interjections by hon. members.

Mr. Lawlor: That about completes my remarks for the nonce about the division courts.

Let us take a look for the moment at the county court. There are two things in this court. McRuer recommends that you increase the jurisdiction—I do not think we have done that—to $10,000. He says that that would be a substantial alleviation of the chores performed presently by the supreme court judges. And he documents, and there are pages—and we could spend several hours going over them. I think we should, under the present provocation, do not you, Mr. Chairman? If these nincompoops do not understand anything about the law then let them suffer the consequences.

Hon. Mr. Grossman: Oh, Mr. Chairman, that is unparliamentary.

Mr. Lawlor: This is a court of law that we are in.

Hon. Mr. Grossman: The Chairman is phoning the police.

Mr. Lawlor: In any case, I wonder if the Attorney General has had an opportunity to look over the remarks made in the *Canadian Bar Journal* by Judge Anderson, back in April, 1969. He reviews, having McRuer's whole second volume pretty well in mind, as to what McRuer thinks the restructuring of the courts ought to be, and in 10 pages or so he gives his own notions built upon that foundation. He says: Some thoughts on court reorganization.

Now, the good judge from Belleville says, and I am inclined to agree with him, that he thinks there should be unlimited county court jurisdiction for criminal actions. In other words, you can take your option as to which court you are in. That would be an enormous alleviation of the supreme court structure. This is one reason why, earlier today, I suggested that you get your county court judges into their own jurisdiction away from the division court and appoint division court judges as such, and give the county court judges their head.

It would have a second highly beneficial effect. That would be that the scale costs in the county court are about one-half of that of the supreme court of Ontario—or somewhere in that range—and so the cost of litigation would be far less. If you look at the rolls—I will be coming to delay in a minute—it seems the county court judges have their house rather better in order as far as backlogs of cases are concerned—than has happened in the supreme court where the judges last spring all sat for a solid week—every one of them, I understand—to get rid of the build-up of the divorce cases on the list.

Hon. Mr. Wishart: If I might be permitted, I might say a word on this now because we might not get to it in these terms in the specific estimates. First of all, on the suggestion that county court judges should be removed from all responsibility for division

courts: Now, this might very well be in an area such as Metropolitan Toronto. We have at least one special division court judge there, and I am thinking of the suggestion made by the hon. member that this be done wholesale across the province. In one breath he says it is not good to have lawyers doing this the way that they are appointed—to sit in division courts. Perhaps he is right in some instances.

Then the converse of that is that it is a good thing to have judges of the stature of county court judges, district court judges, sitting in the small claims court, because a great many cases come there and people want to see justice administered there, as the hon. member is urging, just as thoroughly, with just as much dignity, just as properly as it is done in the higher court. And outside, in the outer areas beyond the metro areas, county court judges with very rare exceptions are not overworked. They do take the time to deal with division court matters.

I think that perhaps I will be more specific about the survey we are making and the changes we have in mind, but I am not at the moment prepared to admit that you should set up another bench for the division court. That is one point I thought I should like to make now.

On the increase of jurisdiction, I think the hon. member is aware that a great many cases that could go to supreme court are, by consent, brought into the county court and tried there. In effect, there is a great deal of litigation upon which there is no rigid rule requiring it to go into supreme court. A great deal of litigation goes into the county court and is there disposed of. I just wanted to make those two notes now without leaving it on *Hansard* without any comment at this time.

Mr. Lawlor: Mr. Chairman, if I just may take a moment to reply to that. At page 612, McRuer says this in reply:

> Of the 549 awards of damages made at trial (this is in supreme court cases) 237 were within the jurisdiction of the county court; over 43 per cent of the 250 awards made at jury trials, 134 were within the county court jurisdiction, that is 53.5 per cent. These figures clearly demonstrate that a large part of the time of supreme court judges is taken up at the trial of civil cases that could well be tried by county court judges.

On the other side of the fence, I may as well finish it:

> At present, the county court judges are trying very serious criminal cases that ought to be tried by the supreme court judges.

So there is a sorting out process, I suggest, that should be going on in your mind and in the minds of your officials as to the next area of legislation in which we are likely to move. You moved into the division court field, did a good job, set up the provincial courts. That was a monumental task, now this is the next area of reform. I suggest the unlimited jurisdiction; therefore no consensi needed.

I suggest a second thing—which I have suggested many times before in this House about which I am not very clear of your position—that the divorce jurisdiction be spread over the whole range of the county and supreme court depending upon which way one wants to go. I do not know how crowded the lists really are. We will come back to that in the county court structure. So be it for the county courts.

On law reform generally, and certain aspects of the courts, may I suggest to the Attorney General, Mr. Chairman, that we do not handle wills properly in this province. Now, you may register a will at the surrogate court office and I suppose the surrogate court offices all over the province, but there are thousands of wills in this province sitting in lawyers' offices, on in their files. And they do this, of course, with very mercenary motives.

Mr. Sargent: Not the lawyers?

Mr. Lawlor: I dare say that there are thousands of wills lost in this way. When one dies—

Mr. Sargent: NDP lawyers do that?

Mr. Lawlor: —they do not know where a will is and they go on to an administration as though it were an intestacy. As you know, they advertise in the weekly notes in the law journals, a most ineffective way, I suggest, to try and contact the profession as to whether any other lawyer around happens to have the will of the individual involved. I am suggesting that some thought be given to a general registry of wills, where—

Mr. Singer: Compulsory?

Mr. Lawlor: Compulsory!

Mr. Singer: Surely not. Come, come!

Mr. Lawlor: Why not? If it strikes the member for Downsview as such an awful and cataclysmic idea, it is actually operative in Great Britain at the moment.

Mr. Singer: I do not care where it is operative.

Mr. Lawlor: You are not easily put out and therefore I turn again to the Attorney General, suggesting some thought be given to it at least.

Now there is the whole realm of conduct in the courts, the treatment of prisoners, and so on, which I want to make a few moments aversion to. It has been mentioned in newspaper articles and elsewhere, and was briefly skeltered in this House last year as I remember. The business of calling accused persons prisoners, arrangement of the dock for these prisoners, the business of the clothing used in courtrooms, and the language and deportment of the officials.

You must have been in court on a number of occasions in the general sessions of the peace where the clerk of the court rises and says: "Oyez, Oyez, Oyez, Come and be heard. This is the court of general sessions and jail delivery."

I mean, this language, what is this "Oyez" business all the time.

Under this head, it will please the member for Bruce to know that I am coming fairly close to the end. In this book I recommended to you yesterday, "In Search of Justice," he says:

> Having accepted that the civil courts should be kept separate from the criminal ones—

That is a good point, the separation between these two courts, I mean physical separation:

> —it is appropriate to ask how far the former currently meets the demands made upon them. There are many issues which seem to call for much greater study in the gathering empirical data but since the study of litigation and procedure as an academic subject is virtually nonexistent—

Take note Law Reform Commission—

> —there are many questions to which unambiguous answers cannot be given. There is little doubt that there exists in England considerable fear of going to court.

We thought that the British were the residuous ones. It is always nice to have a British client, they are a little more willing to go to court than practically anyone else. That has been my experience. They say they are fearful of going.

> The feeling of litigation in a court is one of life's most hazardous and unpleasant ventures to be avoided at any cost.

As a recent leader of the Liberal Party put it, no one goes to law if they can possibly avoid it.

> To have anything to do with the courts, unless you are a publicity maniac, or a large anonymous company, or a lawyer, is a matter of commiseration.

What a commentary. The point I want to make on the issue of the general department and appearance of the courts, is that we are not seeking to raise genuine criminological issues, but in respect of the criminal trial, we must raise further matters that seem to be surrounded with more than their share of unquestioned assumptions.

> In criminal perhaps more than in civil cases, there is a particularly worrying aspect of formality. The English trial does much to belie the trite maxim.

I know they wear wigs and we only wear gowns, I am cognizant of the difference, still:

> That a man is innocent until he is proven guilty.
>
> Lord Goddard used to insist that the accused be referred to only as "the prisoner". The idea that a person accused of a serious offence is entitled to the prefix "Mr." is still anathema to some members of the profession.
>
> Court arrangements and ceremonies, particularly at assizes, seem to imply that those accused are guilty. English lawyers often find the idea of the accused sitting at the table of his peripatetic counsel à la Perry Mason, somewhat disturbing, but it does perhaps accord more with the presumption of innocence, than putting the accused in the dock with a police officer which is the customary arrangement.
>
> We feel that parties in both criminal and civil cases should be more at ease, thus more likely to tell all that is relevant without distortion due to anxiety or nervousness if everyone in the court room wore ordinary clothes and if everyone sat at tables at the same or nearly the same level and if a judge were addressed more as a chairman than as a representative of a rather mediaeval aspect of monarchy, where it is important for the public to see and hear the proceedings; there might be

a case for putting the public in the gallery behind glass where they could hear the proceedings through amplifiers without upsetting the intimate atmosphere of the courtroom.

There is a footnote here too which might be interesting to you.

Mr. Sargent: You read the same passage last year.

Mr. Singer: No, no. He did not.

Mr. Sargent: I heard it before somewhere!

Mr. Lawlor: "The Law Society is now on record—"

You would not want to prolong this, would you Eddie?

Mr. Sargent: How many books have you got there?

Mr. Lawlor: You are ruining my *Hansard* on top of it, and that is a mortal sin.

The Law Society is now on record as favouring the abolition of the dock. More recently, the Home Office has been looking into the problem of the use of handcuffs on the way to and from the courtroom.

The final matter that I want to discuss is the business of an appointment system and I turn under this head to what Judge Anderson has to say. This is the business of delays in court, and it comes down to this: Why must everybody attend the courtroom at 10 o'clock in the morning and sit around all day waiting for his case to come on?

In other words, the courts are arranged solely and exclusively for the benefit of the judges. Instead of that being the case, perhaps a little consideration might be given to the general public. A dentist does not arrange his appointments on the basis that everybody needs dentistry that has come to see him that day and are at his behest in the process. He schedules his times and staggers the cases, and I am suggesting the same thing be done here.

Anderson, in better words than I can work out, says the same thing; and it is said again by Abel Smith in "In Search of Justice". Anderson says:

The present method of fixing the dates of the various sittings of the high court in the various counties leaves much to be desired. Usually and in the larger county seats there are more, and in the smaller county seats there are less.

A high court judge travels to the county town and holds two assize sittings for criminal and civil jury work and two sittings for non-jury work each year.

The time assigned to the judge varies according to the estimate of the number and importance of cases, which are likely to be on the trial list, criminal and civil. Since the sittings must be fixed in advance, it is not possible to anywhere nearly accurately estimate the time required for a judge to complete the hearing of all criminal or civil hearing of cases which may come before him. It happens on many occasions that when a high court judge goes to an assize, he has all his allotted time taken up in criminal work.

There may be civil jury work waiting and certainly there may be more non-jury civil cases waiting.

However, litigants, through their solicitors, if their cases are set down for a certain hearing, must be ready to proceed within the time allotted to the presiding judge and they must have their witness subpoenaed right from the very first day and they must keep them on the alert for the full length of the sitting. If settlements are made, they must be prepared to go on at short notice, and if a criminal trial takes longer than expected, the time alloted to the presiding justice may be fully taken up with one criminal case.

The result is that this means a great waste of time to lawyers, especially to the professional witnesses, be they doctors or engineers, who have to be kept on the alert sometimes for as long as two or three weeks. And even at that time they may find that by reason of the length of one case, the case which they are involved in has been postponed for several months.

Abel Smith says somewhat the same thing. At 207 he says:

Assuming that a balanced solution could be found to the issue of publicity, many other questions remain. It is possible to reduce the inconvenience and delays associated with high court hearings? One reason for failing to bring the high court up to date and to run it entirely on an appointment system is the fear of wasting the time of Her Majesty's judges.

It is clear that if all cases were given fixed dates there would be occasions when judges were unoccupied for a few hours

> when a case took a shorter time than anticipated. The tradition has therefore grown up that if a judge is not occupied with hearing some case from 10.30 till 4.15 every day, the nation's money is being frittered away.
>
> The time and the money of parties, witnesses and counsel, who are all summoned to court and then often forced to wait for several hours or even days until previous cases on the list are completed, are wasted to save the time of the court.

He goes on in this vein for many paragraphs, but I shall just wind up this particular area by referring to what our great and good friend Mr. McRuer has to say on the county and district court situation. I am sure this has been kicked around in the newspapers a certain amount:

> In Ontario, interminable delay in the administration of justice is tolerated with casual indifference. It is just as true today when it was first said, "Justice delayed is often justice denied."
>
> We are told in England that it is the practice to have criminal trials commence within at least two months of the committal for trial. In Ontario, some committals for trial drag on for months, and many trials are delayed for over six months and sometimes more than a year. Defence counsel and Crown counsel should have adequate time for preparation, but experience in the court shows the demands for preparation are not the real cause of delay.
>
> Too often delays are the product of mere indifference on the part of the Bench or Bar to the public responsibility for the administration of justice. Much of the delay could be prevented if there was some method by which the criminal and civil work of the courts could be properly supervised.

I think that is enough on that topic, the ways and means and devices given by Mr. McRuer and by any number of other writers I shall bring forward as to the way to solve this difficulty. McRuer gives five or six, but there are a number of others, including those made by Judge Anderson under this head as to how this interminable delay situation can be cut out.

I have talked about the way reform in the courts might be treated. I am sure, since we last met, that the Attorney General is fully cognizant of the writings of Professor Freedland in three major articles on the conditions that exist in the magistrates' court in this province, which are the subject of a flogging year after year with very little amelioration taking place, so far as the naked eye can detect. Perhaps, if one had a microscope, one would examine the nice changes that are taking place. But the condition of the courtrooms—at least the magistrates' courtrooms in Toronto—are appalling, to say the very least. I do not know what is proposed to be done.

A great number of factors will affect the creation of an impression of dignity and order and giving that flavour of decency which is so necessary in the carrying out of justice, not the herding and crowding in the cattle bins of the old city hall. The great number of factors will affect the creation of such impressions: the physical proximity of the police station and the court building, where the court is referred to as a police court until the extent to which the magistrates and police have contact outside the courtroom.

You see this going on all the time—rubbing shoulders in the antechambers, the use of magistrates on police commissions which Freedland takes exception to. The control of the administration of the courts by the same municipal body which controls the police—whether the court clerk and the other court officials are police officers.

In the local court out where I am—in Etobicoke—there is a fine fellow, but his police officer runs the traffic court. I mean, he is a lawyer, so to speak; he is the prosecuting counsel. In any event, the control of the administration; whether the court clerk and the other court officials are police officers; whether there is common entrance to the police office and the court; the existence of other public buildings in the same area; there are many other factors—some subtle, some obvious.

We will come back to Freedland's articles, because they contain point after point of real worth—everything from courtroom design to the modes of address in the court, which he thinks could bring a greater sense of concreteness, validity, respect and whatnot to what are in some ways these hoary institutions.

To wind up, Mr. Chairman, the Attorney General has done much; infinitely much remains to be done. I have stigmatized certain areas where I felt there is a considerable measure of deficiency. On these areas, I look forward to seeing him pull up his socks. I come back to my pet peeve, the business of The Landlord and Tenant Act, and ask him in the name of an awful lot of people to

please do something about it in the immediate future. For the general work of his officials, I wish to commend them. The members of the department whom I have contacted and spoken with in the past are astute and competent people. As a matter of fact, if we ever became the government—which is likely very soon—I think we might just retain the lot of you, so highly do I think of their capabilities in this regard.

Mr. Singer: How much fairer can you get than that?

Hon. Mr. Wishart: Perhaps they would retain the Attorney General.

Mr. M. Gaunt (Huron-Bruce): Better get it in writing.

Mr. Lawlor: Now, having satisfied an insatiable urge to speak, I sit down and we will resume the estimates.

Mr. Chairman: Does the hon. Attorney General wish to comment upon any of the remarks made to this point?

Hon. Mr. Wishart: Mr. Chairman, I commented on occasion as these remarks were made, and they have been wide-ranging, particularly over the whole area. There are just one or two points I think I would like to touch upon. We might not get to them in specific areas.

The hon. member for Sarnia (Mr. Bullbrook) commenced his speech and took a good deal of time on what I thought—and as I interjected—was a federal area; largely, if not altogether on constitutional matters.

He took some time to say that the Attorney General of this province should take a position on a matter which the Prime Minister spoke on in his press conference yesterday, or the day before—the visit of a French official to Quebec.

The Prime Minister, I noted, said he felt it was at least impolite. He did not seem to take it too seriously. I just wanted to say on that that I think that if any Minister of a province were going to speak on such a matter, perhaps it should not be the Attorney General—possibly the Prime Minister. But my own view is that this is not a matter in which a province should be critical of another province acting in this case as the host to an official of a sovereign state, France.

Mr. J. E. Bullbrook (Sarnia): You recognize it when—

Interjection by an hon. member.

Hon. Mr. Wishart: I do not want to get into this. I think either to defend, or take exception, might be uncalled for. It is perhaps dangerous to remark upon it, but one has to bear in mind that in the neighbouring province are a great many people who draw their origin from France. It is still a great nation, and they are surrounded by 220 million people who speak another language, come from other countries.

Mr. Bullbrook: Would the Minister permit me to rise for a moment?

Hon. Mr. Wishart: Well just let me say this. While one might feel that this was perhaps impolite, as the Prime Minister has said, they have a nostalgia. They do not look at it perhaps in the same light as we in the other provinces do, but I think for a provincial Minister to get up and criticize the actions of another province might not help to heal any difference of attitude. It might cause it to widen. So I deny that responsibility and say I do not think it would be wise for the function of the Attorney General of Ontario to get into that situation.

Mr. Bullbrook: If you would permit me, through you, Mr. Chairman. There is one thing I wanted to record at this moment—and perhaps we can continue this debate further—but I do beg to intrude in this respect. Nowhere in my remarks did I express concern as to the liaison between the Republic of France and the province of Quebec in connection with cultural or linguistic matters. The total aspect of the concern that I expressed yesterday was in connection with unilateral economic arrangements that were being made.

Hon. Mr. Wishart: I thank the speaker for making that clear and I think that was the way I understood him.

I just want to mention two other items he touched on very briefly. One was the legislation relating to the Sabbath, or the Lord's Day. I did not hear any positive suggestion. I heard some comment but nothing was put forward in the way of a solution, I was not offered any advice. Perhaps in the course of the estimates something of that nature will come forward. I have heard nothing to assist me as to the view of—

Mr. Singer: We will get into that very shortly.

Hon. Mr. Wishart: Yes, I have no doubt. I just point out at this point that I have had no positive advice.

Mr. Singer: You have no positive suggestions either.

Hon. Mr. Wishart: Oh yes, I have a position.

Mr. Singer: We have the Attorney General's oath of office, we will come to that in a moment.

Hon. Mr. Wishart: I have the law as it presently stands, and I enforce it, as it calls for, with discretion.

What I was saying was that I did not get any advice as to how otherwise I should do it.

Perhaps it might be useful, I do not know, I will be glad to hear it anyway.

Then there was discussion of wire-tapping both by the hon. member for Sarnia and the member who has just spoken for the New Democratic Party. I think I have made my position fairly clear on that for the past two years. Whether we should take legislative action at this time in some field or some area that might be left to us, I have answered in the House today in response to a question. My feeling was that we should see what the Minister of Justice in the federal government will do in that area and then there may be something, I admit, left for us to do. I think the time is not right yet to act in that area.

I think perhaps it became clear in the other remarks that were made that they will be returned to in detail as the estimates proceed. Perhaps I might just be very brief in touching upon those remarks.

I noted a plea in the language of the hon. member for Lakeshore, "Mr. Attorney General, please do not be a barrier to change". I noted his remark.

Mr. Lawlor: You wrote that down, did you?

Hon. Mr. Wishart: I wrote that down because there came quickly to my mind a great many changes in recent times: legal aid; compensation for victims of crime; expropriation; mechanics' liens; the Act to review the regulations; review of statutory procedures; consumer protection—I could recite 30 more.

Mr. Lawlor: That is your lurid past. I am looking forward to your glorious future.

Hon. Mr. Wishart: Yes, well I hardly felt I deserved such a plea.

Mr. Bullbrook: Those letters were all initiated by the Opposition.

Hon. Mr. Wishart: Oh were they?

Mr. Singer: Look at the 1965 debates on your estimates.

Hon. Mr. Wishart: Well, at least let us say they have been accomplished.

Mr. L. M. Reilly (Eglinton): Are you not happy with this one?

Mr. Singer: You should give us a credit line every now and then.

Hon. Mr. Wishart: I would not mind throwing that in. I just asked for advice a few minutes ago; give me the advice and perhaps I will give you credit.

I did interject about the division courts, the county courts and the legislation as it proceeds there. I think I shall now, Mr. Chairman, reserve any further remarks I have to make to these various matters as they come up in the specific estimates.

Mr. Singer: Mr. Chairman, I would like your guidance before I embark on a number of fields. The way these estimates are set up is not quite the way they were in the past. I am not sure where a number of headings I have marked down here fall. For instance, the question of grand juries. Would either you or the Attorney General suggest where that would be appropriately discussed?

Hon. Mr. Wishart: Mr. Chairman, I have not got my estimates book before me. It is waiting in the wings, if I could get it on my desk.

Mr. Singer: We cannot proceed until we get the official books, so we will just pause while the Attorney General gets his book.

Hon. Mr. Wishart: I think I can follow the hon. member, I am quite familiar with the estimates even though I have not got the book.

Mr. Singer: All right. Where would you suggest we discuss the whole question of grand juries in their present and future functions?

Hon. Mr. Wishart: Under vote 206: courts administration I think.

Mr. Singer: Courts administration. That title hardly discloses that that is where you would find grand juries, but if that is what you want we will discuss it there.

Hon. Mr. Wishart: Well they are part of the—

Mr. Singer: How about The Lord's Day Act? Would that come under this vote or not?

Hon. Mr. Wishart: That would be vote 205 in my view, criminal prosecutions.

Mr. Singer: Vote 205? How about bail?

Hon. Mr. Wishart: That is part of the courts administration, that is 206.

Mr. Singer: Vote 206? Wire-tapping?

Hon. Mr. Wishart: That would be 205, I should think.

Mr. Singer: Wire-tapping was 205, bail was 205. Central lock-ups and that sort of thing? Where would that be?

Hon. Mr. Wishart: It is suggested that that might come under 211, supervision of police forces.

Mr. Singer: What about off-track betting? It would be where?

Hon. Mr. Wishart: Item 211, I point out covers supervision of police forces, so anything that is related to the supervision of police forces should be discussed there.

Mr. Singer: How about such general things as the age of majority? Does that come under this, or would that be under law research and development?

Hon. Mr. Wishart: We have it under law research and development.

Mr. Singer: Is that where the law reform commission is?

Hon. Mr. Wishart: Yes.

Mr. Singer: Under that vote, although you do not use that phrase?

Hon. Mr. Wishart: Right.

Mr. Singer: The delineation of these things is a little confusing.

Hon. Mr. Wishart: You mean we do not use the phrase "law research and development"?

Mr. Singer: You do not use the phrase "law reform commission".

Hon. Mr. Wishart: In my estimates, they are in that.

Mr. Singer: Well, is that one under vote 204? Do I understand that correctly?

Hon. Mr. Wishart: Vote 204.

Mr. Singer: Well, as I say, as I look at the book, the words "law reform commission" are not there.

Hon. Mr. Wishart: It is in the blue book.

Mr. Singer: Well, one has to know what is in your black book as well as what is in—

Hon. Mr. Wishart: If you knew that, you would not need to ask any questions.

Mr. Singer: Why do you not send us a copy over in advance of the discussion of the debate—something like the whole question of the age and majority. Do you discuss under vote 204?

Hon. Mr. Wishart: Yes.

Mr. Singer: Now, what about delays in reports, like the Atlantic Acceptance commission? Where would we discuss that one?

Hon. Mr. Wishart: I presume that is the first one, 201—departmental management.

Mr. Singer: Oh, I see. And the McRuer one, that would be the same thing?

Hon. Mr. Wishart: Vote 201.

Mr. Singer: Vote 201. Well, is McRuer a Royal commission? No?

An hon. member: The field is very limited here on this first vote.

Mr. Singer: Alright, I think I have got enough to start, Mr. Chairman. This is not the way I had envisaged it, but we can save some of these things until a little later on.

Mr. Chairman: Perhaps we can start off on the main office. Vote 201, general activity programmes, the main office.

On vote 201:

Mr. Singer: That was what I was trying to elicit from the Attorney General: What really is covered by the main office.

The first question I want to ask is this: What is the latest word from Mr. Justice Hughes and his merry cohorts, who have now been sitting for five years preparing a report on the Atlantic collapse? And how much have we spent on that to date?

Hon. Mr. Wishart: Well, I can answer that. I know the report has been completed, and the matter of printing, I think, is what is going on now. We should have it very soon. I have not got estimates of cost before me; perhaps I can get them tonight.

Mr. Singer: Well, Mr. Chairman, we did a little guessing on that a year ago. At that time, the member for High Park—I am sorry he is not here—came to the Attorney General's assistance and said everybody knew—that must have meant the member for High Park—that Mr. Justice Hughes' report would be here last May. Well, apparently everybody did not quite know, because it has not arrived yet.

Hon. Mr. Wishart: Who said that?

Mr. Singer: The member for High Park (Mr. Shulman) came to your assistance, and you smilingly acknowledged his help, and—

Hon. Mr. Wishart: I hardly think so. I hardly think I accepted that statement.

Mr. Singer: You did not deny it. What I am trying to find out is how long it takes for a commission report to come in. Really, Mr. Chairman, with all due respect—and I know that the Attorney General is going to suggest that we should not attempt to influence Royal commissioners once they have been appointed; they should be given a reasonable time within which to do the work that has been assigned to them—it comes to the point that the delay of this report is really a public disgrace. It has been delayed now well over five years. The last estimate of costs that I was able to make—and I do not know whether it is accurate—is that it has cost at least $1 million and probably substantially more. And I said at one time earlier—

Hon. Mr. Wishart: Well, Mr. Chairman, if the hon. member wants me to answer. First of all, he keeps talking about the delay of the report. How long, he says, does it take a Royal commission to produce a report? Naturally, it depends on the subject. We have had Royal commissions—I think two of them in the last year—that took a month or six weeks or two months and reported. A subject such as that which Mr. Justice Hughes was engaged in was a very tremendous, wide-ranging matter, requiring a great deal of investigation, going into various countries, extending over a great field of financial and intricate matters. So I do not think it was delay. I know—and I am sure the hon. member must know—that the judge worked very hard and very continuously on that report. Then to write it was a tremendous task; he just finished it a very short time ago. It is such a large compendium of information that it is taking time to print. It was a subject that all members of this House felt should be investigated in the most thorough way; that has been done. I have some knowledge of the cost—I do not have an exact figure, but I think it will run fully to the million, something over $900,000. I am aware of that. But I do not accept that there has been delay—not for a moment. I think that if any commissioner has worked hard and faithfully and long, this commissioner is the one.

Mr. Singer: Well, Mr. Chairman, I am not quite prepared to accept that. I think there is a duty, when the Royal commission is appointed, to indicate to them—particularly in a matter of this sort, where there was suffering caused to a tremendous number of individuals who lost an awful lot of money; where there was certainly, at least, the suggestion that there had been some illegal acts committed, which might after investigation result in the laying of certain criminal charges. It would seem to me that when the matter is delayed for over five years, that if there are villains to be unmasked—and I used this phrase before—they will all have faded away.

Hon. Mr. Wishart: Mr. Chairman, I cannot sit still and let this sort of language go forth without contradiction. My department watched that investigation, that hearing before that Royal Commission, and watched it carefully. And, as evidence came forth, we moved to prosecute, and prosecutions were carried on. We did not wait for the handing out of that report. We were aware and kept aware and made ourselves aware of all that was going on, and the prosecutions took place as the evidence came forth. I still will not accept there was delay, and certainly there was no delay in action by The Department of the Attorney General as the evidence was produced enabling us to prosecute. I think the hon. member is fully aware of the actions that we have taken against individuals and the results which we achieved.

Mr. Singer: Mr. Chairman, I cannot accept what the Attorney General says, and it is with great regret that I cannot, because I just cannot bring myself to understand how it can be in the public interest to have this matter continue for that length of time, at least without the Attorney General indicating, in a public way, that he is very anxious to receive that report. It has become an occupation rather than an investigation; that is what has happened to it. There has been enough concern in this province about various financial scandals that demand a certain kind of action from this Legislature, but we just cannot afford that kind of a delay.

Now, I know the judge involved; I know he is a very conscientious and able man, and I know the counsel involved. But it is completely impossible for me to understand how it can go on for this length of time, and we have yet to see any official document come forward. Mr. McRuer's investigation—

Hon. Mr. Wishart: Well—

Mr. Singer: Let me finish. Mr. McRuer's investigation, for instance, was at least as all-embracing as that, and he travelled the world as well. He brought forward four volumes, and he is about to bring forward, as I understand the Attorney General, the second part of his report, which is probably going to run to two or three volumes. As he finished pieces of it, he brought it out.

Far more important is our ability to deal with current financial mismanagement.

If there is any worth in the report that Hughes is going to bring forth, surely we should have seen it long before now. I am very disappointed that the Attorney General has not said in a public way that he would like to see the report and put public pressure to bear on this. I think it is a shame.

Hon. Mr. Wishart: It is hard to convince those who do not want to be convinced. But surely, as I have said to the hon. member, he has seen the action of the Attorney General in the prosecution of persons involved, as the evidence came forth. Why, then, should the Attorney General be saying, "I want to get the report" when he is familiar with it as it goes along, and takes action as evidence comes forth?

Certainly I am anxious to have the report, certainly I am anxious to see the commission finish its work, and now it is finished, and we are waiting for it to be printed. But we have not been sitting idle, this is the point I want to make, waiting for that report before we took action. To compare this with Mr. McRuer's task is perhaps not the same thing at all. Now, Mr. McRuer had matters which he could produce, and he has done a tremendous work. He was appointed, I believe in 1964. He has had five years to produce those things too. But the investigation that was required on this subject, for this commission, was a matter of meticulous study, meticulous production of evidence and so on. And in order that it be done properly and thoroughly and fairly, that was the way it had to be. There has not been delay and there has not been delay in action, because this report is not in our hands.

Mr. Singer: The Attorney General is suggesting that as the evidence unfolded you discovered all the villains and prosecuted them all. What did he need the Royal Commission for? Are you suggesting that you know what is going to be in it or anticipating what it going to be in it, or that Mr. Justice Hughes is not going to suggest that certain people against whom you have not proceeded should be proceeded against? This is of very substantial concern. Now, if the Attorney General, by reason of having his officials during the hearing, is able to do everything that has to be done, what do you need Mr. Justice Hughes for at all?

Hon. Mr. Wishart: I think if I went back to the time, Mr. Chairman, and looked to see who was calling for a Royal commission I would not find the hon. member opposing the idea. He was, perhaps, one of those most strongly urging the appointment of a Royal commission. So, why does he stand up today and say, "Why did you want a Royal commission?"

Mr. Singer: Oh, Mr. Chairman, the Attorney General does not believe I am going to accept that.

Hon. Mr. Wishart: Well, I did not think you would.

Mr. Singer: All right, I am suggesting that from time to time, certainly, we will ask for a Royal commission to investigate certain things, but no one, of reasonable mind, surely, is going to anticipate that a Royal commission is going to run for over five years and spend around a million dollars, and that so long after the event we still have nothing before us on which action can be taken.

Hon. Mr. Wishart: You will have it.

Mr. Singer: Oh, we will have it, yes. All right, that is enough of that.

Mr. Bullbrook: I am wondering—I want to discuss with the Attorney General the matter of the prosecutions that were instituted against his former colleague, Mr. Macaulay, and against F. H. Deacon and Company, in relation to the total obligation of The Department of the Attorney General. Now, recognizing that this particular prosecution, I think, was outside the purview of the Minister's department, I would hope to make it relevant to this vote rather than to vote 202. Basically, I want to record to you that perhaps this is another example of the fact that total counsel service, total legal service available to the province of Ontario and the administration of

the various portfolios and departments should come under the Minister's jurisdiction, and that he should be called upon to accept responsibility in this connection.

I do not think, again, that we have to reiterate. This matter, in the two years I have been here, has been debated most fully. We discussed this at the time of the bill delineating your responsibility. But I use this as an example, and really, a tragic example, and I think the Attorney General as a lawyer will agree. Really, there could not have been any substance or proper investigation or proper consideration before the drawing of those informations against people of that repute. I do not know who advised, and I want to direct the question, was the Minister called upon in connection with these prosecutions, or anyone in the Minister's department, to advise on the evidence available, to substantiate the prosecution, on the laying of the information?

In connection with the laying of the information we have had some communication from the Minister of Financial and Commercial Affairs, relative to the prosecutions concurrent with the Prudential matter. What was the departmental responsibility in that connection, if any? What advice did the Minister give, and may we have from the Minister, perhaps today—not at length, because as I say we have discussed this question before, we have evaluated McRuer almost totally on this. I would like to get recorded now the Minister's feeling on the obviously improper laying of charges against a former Cabinet Minister, and also his feeling in connection with the invalidity—well I guess they were actually void *ab initio* in connection with the Prudential matter—and the focusing of this total legal responsibility in the House of the Attorney General and not scattering it amongst the other departments.

Mr. J. Renwick (Riverdale): Mr. Chairman, perhaps I could comment on that same point, or one portion of it. I am not going to comment on the Prudential aspect of the matter which the member for Sarnia has raised, but I do want to say this—and I am not usually one who comes to the aid of the Attorney General. I think what the member for Sarnia has said is most serious. I think it has to be elucidated within the framework of the particular charges that were laid, and I simply say from the experience I have had in the field of corporate financing that the most significant question for practical purposes in The Securities Act, for prospective purchasers, is the one under which the charges were laid, that is, the question of a statement of the material contracts out of the ordinary course of business of the company that is filing the prospectus.

That is my understanding and my recollection of the area within which the charges were laid. I think it is only people who are knowledgeable and intelligent and skilled in the securities business that will appreciate the importance of that question, and I do not take it that because the particular provincial court judge at that time saw fit to throw it out in the area because it happens to be mixed up with a quasi-criminal or a criminal atmosphere—

Mr. Singer: They did not throw it out, the Crown withdrew it.

Mr. J. Renwick: The Crown withdrew—

Mr. Singer: That is a different thing.

Mr. J. Renwick: The Crown withdrew because the arena within which the question was being tried was not a proper arena. Now, of one can avoid answering the question in The Securities Act for disclosure purposes by not having to disclose the material contracts out of the ordinary course of business, because you cannot prove in an unsophisticated court, unsophisticated in that sense, a charge that is laid, then you open the doorway in the prospectus wider than the proverbial barn door.

I think we must not lose sight of the importance of that question, that there is a requirement of disclosure of material contract not in the ordinary course of business. They are difficult questions, they are sophisticated questions, and they require the utmost searching enquiry. The obligation under The Securities Act is, if anything, to go overboard in terms of the disclosure of contracts, in terms of materiality and whether they are out of the ordinary course of business. If there is any question you put them in to protect public interests. You do not take the other attitude that if you can possibly not disclose them you get out from under.

I am not talking about the merits or otherwise of the information that was available to the securities commission when they decided to lay the charges, but let us not kid anybody. I am not interested in seeing that provision of The Securities Act watered down in any way. If it has to be amended in such a way to make certain that if there is any question of doubt in anybody's mind, be he the

counsel for the company, the chartered accountant for the company, a director of the company, an officer of the company—if there is the least question as to whether a contract is within the ordinary course of business or not or as to its materiality, then the obligation is to have it disclosed. And that is the simple point I wanted to make on this question because it is not sufficient to say that because a provincial court judge, not skilled or sophisticated in that area or the Crown in connection with the charges, feels that they cannot really make them stick because of the terms under which they were laid. I am simply saying that I think we have to devise either other wording or another tribunal in which this kind of question is decided, because we cannot open the doorway to hide from the public, material contracts of companies which are issuing and selling shares or securities to the public.

Mr. Singer: Mr. Chairman, I am really amazed at the hon. member for Riverdale. I often wonder who he wants to defend or who he wants to attack, and I must gather from his words—

Mr. J. Renwick: The member will be more amazed—

Mr. Singer: I listened to the member, now he can listen to me for a bit.

The point apparently is, Mr. Chairman, that insofar as he is concerned, because there might have been some rich or establishment villains, it is all right to go around and lay charges.

Mr. J. Renwick: No, I did not say that at all.

Mr. Singer: That is the point, because the member diverts this and he says there is nothing wrong with this section of The Securities Act. Now, my colleague, the member for Sarnia, did not say that there was anything wrong with The Securities Act or the provisions—

Mr. J. Renwick: I did not say it was wrong to lay the charges.

Mr. Singer: Mr. Chairman, I wish you could keep him quiet for a moment and let me finish. Surely the member for Riverdale wants to listen to the other side of an argument, apparently he is not too tolerant of these things, he has made a mistake, he should listen for a bit and I will tell him how it is.

Mr. Chairman, the problem is—and surely even the member for Riverdale should be able to get it through his head—that it is a very damning thing in our society when someone who holds a position of importance is charged with a criminal or quasi-criminal offence. That is often as serious a punishment as you can deliver to anyone of substantial position in the community.

And, by so saying, I do not mean that anyone should escape the effects of our laws across the whole field, but I do say this, sir, I think there is a very important consideration that has to be borne in mind by those people who are charged with the responsibility of enforcing various statutes. And when the conclusion has been reached that there has been an offence against the provisions of the Criminal Code or The Securities Act, and the time has come to go before a justice of the peace and swear out an information, that is a very serious consideration that takes place within the law enforcement branch of our government.

This is why, sir, over the years we have been saying that the Attorney General must be all of the law of this province. And the two examples that my colleague, the member for Sarnia, brought forth, indicates that he is not all of the law.

Mr. J. Renwick Mr. Chairman, would the member for Downsview permit a question?

Mr. Singer: No. When I am finished.

Had those charges come before the court and the court said there is no basis in fact in them, fine; if the enforcement officers in their reasonable judgments said, "We believe there is a case, the courts have to listen to our evidence" they will come to the conclusion as to whether or not the person is guilty of the offence as charged, that is perfectly understandable. But what escapes me completely, sir, is the fact that these charges are laid. People who up till now have enjoyed pretty good public reputations insofar as their integrity is concerned, are suddenly featured on the front page of the paper. Macaulay and others are charged, and then you would not even give him his hour in court; then you would not even go before the court and say, "All right, we have charged you and this is the evidence we have" and you would not let the judge dismiss the charge if there was no basis in fact. Now that, sir, is what the complaint is about and that, I think, is a very valid complaint and quite different from the red herring that the member for Riverdale tried to drag across the scene.

I would think that as a responsible person, he believes, with me, that when you come to charge a person with this kind of an offence and the person who is going to be more hurt by the charge and the publicity that it attracts, you have to be very, very careful. The fact that when the charges are laid and then withdrawn, without even a hearing, then I think one must ask questions as to why the charges were laid in the first place.

There is one gentleman who is charged in this series of events—I am not going to mention his name—he is not a well known person, he was a young lawyer who was on the board of directors of one of the companies involved, he received a phone call, I am told, one day, to attend a meeting to make up a quorum, he walked in the door, they said, "That is the quorum", everything is decided, out he walked. He was one of those persons who was charged.

Now, maybe he should not have just walked in the door and allowed himself to be part of the quorum, but the fact is that the charge against him was withdrawn as well, Mr. Chairman.

I recognize the Attorney General had nothing to do with this, it was within another department. I recognize the Attorney General had nothing to do with the permission or the pact that was given insofar as the Prudential matter was concerned, but it must have been obvious in the Prudential matter—drift on to that one—that if it was important enough that a four-page legal opinion should be written by someone, as to whether or not the Attorney General or the Minister of Financial and Commercial Affairs should sign the complaint, that at worst you both sign; at worst. And one signature then is no good, so you tear off that corner. At worst, you both sign it. Instead of getting the government caught in the ludicrous position that because there was a four-page opinion, and it was wrong, you are just out of luck and the ball game is over.

So we return to the plea, and in the context made by the member for Sarnia, it is the plea we have made over the years, that surely to goodness if your staff is as good as the member for Lakeshore says it is—and I have a pretty high opinion as to the ability of the staff—and if you meant anything in the new Department of Justice Act that you brought forward, and I have forgotten the exact paragraph, but we discussed it as it went through the House; the Attorney General said, "Yes, finally this is what we are going to do, we are going to centralize all of the legal opinions and all of the law enforcement authority in the Attorney General's office and we are going to be the lawyers for the whole province." If any of these expressions of opinion, any of these statutes meant anything, then I wonder how these two very serious events happened.

Mr. J. Renwick: Mr. Chairman, I just want to ask the member for Downsview a question —I get quite confused when I listen to him. As I understand it, the position of the member for Downsview, and the position of the Liberal Party, has been that the Ontario Securities Commission should be a totally independent body. He has spoken on that on many, many occasions. How do you reconcile that, that the Attorney General is supposed to continue to vet the charges which are laid by the securities commission? I do not think you can blow hot and cold. Maybe I misunderstood the member, but perhaps he would elucidate that?

Mr. Singer: That was a good question, it does not save the member for Riverdale a bit. Until the Ontario Securities Commission is a completely independent body, then we have to work within the machinery we have. Presently it is not independent; presently we are working under this broken down system; presently we get into this kind of difficulty, so that when we get into this kind of difficulty, there is only one responsible person that I can address my remarks to in this House, and that is the Attorney General and Minister of Justice.

And I say it is wrong. If the Ontario Securities Commission was entirely independent, as we have said it should be over the years, and we continue to say, that is fine, that would be a different thing, but it is not. And certain legal persons made certain decisions which unfortunately had very bad effects. I think the Attorney General should be most concerned about this, because very serious harm was done to a number of people in this province just by the laying of the charges, and then withdrawn without any explanation.

Hon. Mr. Wishart: Mr. Chairman, the hon. member for Sarnia first asked some questions of me in this vote; he wanted to know how far the control and authority and jurisdiction of the Attorney General extended in these matters. I would advise him that the control of the Attorney General extends to all indictable offences, all matters in the Criminal Code set forth there, and also some of them as set in The Crown Attorneys Act.

Mr. Bullbrook: Mr. Chairman, if I might, I asked how far you feel it should go. Really I asked for an expression of your opinion in connection with your responsibility, relative to these two matters. Should you be vested with some responsibility, that is what I was seeking out. I am sorry to interrupt again, but I wanted to clarify that.

Hon. Mr. Wishart: If I might continue I think I could add something to what I have said.

In addition the Attorney General has the discretion to intervene in all summary matters. He may, if he sees fit, intervene and take charge through the Crown attorneys in all summary matters.

Now, ordinarily, the prosecutions under The Securities Act are summary prosecutions. That body, which I think is quite independent, set up with expert officials and expertise in its formation, and with counsel, and that expert knowledge is required, as the member for Riverdale has pointed out, and they carried the prosecution of the summary matters which charges were laid.

To answer a further question; I was not, nor was any official of my department, consulted in the Prudential matter or in the Victoria-Wood matter. We were not consulted or asked for our advice or opinion, and I think there was no need perhaps to do that.

In the Prudential matter the prosecution was invalidated on a technical legal interpretation as to what Minister should sign, and I think there was very good argument to support the very firm opinion which my colleague, the Minister of Financial and Commercial Affairs, obtained. I think, perhaps, while it went before two courts, it was an open question—I will not say that another court would have reversed it—but it certainly was a valid argument and a sound position on which to move. I do not think he should be faulted for taking that opinion and so acting.

Mr. Singer: Why could not both of the Ministers sign it?

Hon. Mr. Wishart: Now let me say this further before I finish—I will deal with that. I think that would be silly, I think that would probably invalidate it.

Mr. Singer: Oh.

Hon. Mr. Wishart: I do. I think to have two Ministers unable to make up their minds as to who should sign, and to have both of them put their names on it would be ridiculous. I really think that.

Mr. Singer: It makes more sense than to let the case be lost on a technicality.

Hon. Mr. Wishart: Let me say that we did prosecute Prudential on the indictable matters—those were the criminal offences as that evidence again was produced. The Attorney General's Department did prosecute and obtain convictions—four I believe, as I recall—so that it was only in the summary matters that a very knowledgeable, a very capable body, the securities commission, with counsel, acted. And I would like to point this out. The hon. member for Downsview said, "I will not mention a prominent individual". Neither will I, but perhaps I can make it very plain. Had a former Cabinet Minister been prosecuted by The Attorney General's Department, by counsel of the The Department of the Attorney General, and had the case been withdrawn, or dismissed without a hearing, as appeared was the proper way for a justice to deal with it, I am quite certain—I need not be uncertain for a moment—there would have been innuendo and statements coming forth that punches were pulled, that it was all a political matter.

The securities commission went outside its own body and secured outside counsel, and I think this was a very right and proper thing to do. If we had been given the matter to prosecute, I can assure the House it would have been prosecuted fully and thoroughly, but I think in the circumstances it was a good thing that it did not fall to us because whatever the result, whichever way it went, there would have been some possibility of a suggestion that we did not prosecute strongly enough, or that for political reasons we prosecuted too viciously, so I think the matter was handled in a very proper way.

Mr. Singer: Mr. Chairman, the Attorney General points out that the securities commission went outside their regular legal employees and hired outside counsel. It is my understanding—I may be wrong—that outside counsel was not retained until after the charges had in fact been laid. Is that not correct?

Hon. Mr. Wishart: I am not sure on that point.

Mr. Singer: That is a very important point.

Hon. Mr. Wishart: No, I think that is not important.

Mr. Singer: Of course it is, it is the nub of the whole thing.

Hon. Mr. Wishart: The securities commission with its own counsel studied the matter and concluded that a charge should be laid —I am talking about the prosecution—then they went outside their own counsel and got outside counsel so that there would be no question of political involvement in that at all.

Mr. Singer: Mr. Chairman, obviously the securities commission could not have been that sure of their ground. It certainly is my understanding, that is why—

Hon. Mr. Wishart: You can never be sure —well, I should not say never—there are many, many prosecutions in which you can never be sure of a conviction, but you must go forward.

Mr. Singer: I agree with that, you can never be sure and that is why we have a system of jurisprudence and that is why we surround it with all the things we are going to talk about during the Minister's estimates, presumption of innocence and so on, but I say this, sir, that very serious responsibility has to attach to government in this instance because someone over there came to the conclusion that charges should be laid, and someone else then came to the conclusion that the charges were not even worth taking through the courts.

I do not think that you would have been condemned if you came to a conclusion that the charges should be laid, the evidence was presented, and a judge, or a judge and jury, came to the conclusion that it had not been proven. I do not think that kind of criticism would have been fairly levelled at you. What concerns me very much is the harm and the damage that you have done to the reputations of certain people in this community by the laying of the charges—that is where they were hurt—and then the withdrawal of it.

One of those persons charged, urged that the charges against him not be withdrawn. He would have preferred to have had the Crown's evidence introduced and have the charges dismissed by the provincial judge, but he was not even given that benefit. Surely that is so unfair that even the Attorney General cannot defend it.

Mr. Bullbrook: May I add just a word in that connection? I think there is a distinction to be drawn and some validity in what you said. Nobody is perfect and I think we are all examples of this to a great extent in this Legislature. So that in connection with the Prudential matter it was to a great extent explained during the course of the estimates of the Minister of Financial and Commercial Affairs—the technical-legal aspects that resulted in the information being regarded as void *ab initio*. But I am constrained to agree with my colleague from Downsview that there certainly is no exact equation between that circumstance and the Victoria-Wood circumstance. I would think the Attorney General would agree with me that although we might accept his word that the security and exchange people here in the province have capable advisors, the very concept of laying an information which subsequently, it is concluded, does not even establish a *prima facie* case, really smacks of lack of capability.

The fact is this, if you look at the heading of the next vote—and this is what I really wanted to get to, the heading of the next vote on litigation and legal services, counsel services to government departments and agencies. The point made, as I understand it, by the hon. member for Riverdale, I suggest most respectfully, the majority of what he had to say might not be quite relevant to the estimates of this department, although they were well said and well received. But the point I think is basically that you are conveying to me that this particular agency must not have a liaison, as far as counsel services and legal representation and advice, are concerned, because you do not want in any way to restrict its position of independence. Is that right?

Hon. Mr. Wishart: No. I should have made it clear—and I will now—that The Department of the Attorney General, all its staff, and its counsel, are available to offer advice to every department of government. I think that is made clear in our Department of Justice Act; that is our attitude, and that is what we do. We are available to be consulted if the necessity arises or if those concerned see fit. What the hon. member is perhaps reasonable in saying is that had the securities commission and its people seen fit—or felt they needed to consult us, we certainly would have offered advice. We were not consulted, and—I want to make this clear—I do not think they were constrained to do so; I think they were quite right in their approach.

I do not feel as sensitive as the hon. member for Downsview about laying a summary conviction charge against someone who apparently has transgressed against the disclosure requirements of The Securities Act at all. I realize that any criminal prosecution, or any

summary conviction prosecution which is criminal or quasi-criminal, is bound to hurt. But whether it is withdrawn or dismissed—whatever the results—in the opinion of those honestly administering an Act, something has been done, or something has been omitted to be done, which is infraction against that Act, and which calls for a summary conviction prosecution, then they should proceed—and the standing of the person in the community is not a factor which has to be taken into account.

The hon. member pointed out it was such a situation that apparently the courts said there was no case, and counsel which acted for the securities commission came to the conclusion that there was no point to proceeding with it. And the matter was withdrawn, but I do not feel very critical.

Mr. Bullbrook: Will you permit me to continue? I say this to you: I want to be fair in this connection, but when the Attorney General talks about the laying of an information, the summary conviction matter, it is somewhat sloughing it off as less than an important situation. Let me record my personal feeling: Informations were laid against F. H. Deacon and Company, one of the most highly respected brokerage firms, whose president, two years ago, was president of the Toronto Stock Exchange. An officer of this company—he was previously an officer—sits in this very Legislature and a former Cabinet Minister of this province. Justice is blind—and happily so—but somewhere along the line, whoever advised this commission to lay this information certainly should have had greater consideration than they had. I wonder, if I might, in closing—

Hon. Mr. Wishart: On a point of order, Mr. Chairman. I appreciate the remarks of the hon. member for Sarnia, and I think that perhaps he is directing them to the point that the Attorney General should have that responsibility. If that is what he is saying, that is one thing; but to be critical of another department has nothing to do with these estimates.

Mr. Bullbrook: All right, you make a point. I will leave it at this: You have not yet answered my initial question, and the question is, is your department prepared to accept the responsibility for total counsel services to all government departments and agencies? I would like to have an answer to that.

Hon. Mr. Wishart: I said a moment ago that my department is responsible for all indictable offences for the prosecution of the law—and they are set forth in the criminal code and in The Crown Attorneys Act—and the Attorney General has a discretion to take control and proceed with summary conviction matter. Now the hon. member asked if we are prepared to take all these matters. To use the securities commission for an example: government policy has set up an agency, this particular body—and there are others—where they have given them authority to proceed in summary conviction matters with their own counsel, with their own staff. I am not able to stand here and say it is government policy today that all those matters come back to the Attorney General, and that he take all the legal proceedings that are necessary, whether they be summary or not, whatever Act they are under. If that is the hon. member's argument, he may make it—and I suppose it might well be considered. That is not the way government is operating, and I am not in a position to say that is the way it should operate.

Mr. Bullbrook: I recognize that we are not here to digest the personal feeling of the Minister of Justice. I am sure that you were probably not in agreement when I say that when you read that those charges were withdrawn, it must have caused you some concern as a lawyer in connection with the background on the laying of the informations.

Mr. Singer: Mr. Chairman, I think it has to be emphasized, because the Attorney General used the words withdrawn and dismissed as practically interchangeable.

The facts in this case—and I think it has to be made abundantly clear—are that not one of these persons who were charged ever had an opportunity to appear before the courts; that there was no judicial consideration of the charges; that they were withdrawn by the counsel for the securities commission. That is the thing about which we are complaining; that is a very serious thing. As I said at the beginning, had there appeared to be a *prima facie* case, and the court in its wisdom said, "No, it has not been proved beyond all reasonable doubt," and there was an acquittal, you would not be subject to this line of criticism this afternoon. The concern is about the obligation that lies with those who are responsible for laying charges. And if the Attorney General is all the law, as we said he should be, as he seems to have accepted, then he shares this responsibility, he is the only responsible person whom we can get on the floor of this House to say,

"You are responsible for what has been in my opinion a very serious miscarriage of justice."

Hon. Mr. Wishart: Mr. Chairman, I just have to add this: In the work which we carry on in The Attorney General's Department, in the work of prosecutions, quite often, charges are laid by the persons who have the responsibility for laying the evidence, placing it before a justice of the peace, or some official who formulates the information and permits the charges to be laid, and takes that information. Quite often when those matters come before the court, the Crown attorney, the counsel—equivalent to the counsel in this case who was engaged by the securities commission—looks it over, examines the evidence, and studies it in detail, and says, "There is no point of proceeding before this court, it would be a waste of time, it would be unfair to the accused, we could not succeed." And either he withdraws, or in certain cases they come to my hand for a request of a stay, or withdrawal proceedings, and I do that.

I say this: That the official of the securities commission who studied those matters, I am confident, acted in good faith in the laying of those charges. And if the opinions changed, and if on a study of the whole evidence it became apparent to the outside counsel, who was engaged to take those prosecutions, that there was no point in proceeding, he was quite right; he would have been very wrong otherwise to have stood up and said, "Let us proceed for the sake of carrying this thing through the court," even though the person charged said, "I want a trial. I want my innocence to be proved after trial." If counsel says, "We admit your innocence, there is no point in proceeding. We are not going to take the court through this, or you," he was quite right to withdraw.

Mr. Singer: Mr. Chairman, as the Attorney General paints the broad picture, what he says has some basis in fact; it is a part of the procedure very day in court. A man comes before the court, and he is accused of committing a robbery, or attempting to commit a robbery, or has burglary tools or something, and very often there will be a discussion and a series of examinations of the evidence and the Crown attorney will talk to the defence attorney and eventually someone will come to the conclusion that if there is a guilty plea to one charge, the other charges will be withdrawn.

I think that is a very different kind of a thing from what we are talking about here. The question of whether a man is guilty of a parking offence, summary conviction offence under The Highway Traffic Act, or a speeding offence or that sort of thing, is a very different thing because here you have serious charges against certain people whose very professsion depends upon the kind of reputation that they have to maintain to carry on that profession. You are charging a prominent lawyer or several prominent lawyers with giving advice which was contrary to The Securities Act; you are charging a very well known, highly respected brokerage house with acting contrary to the laws of the province of Ontario. You are challenging their very ability to carry on their business.

If they have done these things or if there is a reasonable presumption that they have, then you have a duty to charge them. But I say—and I can see no excuse for it—once the decision has been made that there is enough evidence to lay a charge, then you have a responsibility to proceed with it. And if there was sufficient doubt that you had to call in outside counsel or the securities commission had to call in outside counsel, for goodness sake, why did they not call them in before the charges were drafted and get it—

Hon. Mr. Wishart: That was a proper way to proceed.

Mr. Singer: Well, we can quibble about this; the facts are there, Mr. Chairman, the facts are there, and there is nothing that the Attorney General has said today that provides an answer. I think the conduct of those responsible was disgraceful.

Mr. J. Renwick: Mr. Chairman, to finish it off, as I take the position of the member for Downsview is that special people should get special treatment—

Mr. Singer: No, that is not what I said.

Mr. J. Renwick: —and I dissociate myself entirely from that. I think to the extent that there is any relevance to these estimates, I would simply take the position that it would appear to me in the limited knowledge I have had and the explanation which the Attorney General has given, that the steps taken were eminently proper in the circumstances. And I hope that someone will make some comment even though they were irrelevant—and I agree with the member for Sarnia

in that—that at some point the government will take cognizance of the significance of that particular provision of the prospectus.

Nobody, but nobody, thinks that the reputations of those people are destroyed for all time or the investment house is destroyed for all time, at all. We are talking about the public disclosure requirement of The Securities Act, and let us not confuse it by calling it criminal, quasi-criminal, informations or anything else. We are talking about a sophisticated way of governing and protecting the public interest and that is what should take precedence over any special pleading.

Mr. Chairman, perhaps that is gone now. If I could turn very briefly and I do this—

Mr. Singer: It has not gone, he will reply to that.

Mr. J. Renwick: If I could perhaps just turn briefly, with the indulgence of the Chairman—

Mr. Singer: The member for Riverdale is wrong again.

Mr. J. Renwick: —and in the ecumenical spirit in which the member for Sarnia and the member for Lakeshore deal with the Attorney General, I want to very gently and totally within that spirit to disengage myself slightly from my colleague, the member for Lakeshore—

Interjections by hon. members.

Mr. J. Renwick: The member for Downsview will agree with me on this, that when we blooded the Attorney General a few years ago it was not quite the club atmosphere that it has turned into at the present time.

Mr. Singer: Oh, I quite agree.

Mr. J. Renwick: But my colleague, the member for Lakeshore, made some comments about the press council and with great diffidence I would just like to make two or three observations on it because—

Mr. Singer: We have another leadership battle going on.

Mr. J. Renwick: We happen to be big enough and mature enough in this party that we can tolerate this kind of thing.

I have no special knowledge of how any press council anywhere in the world operates —and by "press" I include all forms of media communication—but I am very concerned at any suggestion that somehow or other the press should be subjected to some kind of regulation. I happen to believe that if there is going to be a bill of rights, there probably should be an entrenched provision about freedom of the press.

I say that not because it is the freedom of the particular publisher or the particular owner at all, but in a very real sense it is my freedom, it is my right of wide-ranging access to information about the world in which I live, through the most modern methods of communication and transmission of information. That to my mind is a very significant point. When you talk about some press council or media council, you are really talking about a limitation on my personal freedom in the sense of my access to information and material which is put before me.

Of course, that imposes on me as an individual an obligation to exercise judgment, and I do not also claim that every reporter is the best reporter in the world. There are good ones and there are bad ones and there are sensational ones, and there are skilled ones and unskilled ones, but when you talk about the regulation of the press in any way, whether it is done politely as a little self-governing body with a code of rules, or an obligatory body or any kind of a body, you are talking about my individual freedom. Therefore, I am very suspicious in the initial instance of any suggestion that, disguised in some way of enhancing that freedom, you are in some way going to restrict it. That is the first point I want to make.

The second—and I do it in the greatest of good humour and the greatest sense of disengaging this and putting the other side of the question, for the purposes of any further debate or discussion there might be about it. Secondly, to the extent that this emanates from the legal profession or the judiciary, that in some way or other the press militates against the fair trial of individuals, I would make this point: First of all, the judges who are appointed are supposed to be able by their training and background and in the tradition of their appointment to disengage themselves from that kind of bias or influence.

To the extent that it is put forward in some way that the jury system, that the jurymen can be influenced by what happens in the world, then you discredit their ability to exercise their judgment freely on what is put forward in the media and the press and to discount what is extravagant, to discount what is unfair, to make some assessment. We all imbibe during the course of the day an immense amount of material which comes

before us and we all make judgments when we have to do so.

To the extent that there are injustices within the legal system or the trial system, there are many more serious procedural protections lacking in our system than to suggest that the media in some way or other can influence the fair trial of a person.

I give only two examples, we will probably come to them a little bit later on in any event. To the extent that a man has been granted or not granted bail, there is an evident distinction when the man is on trial in the courts from the place from which he is positioned when he comes into the court, which militates against the way in which the court deals with him, because he is either in the box or he is not in the box. Secondly, we have the strange anomaly that no person can be required to go into the box and give evidence against himself in open court, and he is fully protected against any suggestion that in some way or other a judge can comment adversely on his right to stay out of the box.

But the strange anomaly is that even with the so-called tradition of police rules, you can introduce against that person a so-called confession derived in a psychologically oppressive atmosphere of an inquisition in a police headquarters, and you can introduce that, certainly subject to certain safeguards. But if confessions are allowed to be entered against a person obtained in those circumstances, it is very difficult to jibe that against the right of a person to stay out of the box and not to have any adverse comment made about it.

Hon. Mr. Wishart: You do not admit that that is a voluntary confession within the rules of evidence? There is the warning, the taking of the statement—I presume, pretty largely at least, it would come under the heading "voluntary"; he is not forced to make any statement.

Mr. J. Renwick: I understand the rules.

Hon. Mr. Wishart: Yes, I know you do.

Mr. J. Renwick: I understand the traditions within which the statements are obtained, I understand the failure of our courts—

Hon. Mr. Wishart: I was just asking, I was really asking, does the member admit that is voluntary?

Mr. J. Renwick: I admit that it is ascertained whether they are voluntary or involuntary under a court proceeding which starts from the premise that, yes, a person in a police station can be questioned or asked to make a statement. Then a fine distinction is made sometime later as to whether it was voluntary or not voluntary, without giving full consideration to the psychological impact which is imposed on that person by being in a police station in the first place and faced with two detectives, one of whom is a nice guy and the other guy is the tough guy and who alternate this psychological pressure on the prisoner.

I only make the points to say that there are a number of procedural safeguards which are not available within the judicial system which are far more serious than any suggestion that, in some way, our system is not able to provide a fair trial because of what may or may not be said in the media.

Now, if I may just move to a different sphere: With the communication which is taking place via television about unrest throughout various parts of the world, you have got to have the media—particularly the television—totally unrestricted, except within their own judgment of their own professional obligations as reporters or persons seeking out information. If you start to impose rules of taste or judgment, then you will find that the kind of situation which developed in Chicago during the Democratic convention is not relayed properly. Everybody will say, "Oh, yes! The man on the spot, he selected things for one purpose and the other side did not get a fair selection of pictures on the television screen." And, of course, this is the case that was made by Mayor Daley.

Then you get the other kind of a situation where Mayor Yorty of Los Angeles, who I happened to hear, was supposed to be speaking on one topic but he chose to speak on the Watts uprising. He made the point there that he blamed Marshall McLuhan for the Watts uprising; he said he never met Marshall McLuhan but he blamed him for it. What he was really blaming was the media being free and available to transmit information about the civil rights movement in the southern part of the United States, about civil disturbances in other parts of the country, which gave a sense of community to the people in Watts against which they could relate and value their living experience. It may very well have provided yeast for the ferment in that area, but if there is going to be any progress in improving social conditions, then, I say that the overwhelming

need is to provide that the media of communication are subject to no restriction except their own innate sense of what they feel is the proper, adequate reporting. So long as there is effective competition in that world, so long as there are effective critics to discern the kind of reporting that is taking place, then I do not think that we need to concern ourselves about some code of good taste.

Let me move on to the third part, the third comment that I would like to make. I just happen to be one of the people who believe that you cannot regulate matters of taste. We are going through a completely changing time so far as taste is concerned. Just the role of the censorship of films in this province shows very clearly the total transformation in questions of taste. I do not choose to have some self-regulating body within the media deciding what is the kind of thing which I can see or not see, or read or not read.

I expect and I anticipate that our educational system is such that we can all make quality decisions. I do not mean that they will all be good. I do as many stupid things as the next person. I also, on other occasions, selectively choose what I want to see. And I want to have that freedom of choice. I simply express this concern that whenever one part of the institutional or establishment system starts to suggest that some other part better get itself institutionalized and established, I have the sensation that somehow or other, in some indirect and remote way in some instances and in a very direct way in other instances, that my particular freedom is being cut down.

I was interested to see that the Attorney General, in substance, had not bought that part of the McRuer report dealing with this matter and certainly is not satisfied that there is merit in it. But I did want, in the atmosphere of this debate, to put forward three or four of the contrary impressions which came to my mind when I listened to my colleague, the member for Lakeshore, propound the other side of the case.

Mr. Chairman: Is there anything further under the main office programme?

Mr. Lawlor: Mr. Chairman, I want to explore Royal commissions for a few minutes with the Attorney General. I have listed five of them as outstanding and which are bringing in their reports at this time. Last year $125,000 was spent. You notice the very considerable, marked drop of $25,000 this year in the estimates.

The Atlantic Acceptance report, from the remarks, obviously is finished. At the end of March, 1967, it had spent $742,000 in round figures. As of March 31 a year later—the last estimates—it had spent $890,056. Can the Attorney General, as far as Atlantic is concerned, indicate to us at this stage what is the situation as of March 31, 1969?

Hon. Mr. Wishart: The amount spent from April 1, 1968, to March 31, 1969, by the Royal commission on Atlantic Acceptance Corporation is $86,640.

Mr. Lawlor: Very close to a million dollars at this stage. On the Rand report—

Hon. Mr. Wishart: Might I just add—perhaps this might solve some of the questions that the hon. member has in mind—the reason of the marked drop in this year's estimates is that much of the work of two or three of these commissions, which has been carried on, has been completed, and we have not got a prospect of more large expenditure than that.

Mr. Lawlor: The Rand commission is a Royal commission under your estimates, would that be correct?

Hon. Mr. Wishart: That is right.

Mr. Lawlor: As of March 31, 1967, it had spent $37,000; as of March 31 of last year it had spent $103,000. It is finished. What is its final cost?

Hon. Mr. Wishart: I might say first, in answer, that the expenditures by the Rand commission on labour disputes from April 1, 1968, to March 31, 1969—and it is completed—were $30,306. Now I will see if I can get the total. The total cost of that commission over its whole operation from beginning to end is $131,375.

Mr. Lawlor: Thank you, Mr. Chairman. Another Royal commission of which I am looking for the final cost is that having to do with workmen's compensation, the McGillivray report, I think. As of last year, it had spent $49,867. What is its final cost?

Hon. Mr. Wishart: That was its complete and final cost—$49,867. There were no expenditures in the period from April 1, 1968, to March 31, 1969.

Mr. Lawlor: Again to the Attorney General, through you, Mr. Chairman: Are you responsible for the McKay commission report?

Hon. Mr. Wishart: Was that not education?

Mr. Lawlor: That is education.

Hon. Mr. Wishart: Yes; we are not responsible.

Mr. Lawlor: You are responsible for the report on pollution of air, soil and water, I believe?

Hon. Mr. Wishart: Right!

Mr. Lawlor: Is it finished?

Hon. Mr. Wishart: I think it is. I cannot be categorically definite about that, but as far as I know it is finished. Do you want the figures of its cost?

Mr. Lawlor: Yes, I would like the final figures on that, if you can.

Hon. Mr. Wishart: Its total expenditures—and I think it is finished—from its commencement to March 31, 1969, were $105,411; and in the period from April 1, 1968, to March 31, 1969, the expenditure was $71,086.

Mr. Lawlor: As of March 31, 1968, it was $34,000, you said. And you have spent $71,086. Is that report available?

Hon. Mr. Wishart: I must confess if I have got it, I have not read it. I do not recall having received it. It must surely be available, but I personally have not seen it. I am sure it is available. Has the hon. member not seen it?

Mr. Lawlor: No. It is a $105,000 piece of reading, and I—

Hon. Mr. Wishart: Well, I will check it. I know it came out and I know it has been published. I must confess I have not read it, with the other duties I have had to carry on.

Mr. Chairman: Is there anything further under main office?

Mr. Lawlor: Yes, I have another question under the main office. As the member for Downsview has indicated, there has been considerable change in the nomenclature and in the way the departments have been arranged.

Mr. Singer: Sorry. If you are taking my name in vain, please speak up.

Mr. Lawlor: Well, I am just saying that they have changed the relative names of the various headings; you have to study it fairly closely to avoid confusion. On the whole, the salaries against 1968-69 appear to have risen to about $170,000. Would that be correct and why?

Hon. Mr. Wishart: Why, those are annual normal increments, I believe. That is some addition, but I think there are a few additions in staff. I will see if I can get some more detail.

Mr. Lawlor: One of the items that has disappeared is something called the operations branch last year. And within the terms of that, I believe—yes, it was in the terms of that—were expenses in last year's estimates for exhibitions and whatnot of $10,000. Has that been absorbed into the conferences and conventions expenditure or where has it disappeared to?

Hon. Mr. Wishart: That has been transferred to the Public Works department which looks after any exhibitions we want to make.

Mr. Lawlor: Well, then, if that is the case, your training and development estimate is $41,000. Yes, I see. Last year it was under personnel management and was a $50,000 item, so that the exhibitions have been taken out of there.

Mr. Chairman: That item is not under the main office programme.

Mr. Lawlor: It is not?

Mr. Chairman: No. It is shown as number 5 in vote 201. But it comes under the last programme, personnel management.

Mr. Lawlor: Well, that is it, Mr. Chairman.

Mr. Chairman: Main office programme; agreed to. Anything under the executive director? Agreed to.

Anything under financial management? Agreed to.

Mr. Lawlor: Just one thing about that. Last year there were fidelity bonds for which you have a $2,000 item in there. You used to call it the accounts branch instead of financial management. Is there no provision for fidelity bonds presently in your department?

Hon. Mr. Wishart: This is now taken care of by Treasury; we do not carry fidelity bonds.

Mr. Lawlor: One other thing. On your compassionate allowances; they have increased from $3,000 to $10,000 this year.

Mr. Singer: They are more compassionate this year.

Mr. Lawlor: If they are more compassionate, then I will withdraw the question.

Mr. Chairman: Internal audit? Agreed to.

Office services? Agreed to.

Personnel management?

Mr. Singer: Under personnel management. As we try to fit these various questions under various headings, I suppose it might just as well come here.

I referred earlier to The Department of Justice Act, and the suggestion now enshrined in legislation that the Attorney General be responsible for all of the lawyers in government service. I wonder to what extent this has begun to happen, if at all?

I notice in the weekly notes and in the *Globe and Mail* in the business section, advertisements from various departments who continue to expand and elaborate on their own legal departments.

I wonder if the Attorney General could tell us the extent to which he has begun to do what the statute apparently was directed at?

Hon. Mr. Wishart: Since the passage of The Department of Justice Act, we have been working towards bringing legal personnel and other departments within our ambit. My Deputy Minister and other senior members of my staff have had meetings with other Deputy Ministers and we are working to this end, not only for a closer liaison, but a control pursuant to the terms of The Department of Justice Act and The Department of the Attorney General. We have not accomplished it all yet, but I think we are making pretty good progress.

Mr. Singer: That sounds pretty encouraging, but what is "good progress"?

Hon. Mr. Wishart: As I say, you will have to take my word for it.

Mr. Singer: This week's edition of the weekly notes I am sure, carried another advertisement from another department for another solicitor and I would think that the starting place, surely, should be with your own people. That the new people should start at least under the auspices of The Attorney General's office, the Deputy Attorney General or someone along the line of command there, and then be allocated. If The Department of Economics and Development want a solicitor, a request comes in to you people. You have not got one on strength and you advertise and you hire; you give the basic training and then you allot somebody to that department.

Hon. Mr. Wishart: I think there might be some merit in the hon. member's suggestion—that might be a way to go. We do have, I should tell him, our representative sitting on the selection board so that we do pass upon these people who are coming in. Without wanting to get expansive, enlarge upon this, or give any further reasons, I say there are some cases where we do not particularly want to take up every individual. But, as we pick up new ones, as I say, we do have a representative on the selection board.

Mr. Singer: How are the standards of salaries determined? This puzzles me too, because it seems to me every department has a different kind of grading. Is there a common grading it runs through for everyone with the government departments now, and who ascertains that? It would seem to me as I have watched some of these advertisements in the paper, and I have not followed them that closely, that each department has its own little empire that is difficult to disturb.

Hon. Mr. Wishart: Yes we do. We study the job and the nature of the work, the responsibility involved and we advise the department concerned that they are bringing somebody in and what the remuneration should be. That is the way we approach and assist in that. I do not think I can add anything more to that.

Mr. Singer: Have you any system of shuffling people around from department to department?

Hon. Mr. Wishart: Yes, we are doing a certain amount of that.

Mr. Singer: On what level? On a very junior level or on a fairly senior level because I feel it should be on a very senior level.

Hon. Mr. Wishart: We sent a man to The Department of Education once who had been with us for ten years and now we are in the process of making a transfer—not a transfer, a shuffle, perhaps you might call it—so we are moving forward. I think we are making pretty good progress.

Mr. Singer: I have only a brief question or two but it being six of the clock, perhaps we can pursue it at eight.

Mr. Chairman: As long as you have only a brief question.

Mr. Singer: All right, to what extent are you vetting—through your department, or perhaps through legislative counsel—various legislation that appears. For instance, I can remember two bills introduced by the Minister of Agriculture that I am certain, had the officials of The Attorney General's department seen them first, would never have appeared before the House in the fashion in which they did.

I am thinking of all the amendments to The Highway Traffic Act introduced by the Minister of Transport and in particular the section about the powers of arrest without a warrant, which were to be in the original draft in accordance with the policeman's discretion. I am quite certain again, had your officials seen that, it never would have reached the floor of the House.

It appears to me, in any event, as I have seen some of this legislation, that there is very little checking being done within the Attorney General's department.

Hon. Mr. Wishart: We have been working very strenuously to vetting, as you say, or examining all the legislation, although we were not able to accomplish all that up to this point. But, we are doing it more and more.

Our policy is that every bit of legislation shall come through by way of the legislative counsel and through the Attorney General's department. Beyond that, I think there is a distinction between that and legislative counsel.

We have engaged Mr. Mundell with that particular task in mind. One of the reasons we have not been able to accomplish as much as we would have liked to, has been the approach to the revision of the statutes, which has taken a great deal of the time of the legislative counsel, just at this particular time and in the past month. But we are going to accomplish this; that is our policy.

Mr. Chairman: Since there appear to be more questions from other hon. members, and it being six of the clock, we will now recess.

It being 6:00 o'clock, p.m., the House took recess.

No. 184

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 16, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, October 16, 1969

Estimates, Department of Attorney General and Minister of Justice, Mr. Wishart, continued 7161

Motion to adjourn, Mr. Welch, agreed to 7195

LEGISLATIVE ASSEMBLY OF ONTARIO

The House resumed at 8.00 o'clock, p.m.

ESTIMATES, DEPARTMENT OF ATTORNEY GENERAL AND MINISTER OF JUSTICE
(continued)

On vote 201:

Mr. Chairman: We were considering the last item, personnel management.

Mr. E. Sargent (Grey-Bruce): There is a very brief question I would like to ask the Minister. Are the hearings of the Royal commission into Atlantic Acceptance all finished?

Hon. A. A. Wishart (Minister of Justice): Yes, they are finished and the report is in process of being printed. We should have it very soon.

Mr. Sargent: Was any of the Minister's staff involved in the commission hearings?

Hon. Mr. Wishart: No, not in the hearings. We did, as I pointed out this afternoon, we did prosecute certain people as the evidence presented itself and showed their involvement. As we thought they should be prosecuted, we proceeded with prosecutions.

Mr. Sargent: Thank you very much.

Vote 201 agreed to.

On vote 202:

Mr. P. D. Lawlor (Lakeshore): Just a couple of questions on this vote.

By the way, "litigation and legal services" was called "the office of senior Crown counsel" last year; it is fundamentally the same vote. Under this heading, it says that it concerns counsel services to government departments and agencies including legal representation before the courts. Which government agencies were given this sort of assistance during the past fiscal year?

Hon. Mr. Wishart: I would think offhand of the Ontario Energy Board on occasion, the Ontario Municipal Board and the Public Servants' Grievance Board. There are others that do not immediately come to mind, but we have a fair range of activity there.

Mr. Lawlor: I am most interested. Take the Ontario Municipal Board. Would Mr. Kennedy, or one of the members of the board, call members of your department in to advise on specific legal points? Is that the sort of thing?

Hon. Mr. Wishart: They do submit requests in writing for our opinion, and I have had occasion to discuss matters of legal import with Mr. Kennedy myself.

Mr. Lawlor: In other words, you give opinions, counsel-like opinions to these various boards and agencies on specific points of law—always being very careful, I trust, that you are not in a conflict-of-interest situation.

Hon. Mr. Wishart: I think we are careful of that.

Mr. Lawlor: You are very careful of that. Well, all right.

The other question I have to ask under this head is: Do you still supply special counsel in court proceedings on behalf of government departments and agencies in special circumstances? I mean, non-governmental counsel, special counsel, outside your own department; the hiring of legal help to this end.

Hon. Mr. Wishart: Only if a conflict of interest should be quite apparent, then we would do so.

Mr. V. M. Singer (Downsview): That is a point I wanted to follow up following the question posed by the member from Lakeshore. I see that for counsel fees a sum of $1,000 has been allocated and under the general definition there, or explanatory note, counsel services to government departments and agencies including legal representation before the courts are provided within this programme. The sum of $1,000 seems remarkably small in view of the figures that we have had in previous years where I would suggest that as much as $1 million has been spent in retaining outside counsel.

In the past, Mr. Chairman, you may recall I have posed sort of a general question to all

departments and to all agencies of government: "To what extent did you hire outside counsel in the ensuing fiscal year, who were they, what were they retained for, what was the amount of their account, and were the accounts ever audited." I did not pose it this year; a substantial amount of work is required of the civil service to answer it. But I wonder the extent to which this $1,000 really represents the money spent by all government departments on retaining outside counsel.

We were talking earlier this afternoon about the Ontario Securities Commission. I think special counsel at that time was Mr. O'Hoolihan, and I would suspect for the work he did, his bill would have well eaten up that $1,000. Granted it would not be charged to the Attorney General's department, but it would be charged to the securities commission.

Then it seems to me earlier in this session we were talking about a fund that was set up to handle some kind of an appeal, and I was questioning—I have forgotten with which department again, I am not sure that it is the Attorney General's department; I think it was with the Minister of Mines (Mr. A. F. Lawrence), as it now comes back—why they had set up a fund in his estimates to pay Arnup Foulds for an appeal that eventually went to the Supreme Court of Canada, and they had some ridiculously low figure, in my opinion.

My point is simply this, Mr. Chairman, where the Attorney General says counsel fees of $1,000, I wonder if this is even the beginning of a reflection that this is what the government of Ontario—not just the Attorney General's department, but all the departments, and all the agencies—spend for outside fees and counsel.

Certainly one obvious instance where substantial moneys are collected by outside counsel, perhaps not spent by government, relate to The Department of Trade and Development insofar as the Ontario Housing Corporation loans are concerned, and that probably is not reflected in any budgetary figure. Because these mortgage transactions are approved, and they are assigned to counsel, it is not a government expenditure as such. The fee comes out of the mortgage moneys available, part of the mortgage moneys are put up by the province, part by the federal government. But it is not charged to the government as an expenditure of government, it is charged to the mortgagor. So do we have any real idea of the number of dollars that are spent in hiring outside counsel to give advice and to perform a variety of services?

Hon. Mr. Wishart: No. I can only speak for my department. We have got away from the policy of going outside for counsel in the Attorney General's department. We have, I think, very competent people in our senior counsel and those who assist him, and we have them in both the criminal and civil side.

We stay with our own counsel and that has been the policy of late, which is a different situation than a few years ago. I cannot speak for other departments. We encourage them to come to us, we offer assistance; and perhaps I might just read some notes I have on this matter from the material before me:

Where a government department requires legal assistance, full or part-time, the office of the senior Crown counsel is available to provide the same. The officers are continually in consultation with solicitors in other departments in reference to both litigious and non-litigious matters.

They researched and prepared 223 formal legal opinions in 1968 for other government departments and agencies, as well as advising branches of their own department. They drafted and prepared contracts for government departments, such as a contract for the printing and publishing of a book for world-wide distribution on behalf of the province at Expo '70.

The foregoing does not reflect the many informal legal opinions given by the law officers to various departments of the government, and the continuous advice offered on *ad hoc* basis to government agencies who request assistance.

There are other matters, if I might just continue for a minute.

A number of law officers have been engaged continually in a review of the McRuer Report and the implementation programme consequent thereon Furthermore, they deal with a multitude of enquiries both in person and by telephone made by the public with reference to legal problems

Although the solicitor to this department cannot advise members of the public, they have in the past and will continue in the future to make a determined effort to direct perplexed citizens along the course that will result in them obtaining the necessary legal advice to solve their particular problems

This is some indication perhaps of the activity in which we engage On the main question which the hon member asked about

our expenditures for outside counsel, our policy is to use our own counsel, and I think they do very effective work

Mr. Singer: Mr Chairman, I am quite prepared to accept what the Attorney General tells me as the policy of his own department. But, I wonder—and I am glad that the Minister of Trade and Development (Mr. Randall) is here—I wonder how his department, the Minister of Trade and Development—if he could bear with me for a moment—how his department determines what lawyers are going to be used to certify titles where mortgage moneys are being advanced by the Ontario Housing Corporation.

I would suspect, and I may be quite wrong in this, that no governmental counsel are used for this work. Again, I would suspect that the fees charged by these lawyers, which do not reflect in government accounts because they are not government-paid moneys, are based on the tariff fees for mortgages as established by the law society of the county of York in this county and the various other law societies throughout the province.

I would wonder if there is any consultation between the Minister of Trade and Development and the Attorney General, and whether or not it has ever been explored as to the feasability of having these titles searched by lawyers who work full-time for the government of Ontario? I do not know if the Attorney General can answer me on that or if this matter has ever come to his attention. If not, perhaps his colleague can answer.

Hon. Mr. Wishart: I would like to answer, first, and I would be glad if my colleague cares to offer anything in addition. The production of routine work such as in The Department of Highways where there is a great deal of acquisition of property for highways and so on, and I would think in The Department of Trade and Commerce, Trade and Development, these routine matters where there is something to be done in the way of acquisition of properties, searching titles and so on.

I think properly, they should be left to the department to work out their own arrangements. I frankly admit that this is usually done by the engagement of solicitors in the area who are familiar with the property situation. That is as far as I can answer from my knowledge. I do not think that The Department of the Attorney General, for a moment, should be so staffed and so equipped that it should do the searching of a title in Kenora or Sudbury or Windsor or Ottawa. That is not the function of the law department of the government.

Mr. Singer: Well, I don't know if the Minister of Trade and Development wants to get into this, perhaps he does.

Hon. S. J. Randall (Minister of Trade and Development): Of course, I would be glad to tell you what I know of this situation. We have our own legal department down at 188 University Avenue. I deal with Ottawa and it is sort of on a package deal. We do not have to get every individual deal approved by Ottawa. They advance certain sums of money throughout the year and if we are purchasing a building for instance, out of town, we would perhaps hire a lawyer in that area to search the title and do the work for us.

But as you know, we have not purchased any building since I guess 1967, when we stopped purchasing and when we started building our own.

So most of the work that we do is done at 188 University Avenue with our own staff and where we do not have to hire a lawyer. It is very seldom—perhaps on a land deal—we would use one in that particular area, but as I say, the majority of our legal work is done by Mr. Hermant, who is the corporate secretary at 188 University Avenue, and his staff.

Mr. Singer: What about your mortgages? Where Ontario Housing Corporation grants mortgages, how do you handle that?

Hon. Mr. Randall: They handle that at 188 University through our own legal department down there, as a rule.

Mr. Singer: It has come to my attention that prosecutions, say, handled by the Minister of Energy and Resources Development, his department, very often—he is not with me at the moment, he is looking at his notes. I wonder if the Minister of Energy could perhaps, give me his views on this.

Hon. R. S. Welch (Provincial Secretary): Whose estimates are before the House?

Mr. Singer: I think it is important because we are under a general head of employing outside counsel. I notice in prosecutions relating to pollution that very seldom does it appear that the departmental counsel are handling those prosecutions. Very often, outside solicitors are engaged for this purpose.

The same kind of question that I was addressing to the Attorney General and to the

Minister of Trade and Development I now address to the Minister of Energy and Resources Management (Mr. Kerr). How do you choose the particular counsel you are going to hire? Why do you not do it within your own department?

Hon. Mr. Wishart: Again, may I reply, at least for my part. Counsel from our department does the prosecution for air pollution for The Department of Energy and Resources Management.

Mr. Singer: How about water pollution?

Hon. Mr. Wishart: We do some of those, but I do not think we do them all because, having served on the Ontario Water Resources Commission I am aware of the fact that they have counsel over there, very competent people in that particular field. We have consultation with them, we do advise, but I know some of their prosecutions have been carried on by their counsel.

Mr. Singer: Well, Mr. Chairman, I have not posed the precise question. I do not have the exact figures, and perhaps I should. It will take a while to answer but I think I will have to do it again.

I would suspect that the figure has not materially decreased. I do not know, it is a suspicion, but we went through it department by department and agency by agency, and we are expending a very substantial amount of money in the various departments, perhaps excluding the Attorney General's department, for the hiring of outside counsel.

Some of those figures are not going to be reflected because they are not moneys paid out of the consolidated revenue fund, the mortgages of OHC I refer to particularly.

I just wonder if the time has not come—and this is what really I have been trying to get at over a great many years—when you cannot do what the federal government has done.

The federal government, not too long ago, used to do exactly the same thing. They used to hire outside lawyers from a list, and the lists were made up, I suppose, on the recommendations of those who were in government at that time. Lawyers on a list dealt with such apparently innocuous things as sales tax prosecutions, and default of filing income tax returns, and so on. There was a great long list and all sorts of people thought they were getting a great benefit by being retained by the federal government to act on their behalf in the courts.

In due course, after a similar type of concern being expressed in the House of Commons, at least in Toronto the federal government has set up its own office, and it had a group of solicitors functioning for all federal government departments which operate out of the Toronto office, who do substantially all of the legal work required on behalf of the federal government.

They do it on the basis of the annual salary that they are paid. They work their number of hours a day, and, if those hours take them into court, there they are. They do not take a percentage of the mortgage in accordance with the tariff of fees, and the end result is that there is a continuous experience available. It probably works out better in that the lawyers who appear before the courts and do this kind of work are more experienced and have an established practice and, equally important, they save the government of Canada a great deal of money.

Very frankly, Mr. Chairman, I am talking about patronage, and I suggest that in the lists that are maintained in hiring outside counsel, it is not unique to Queen's Park, it also goes on in Ottawa and I suspect it goes on in the legislatures across Canada. A great deal of money could be saved if more work was done by lawyers employed full time by the government of Ontario.

Now, this is the point we have been trying to get at over many years. I think we are nibbling at it, but I do not think we have done much more than that. Over the years that I have been trying to approach this problem, I think there has been a substantial improvement in The Attorney General's Department but I do not think it follows equally in the other departments, and this is my concern. This is why I hear with such joy the introduction of The Department of Justice Act, and the particular section which says that the Attorney General will be all the law for the province of Ontario.

The Attorney General said it is not going to happen overnight, and it has not happened yet. There is the beginning, but I would think that the time should be here now when a collective answer could be given on behalf of all government departments by the Attorney General, to tell us the extent to which this has been minimized. As I say, the figures which were produced the last time I asked the question, which was a year or two ago, were very, very substantial. The Attorney General suggests that they have been reduced. He may be

right. My suspicion is, that they have not changed very much. Now I can not prove it because I have not asked the question. I have not got the figures before me. I do not think the Attorney General really knows. He has a feeling that it has been reduced, in his department, it has been reduced—

Mr. J. Renwick (Riverdale): Don't waste the time of the House. If you do not know and he does not know, lets get on with the business.

Mr. Singer: Well, I think it is very important because I would like to hear some kind of a statement. I am glad that the member from Riverdale is back again—

Mr. J. Renwick: Delighted to be here!

Mr. Singer: We missed you. We missed you. I am glad you are back.

I would like to hear some sort of a statement of policy—that you have a plan to move in and take over this whole field. In fact, how are you going to become all the law for the Province of Ontario? That is the question.

Hon. Mr. Wishart: I am thankful that the honourable member admits that he is just suspicious, because it is pure suspicion and I can allay a good deal of it. Certainly, as he admits, in The Department of the Attorney General, we have brought our policy to the point where we use our own counsel. When counsel that is engaged by another department, the suggestion is brought to us to request for counsel and to approval of counsel, and we review that. And if outside counsel is retained and used, we again review the account which he submits.

But what I point out is that I think that really it comes to this, that mainly, and I think substantially, only in those areas where mass production of minor works, sort of search of title in arbitration and expropriation matters. It is quite reasonable and sensible, I think, to use counsel in the area for that type of mundane work, really solicitors' work. I make a distinction between outside counsel and counsel employed in the department such as that of my colleague, the Minister of Trade and Development, or by Highways where they may have their own counsel to do their specialized type of work.

But we advise one of the departments I might have mentioned that we advise on matters of legal questions and as to prosecution and contract matters, is The Department of Trade and Development, as we advise other departments. There is very little employment of outside counsel.

I am sure that the hon. member for Downsview, who has been in this House for some years, will have noted in the Press very seldom of late something which he probably used to note quite frequently, that such and such a case was going on on behalf of the government, either as plaintiff or defendant, and outside counsel would be named. That is not the case today.

Do not quote the government at Ottawa as an example to follow. We have used, for 20-odd some years, salaried Crown attorneys. It is only very recently that Ottawa has got away, if they have got away yet, from the employment of their particular lawyer on a patronage basis in the area where they want some litigation carried on.

Mr. J. Renwick: And regardless of the complexion of the party in power.

Hon. Mr. Wishart: Regardless, did you say?

Mr. J. Renwick: Regardless of the complexion of the party in power.

Hon. Mr. Wishart: I wish you had not added that. I was just taking Ottawa in the broad term. We do not need Ottawa to decide it for us as an example to follow, because we are long and far ahead of Ottawa.

Mr. Singer: Mr. Chairman, I must come back to this. I will quote Ottawa to you. I will particularly emphasize the Attorney General's remarks about Crown attorneys. You have full-time Crown attorneys, but I know my colleague from Wellington South (Mr. Worton) is going to be talking to you later on the appropriate vote about the very strong doubts he feels about your hiring assistant Crown attorneys who are one time in the courts on behalf of the Crown and the following day are in the courts as defence lawyers.

We think this is a pretty sad state of affairs. So I do not think you need to pat yourself on the back too strongly about that but we will get into that under the appropriate vote.

But when you have dismissed as a mundane legal task the searching of a title, I would not disagree with you if the payments were made on an hourly basis. But I am quite certain, and if you want the evidence I can

bring it here, I know that where a title is being searched where the Government is advancing a mortgage say for $1 million, or is acquiring a property where the compensation is going to be $1 million, that the Government of Ontario or some government agency pays the full tariff. And it is not on an hourly basis. The full tariff on a $1 million deal will run to what—$10,000? And conceivably the title, if it is an easy one, can be searched in a few days or a few hours, or if it is in land titles it can be searched in less than an hour.

Now, I think this is wrong and that is the point. The Attorney General knows it goes on and I know it goes on, and I was hoping that somewhere along the line we could get some breath of fresh air over this whole situation.

I think it is wrong, but I know that government continues to do this, this government particularly.

Now it may happen in other jurisdictions but we are here in Ontario and we are talking about the Attorney General's estimates and the Attorney General knows all the law in the province of Ontario. It would seem to me some day before I leave here that the Attorney General, the present one or his successor, is going to stand up and say: "We have a new policy, we are going to search titles with our own lawyers, or if we retain an outside lawyer, we will pay him on an hourly basis, $25, $50, whatever the hourly basis is." But it is not going to relate to the $1 million transactions, the worst of the transactions, which it does today. The Attorney General knows the tariffs as well as I do, a $1 million deal, $10,000 is the usual fee, no matter how complicated it is or how simple it is. That is going on, and it is going on with the blessing of this government.

Mr. Chairman: Vote 202 carried?

Mr. J. Renwick: No, Mr. Chairman. I wonder whether we could just approach the problem in a lower key than the member for Downsview has dealt with it. Would it be possible just to consider the other—

Mr. Singer: That story about the member for Scarborough West (Mr. Lewis) is getting under the member's skin, is it not? Shall I read that? "Stephen Lewis Introduced As the Next NDP Leader".

Mr. J. Renwick: I bowed out some time ago.

Mr. D. C. MacDonald (York South): I never saw anyone so obsessed with the question of leadership as the hon. member for Downsview.

Mr. J. Renwick: If we could just look at the government departments distinct from the Crown agencies that are involved. Does the Attorney General see any merit at all in having all the lawyers within the government itself in the strict departmental sense on the staff of the Attorney General and seconded to the various departments, rather than to have each department appearing to operate a legal service of some kind within a very narrow confine?

I make the comment because I notice some of the legislation that comes through bears, quite properly, in many cases the imprint of the particular Minister as distinct from an imprint of an overall sense of coherence in the way in which legal problems are approached.

Rather than have The Department of the Attorney General giving specific advice to a particular department, he in fact would be part of that department because the particular lawyer would be on his staff but would be seconded to the particular government department.

Hon. Mr. Wishart: Yes, I do, Mr. Chairman. Without hesitation I say I do see much merit in this.

This was envisaged, really, as our policy when we brought in the legislation which is now The Department of Justice Act. As I pointed out this afternoon, we have made considerable progress towards this. I must be frank and confess that with the situation that has existed over the years with lawyers of great capabilities within the various departments, there has been reluctance on the part of departments to turn over the work to the Attorney General and some reluctance on their part to be what they feel shaken from the roots they have put down.

We have not been able to accomplish all that we have in mind but this is coming about. I think it is a proper system, as the hon. member says, that the lawyers be in and of The Department of the Attorney General and seconded as needed and required to other departments to give their services there.

Now, that is not to say that a lawyer who is, let us say, in The Department of Highways, or in Public Works or in Trade and Development, would need to come over and make his physical location in The Department of the Attorney General. But he should be—and I think this must eventually come about as we can accomplish it—of The Department of the Attorney General. The Attorney General, if he is to be the law

officer of the Crown and to advise the government, should have all the legal staff in his department. This we are striving towards and I think we shall achieve it before too long. I must say I have not been able to persuade everybody to go that way just yet. But I have the Act and have the law there which says this is the way it shall be. It is a great lever to apply and we are using it.

Mr. Lawlor: Mr. Chairman, the Attorney General just now and previously gave us this sort of assurance as to the assimilation of the various legal departments into his own. I suppose if one had the strength you could subject him to a somewhat gruelling interrogation, department by department, as to precisely what is happening in this regard. However, rather than do that—

Mr. Singer: Except he is going to say he does not know about any other department.

Mr. Lawlor: Well, one question I might ask him now: in what departments specifically has he been successful in bringing about the assimilations of departments?

Mr. Singer: He is working them all and making slow progress in each one.

Hon. Mr. Wishart: I mentioned this afternoon, we have one in The Department of Education, he is our man. We had one over in The Department of Health, he did come with us, but had to move recently for reasons of health. We have surveyed seven or eight other departments, and we are going to be able to accomplish our objective there now. I do not think the hon. member will press me to name them. It is a little delicate—we are making progress.

Mr. Lawlor: Oh, I thought you could have broken old Highways down there.

Hon. Mr. Wishart: Well, we may. We have some liaison there.

Mr. Lawlor: Well, what I want to talk about for a moment is The Department of Commercial and Financial Affairs. This morning before the legal bills committee, seven bills were presented to us, a very onerous task for a morning's work. However, we tossed it off with aplomb, of course. But they only got through four bills. They are thick cussed things; the used car salesmen, real estate, and so on. But I thought your delicate thumb was missing.

Hon. Mr. Wishart: Well you may have seen the imprint of my thumb on The Used Car Dealers Act in its original form. I think all of those originally were created in The Department of the Attorney General before the other department was formed.

Mr. Lawlor: You drafted those bills—

Hon. Mr. Wishart: I believe so. Not the amending areas, no.

Hon. A. Grossman (Minister of Correctional Services): You had better check the fingerprints from now on.

Hon. Mr. Wishart: I remember the used car dealers, consumer protection—what four—

Mr. Lawlor: Real estate business brokers, mortgage—

Hon. Mr. Wishart: Yes, that was mine, if I may be so personal. That was ours originally.

Mr. MacDonald: It was not just the thumb, it was the whole hand.

Hon. Mr. Wishart: But not the recent amendments that the member was concerned with this morning.

Mr. Lawlor: That is just the point. Here is legislation going through under the auspices of the Minister of Commercial and Financial Affairs, commendable and a lawyer of great astuteness. I suspect what you do in most cases is rely upon his acumen rather than your own and that of your department.

I suppose there may be a certain amount of resistance there, thinking that you are treading on toes and what-not. As you say, these are delicate things that only are harboured in breasts of Cabinet Ministers. Still as the bills came through I thought they lacked that finesse and touch. They kind of took chunks out of your Bill 129 and 130 and carried them like some kind of transplant. And you know what happens to transplants these days, everybody seems to die. Inside these bills are great chunks taken from other areas.

I am mainly bringing this up tonight because I am foreclosed on the committee of the whole House in making all the nasty remarks that went through my head this morning. He repeals a whole series and then re-enunciates the same sections with two or three words changed, as though you could not amend the section. Why do you have to repeal a whole section and start all over again with two or three words?

All I am saying is, that these were defects in drafting. Even to such an unvarnished

mind as my own they were apparent; how much more so to the member for Riverdale who does not know anything about press counsels?

Mr. Singer: What does he know about? I would like to find that out.

Mr. Lawlor: I am not going to let you in on that secret. I mean, there is something he knows. We both are going to keep it to ourselves.

Hon. Mr. Wishart: I wonder if the hon. member would permit me to answer that right now before he continues. He has nothing further to say, I realize.

Mr. Singer: Is this in defence of the member for Riverdale, or in answer to the question?

Hon. Mr. Wishart: The sections to which he refers I think were taken almost in their entirety from my Statutory Procedures Act—if I may use that term for its title. These were discussed thoroughly in that new legislation. Those amendments were discussed with the Minister and with the legal counsel of his department, and then discussed again by legislative counsel with us when they come to check the drafting. Of course legislative counsel had been assisting us in the drafting of The Statutory Procedures Act, so that there was a very thorough study in consideration of those sections which were lifted. There would not be a conflict in this new legislation coming forward with the bill which I hope to have enacted in the coming months, my Statutory Procedures Act, so that there has been a pretty full study in consideration of this whole area as we went along.

Mr. Lawlor: Do you agree with the theory of drafting under your legislative counsel, where the theory of drafting is highly reduplicatory? You have bill after bill coming out, each one of them apparently to embody the same provisions over and over again in each separate bill, whereas, you have this central Act, to which incorporation by reference might be made explicitly in the text, of a statute coming through. Is it necessary, in other words, to recapitulate all the time?

Hon. Mr. Wishart: No, my thought was, that having produced the bills which were introduced earlier this session, rather than delay my colleagues with their legislation, that they might use these provisions which show that they are in accord. Also that the new legislation as it comes forward, has these safeguards and these remedies and so on, but that when The Statutory Procedures Act is enacted, at that moment—and this is an understanding—there will be the repeal of these sections which will be redundant and unnecessary in the other Acts.

Mr. Singer: Mr. Chairman, I suppose this would be as appropriate a time as any, to ask the Attorney General what views, if any, he presently has about the creation of the job of solicitor general. At one stage in committee, I think in the spring of this year, the Attorney General, if I can remember correctly—and if I am paraphrasing him in the wrong way I am sure he will correct me—suggested that the idea was not unappealing to him and he would not be averse to that kind of thing.

The Attorney General may remember that in 1965 I set forth my suggestions as to the possible reorganization of his department. The Attorney General has said, on many occasions, that he is not too happy with his dual or multiple responsibility as it presently sits on his shoulders; that he has great difficulty being a judicial type person in the one hand and an administrative type person at another turn; in charge of the police as well as being in charge of the appointment of judges and so on.

Now we had a bit of a discussion on that in 1965 and again in subsequent years and listening to the Attorney General's concern about the way his various responsibilities might, on occasion, conflict, I wondered if he had any new thoughts along this line. In his allocation of counsel and so on—and this is how I relate this to this vote—I would think that if this scheme makes any particular sense, then he would be bringing in new counsel, with the idea of dividing them insofar as these various responsibilities are concerned. I knew my colleague from Riverdale was most concerned about how I would relate this to this vote, so I thought I would put in a special sentence or two in order to satisfy his curiosity, but I suggested—

Hon. Mr. Wishart: Mr. Chairman, I wonder if the hon. member would permit me to interrupt. Any comments I may have made I will be quite glad to comment upon and try to recall them. However, any comments that I did make, were in connection with police administration; and I would like to suggest that if the hon. member would agree, we might leave that discussion and I will be quite happy to deal with it when we come to the vote on police administration.

Mr. Singer: All right!

Hon. Mr. Wishart: Another reason is that the hon. member for Sarnia, who rose first, as apparently the critic, mentioned this particular subject and said he wanted to refer to it later in my estimates, so I would like to feel that he was in the House at the same time, so that I can take care of his comments and get the benefit of his thought at that time, so if you could leave it until police administration, we could deal with it them.

Mr. Singer: I have no objection, just so long as it is understood that we will be able to roam the whole field because I think the suggestions I put forward in 1965, Mr. Chairman, were of substantial importance and should be put in the record again.

Mr. J. Renwick: Mr. Chairman, if I may make just one comment on vote 202. Would the Minister give me some idea of where the law library is situated and whether this is an added amount each year in the statutory provision of $6,000?

Hon. Mr. Wishart: We have quite an extensive law library which we try to keep up to date and useful in our office downtown at 18 King Street East. I seldom wander so far afield, I must say, but we have a very good library, a very good working library, which we keep up to date and, as a lawyer, I think the hon. member will agree it is essential that we have the tools for the job in order to do the work.

Vote 202 agreed to.

On vote 203:

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: On vote 203, legislative counsel services. I would like to run over a few figures—the mundane task in these estimates.

In 1967-1968 under this vote you had estimates of $199,000, of which you spent $163,000. In the following year, last year, 1968-1969, you requisitioned $200,000. Have you any figures as to what you actually spent?

Hon. Mr. Wishart: I think perhaps the answer is that some of those funds were required or estimated and requisitioned for such things as the conference on the uniformity of laws and we did not have occasion to spend all of that. Some of the personnel that we had envisaged acquiring, we did not hire until the middle of the year. Some of the requisition we made was with the view to the revision of the statutes and we did not get at that until toward the end of the year, so we did not spend the sum we had felt we might need, had we got the work under way earlier.

I think that is the answer. It is pointed out to me that $22,500 of the estimate was required for salary revisions, and we had to go to the Treasury board for that increase in salary.

Mr. Lawlor: The question was, though, what did you actually spend in the year ending March 31, 1969? Do you have that figure? In other words, you spent a good deal less the previous year than you requisitioned—about $30,000. I am just interested to see the figures. And then the following year, instead of cutting it down you left the figure around $200,000, and I am interested in knowing what you actually spent because of my next question, which I will take right now.

Hon. Mr. Wishart: Which particular item? May I see if I can find that? You were asking about—

Mr. Lawlor: The actual amount spent at the end of the last fiscal year, in the total amount of that estimate.

Hon. Mr. Wishart: Of 203.

Mr. Lawlor: Yes please.

Hon. Mr. Wishart: I will have to get that figure for the hon. member; I will undertake to do so promptly. I do not have it. We have the estimates for last year and we have these estimates, but I do not have the actual expenditure. I will get it promptly while these estimates are before the House.

Mr. Lawlor: Very good.

The reason I am asking, obviously, Mr. Chairman, is because the requisition, or the estimate last year was $200,000. If you look at the estimate book, you will see that the amount this year is double, it is $391,000, an enormous leap. In all these estimates before us, there is no comparable jump. It seems to have, in part at least, something to do with maintenance which went—

Hon. Mr. Wishart: Mr. Chairman, I can explain that very quickly. Last year, under maintenance, we had the figure of $9,000. This year that figure is $174,000.

Mr. Lawlor: Why?

Hon. Mr. Wishart: Because we have included under maintenance the ten-year semi-revision of our statutes.

Mr. Lawlor: I thought you were trying to hold the walls up!

Hon. Mr. Wishart: That is a big job. I am informed that buys all the paper required for that revision, which in this revision, I believe, will be six volumes instead of five. The paper has to be purchased and cured for the year, and the buckram, and the other expenditures which go with the revision of statutes, and that is why the big increase in that estimate.

Mr. Lawlor: The other item I would like to give some attention to here is the work of the law revision and other committee expenses. It has come down from $30,000; in this case down to $2,000. I have a note here. It is a considerable drop.

In other words, what I am going to be interested in, of course, is what work is being carried out at present. I know something about The Model Wills Act, which I believe is under the terms of this, and the consumers—

Mr. Singer: Not law revision!

Mr. Lawlor: Yes.

Mr. Singer: Law reform!

Mr. Lawlor: No. Well let us ask the Minister. I think it is under law revision.

Hon. Mr. Wishart: Mr. Chairman, that is quickly and simply answered. I think we would be criticized if we were to have a large estimate here as we appointed for this province of Ontario, which I think was a very forward step, an Ontario Law Reform Commission whose very duty and function is to revise, research and reform our laws and make recommendations to us. We are all familiar with those recommendations and with the implemenation of them. We have been occupied all these years since that commission began to function.

That is the body which now does the revision, and mainly all the revision, of our laws. It will be a waste of money to maintain what we had, before, a committee revising our laws. We have a specialized, well-organized and equipped commission working in this very field, and you will come to its estimate in my estimates.

Mr. Singer: That is the next vote; vote 204.

Hon. Mr. Wishart: Yes, so that we have gone away from the former situation which was not very satisfactory, not very good, not very complete and which did not accomplish the business of revising our laws. I think I can say, anticipating the next vote, that we get a pretty thorough job now in the revision of our laws. Maybe you will not agree, but I will get that in ahead anyway.

Mr. Lawlor: Why is it still in the estimates then? Why bother mentioning it at all? I think we are paying the other committees, whatever committees these may be that are getting the $2,000.

Hon. Mr. Wishart: Well, as you point out, it has dropped from $30,000. We do put in the small estimate of $2,000. There is the occasional small committee, in an ad hoc situation, that I wish to appoint within my department, to give me some advice on a particular subject, and to get it; to make a special study and to do it quickly. That is what that small estimate is there for.

Mr. Lawlor: I see.

Vote 203 agreed to.

On vote 204.

Mr. Singer: Mr. Chairman, on vote 204. This is the vote, as I understand it, that deals with the Law Reform Commission. It seems to me, Mr. Chairman, that we had a pretty searching look at the function of this committee and whether or not there might be better ways of carrying on the whole process of law reform; and whether or not the Legislature and the various members could not be used to better advantage insofar as participating in the actual process of law reform. I would like to draw to the Attorney General's attention, Mr. Chairman, an article appearing in the *Canadian Bar Review*, September, 1969, on page 395, called "Law Reform, the Choice of Method."

Mr. Lawlor: Boy, you are right up to date.

Mr. Singer: Oh yes; has the member got that one?

Mr. Lawlor: This morning's mail!

Mr. Singer: The article is written by Ruth L. Deech. Apparently Miss Deech, or Mrs. Deech, whichever she is, is a member of the faculty of law at the University of Windsor. She does a very careful analysis of the various systems and approaches to law reform in a variety of jurisdictions, in Eng-

land, in New Zealand, in Michigan, in Ontario and the suggestions that are being put forward in Ottawa. I thought it might be of some particular interest to quote just a few of her remarks, and I am reading now from page 413, where she has this to say:

> In addition, most of the Ontario commissioners are part timers, and in this respect the English commission fares better. When the pressure of work grows, as surely it must in view of ambitious codification projects of the commission, the commission is likely to find full time appointments preferable. It is, of course, difficult to find eminent practitioners and law teachers who can give up their careers for a while to work for a law reform commission, but the necessary persuasion can be provided by the guarantee of excellent research, and good results by the commission.
>
> As the changed attitude towards law reform takes root and the challenging nature of the research required to make reform possible is fully recognized, recruitment as a commissioner may well come to be valued as one of the great legal honours. In addition, the growth in Ontario law schools may be harnessed to the needs of law reform. As American commissions have found, there would be many advantages in having the commission's headquarters in one of the major law faculties in the province. This would not only greatly expand the research facilities of the commission, but would stimulate research in the law schools, while the atmosphere of reform would be valuable for class teaching. Experiments with other methods of law reform have taken place elsewhere in Canada. For example, Alberta, in 1964, established a law reform committee with the membership drawn from The Attorney General's Department, the judiciary, the profession and academic lawyers. Very shortly it was realized that this committee, like other voluntary part-time committees, could never be an efficient agency of reform. Albertans, however, decided against the establishment of a conventional law reform commission in favour of the new agency designed to allow maximum academic involvement in the process of law reform.

Now those are some of her thoughts about the Ontario system and then, just at the end of the article, on the bottom of page 418 and the top of page 419, she suggests in her opinion what the ideal set-up might be in Ottawa:

> In the first place, a minimum of five full-time salaried commissioners, picked not to represent all branches of the profession, but for their legal qualifications. In the second place, fairly long terms of appointment, five or seven years, in order to promote continuity and overall planning. In the third place, careful allocation of functions between the Ministry of Justice, where one exists, and the commission. If the ultimate responsibility for law reform is to lie with the Minister—

and I think it must lie with this Minister, with the Attorney General and Minister of Justice here in Ontario:

> —and if he is given a veto over the programme of the commission.

and I think that follows here:

> —then the commission should at least have assurance that its suggestions for legislation will be supported by the Minister and place found for them in the legislative programme. The commissioners should be safe from arbitrary dismissal and enjoy the closest co-operation of draftsmen and the finest research facilities available.

There are the thoughts of at least one person who has spent considerable time and effort in researching what might be, in her opinion at least, the ideal law reform commission.

I think she touches on several very important facts.

In Ontario here, we have a part-time law reform commission. They are all very eminent and capable gentlemen. The chairman, I suppose, works full-time and the others are part-time. Am I correct in that? Mr. Leal is a full-time commissioner and the others, Mr. McRuer, Mr. Gray and the other gentlemen on that commission are part-time?

What in fact happens, Mr. Chairman, as I see, is that periodically someone gets an adea, like the Attorney General had the other day about what do we do about The Lord's Day Act, Canada. Well, a good place to send that is to the law reform commission. Off it goes and he seeks an opinion.

I would suspect that the law reform commission is going to say: "This is a tough one the Attorney General threw to us. Let us see who we can find us an outside consultant who will do some research on it and will come forward with an opinion. If the question is difficult enough the process will produce, in due course, a nicely bound report

from the outside expert which represents at this stage, nobody's opinion but that of the outside expert.

"Then we pause for a while to see what kind of reaction that brings. Will the sky fall down or not? Is the profession going to rise up in anger and say you can never do this? Are we going to antagonize an important group in the community or is this idea generally acceptable?"

If it is somewhat reasonable, then the law reform commission will sit down and say: "Well, this is great, this is our number 17 report". And they send forward another report.

The Attorney General will then consider, and in due course he will either embrace it or not. If he does, we will see legislation.

I do not think we make enough progress in this regard. We do not have a full-time commission and the passing of the buck goes down through too many stages.

Take the field of family law for instance. This process took place and Professor Baxter was commissioned to bring in a voluminous report on the reform of family law.

Mr. Lawlor: The word is voluminous.

Mr. Singer: Voluminous! Did I not say voluminous?

Mr. Lawlor: Yes, it is a good word.

Mr. Singer: Some of us have laboured through sections of it. I do not know if my friend from—

Mr. Lawlor: Thirteen volumes!

Mr. Singer: Yes.

I would doubt if very many people went through all of it. Many lawyers went through parts of it, and certainly some members of the provincial judiciary went through parts of it. I have yet to find, Mr. Chairman, anyone who says that this is what our family law should be.

The least damning thing I have heard about that report was, "Professor Baxter must have done a lot of work and research in regard to it".

That about seems to be where it lies. What has happened? We are stalled, insofar as I can tell, on the reform of our family law.

There are many people in this province, I say, including certain members of the provincial judiciary and well known to the Attorney General, who would love to be able to say in public or to a legislative body: "We think the reform can take place in such and such a way". But by and large they have no opportunity to express that kind of an opinion.

It would seem to me that we have to reassess our whole approach to law reform. We should start, Mr. Chairman, by making the law reform commission a permanent commission, and all of its members should be permanent appointees. They should serve for a period of five or seven years or something like that and have some kind of security of tenure.

After all, it is going to be the Attorney General or the Minister of Justice who is going to have the final word, but these people should be given some sort of continuity of tenure; should be associated with a law school; and should have research facilities so vast that when a report comes forward, it really is something more than just a cursory review of an expert's opinion, it really is the opinion of the law reform commission. I think that is stage one.

Stage two is this, Mr. Chairman. I think that the whole process of law reform loses a great deal in that there is no real legislative process involved until the Attorney General rises in his place and introduces a new Act.

It would seem to me that there is enough legal talent here in the House, and probably will be in future years, that an all-party continuing committee of the Legislature should be constituted and should sit throughout every session to review law reform and work hand-in-hand with the law reform commission.

I think it would be of inestimable value, Mr. Chairman, if all of the members of the Legislature would be able to listen to the opinion of the family court judges insofar as family law is concerned. Allow them to come to the committee meetings. I know some of them are rather anxious to come and express to a non-partisan committee, an all-party committee, their views on what the changes might be in family law.

There are certainly many members of the profession who would like such an opportunity before new policy is embarked upon—to be able to come before that kind of a committee and express their views.

Hon. Mr. Wishart: You were speaking of a committee. I perhaps was not listening too carefully trying to make some notes, but you speak of a committee and we were talking about a commission. When I was last paying full attention, you were speaking of a change in the set-up of the commission, then I lost you for a moment through my own engage-

ment here. Then I find you talking about a committee. I am not sure that I—

Mr. Singer: All right, let me relate those two. I am suggesting that we have a full-time commission that will seize upon a particular problem, either at their own instigation or through the instigation of something said in the Legislature or on direction of the responsible Minister—be it family law, The Lord's Day Act, or what-have-you. Their first effort will not be to bring forth the report of an outside expert. They will come forward with their own report.

If the field is, say, family law, the law reform commission will then, in co-operation with the law reform committee—we will call it that—an all-party committee of the Legislature, will begin to sit and hold public hearings.

The law reform commissioners will be there to say our report is good because of a, b, c, d. There will be an opportunity to bring before the committee—the legislative committee—judges, practising lawyers, university professors, social workers, interested members of the public, and so on.

I know of my own knowledge that there are so many people of ability and talent, and specialized training in so many fields where the law cries out for reform, who feel frustrated by our present system. They have no ability to express publicly their views on how particular changes in the law might take place.

What in fact I am suggesting to you, sir, is that our present system of studying new laws, our law research and development, is inadequate. We were pioneers in setting up a law reform commission, but I think the time has come to reassess it.

I think the first step, as I say, is the reconstitution of the law reform commission. But accompanying that, and I think the most important part of it, is to give an important job to members of this Legislature who have a particular interest in this field, and on an all-party basis to be able to sit and discuss, first with the law reform commissioners, the validity of their reports, and then to be able first to invite, and then perhaps even to summon, learned people, judges, lawyers, social workers, particular trained people in that particular field.

The Minister of Municipal Affairs (Mr. McKeough) points to himself, and certainly he would be one that would have to be called immediately in most fields because he is so knowledgeable.

We would be able then, I think, to bring forth new laws with a substantial consensus of the best opinions available in the province of Ontario.

As I say, I use the particular example of the Baxter report on family law, which as an academic exercise is perhaps very fine, but insofar as producing reform in family law, I say, sir, it is a dismal failure.

I would very much like to hear the Attorney General's thoughts on whether or not we can improve our process of reforming the law and do it in a meaningful way, where we are going to get the participation of the best trained minds in the particular fields in the province of Ontario.

Hon. Mr. Wishart: Mr. Chairman, I think there is much food for thought in what the hon. member offers. But I feel he gets carried away with something or other—I was going to say what some famous statesman said: "The exuberance of his own verbosity" —when he uses the term after he talks about the law reform commission and he says it is a dismal failure.

Now if anything could be further from the truth, or from the fact—perhaps I should not say the word truth—it is that. The law reform commission was the first I believe ever established. We were pioneers it is true when we appointed the law reform commission.

I am told—and I think authorities agree—that there have been more recommendations of this law reform commission, the Ontario Law Reform Commission, implemented than any other law reform commission has been able to get its government, wherever it may be, to adopt.

Mr. J. E. Bullbrook (Sarnia): You can take credit, you can.

Hon. Mr. Wishart: I do not think this has been a dismal failure.

Mr. Singer: Well, that phrase I would be perhaps willing to withdraw if it applied to the commission, but in fact it applied to a particular research programme.

Hon. Mr. Wishart: I would like very quickly to say some of the things this law reform commission has done. It was appointed five years ago: personal property security legislation—implemented; the wages—

Mr. Singer: On a point of order, that was not the work of the law reform commission. They did a vetting job. The Catzman committee did that, and the Attorney General knows that.

Hon. Mr. Wishart: Well, but we had the benefit of the law reform commission's advice on it.

Mr. Singer: All they did was sit and say it is a good idea.

Hon. Mr. Wishart: Oh no, we revised it very considerably. I know because I was in the arguments and discussions that took place on that. I give the Catzman committee full credit for the great work they did.

The Wages Act and the assignment of wages; The Executions Act; the exemption of goods from seizure; The Evidence Act; the admissibility of business records; compensation on expropriation—they did a special study on that.

Mr. Singer: Are you suggesting the new expropriation laws are as a result of their study?

Hon. Mr. Wishart: In some good part, yes. On the compensation aspect I particularly asked them to do a special study on the basis for compensation, which the committee of this Legislature, sitting in 1962-63, did not very well deal with.

Mr. Singer: No, because the then Attorney General would not let them. I remember that full well too.

Hon. Mr. Wishart: I only know I did not get anything out of the report of that commission on that subject.

Mr. Singer: The then Attorney General, and now Speaker, would not let anybody do anything.

Hon. Mr. Wishart: The Perpetuities Act—maybe not too important in the eyes of the hon. member, but it is—

Mr. Lawlor: Most important Act in our programme.

Hon. Mr. Wishart: Right! The Condominium Act; The Mechanics' Lien Act. And our projects completed in 1968-69: report on The Divorce Act—Canada; a report on the proposed adoption in Ontario of a uniform wills Act, which I tabled in this House; a report on the protection of privacy in Ontario.

The member for Lakeshore read great excerpts from it and praised it highly this afternoon.

The report on The Insurance Act; a report on the trade sale of new houses; the interim report on landlord and tenant law.

I have legislation pending for introduction to this House as a result of that.

Mr. Singer: I hope we will see that some year soon.

Hon. Mr. Wishart: A report on the limitation of actions.

The great project, which we anticipated would take three years, is the whole business of family law, that whole study.

The report to which the hon. member for Downsview refers is not yet the report of the Ontario Law Reform Commission. That is Professor Baxter's background research which he has presented. The law reform commission will study that, and will, I trust, do a critical study on it; and take such material from it as they see fit. Perhaps they will adopt it in total, I do not know; but it has not yet received the seal of approval of the Ontario Law Reform Commission and been presented as its report. It will be something perhaps like Professor Ryan's report on the invasion of privacy.

Then there is the whole business of property law which is one of the projects.

Now, I would like to deal with the points which the hon. member raised, and I would like to refer to the article of Miss Deech. She is no doubt a very capable professor and student of law, largely, I think I must say, inclined to the academic side of law. I think one of the great advantages to our law reform commission is that it comes to us not with just an academic approach, but with the knowledge and experience of four members, in addition to the chairman.

The four members are engaged in the day-to-day field of law in various areas and have the experience, the background, the knowledge of the problems that arise in making a living in serving the public, in meeting the social needs of our citizens in the area of law.

I do not think you get that to nearly the same degree when you create a body which is largely, or totally, academic—with great respect to the academics.

The other thing the hon. member raised is the question of the opportunity to make submission to the law reform commission. We have public hearings on every subject that is referred to that commission. I am sure almost without exception they have invited, requested, encouraged, persons, people, corporations, bodies, associations, to come forward and make their points of view known.

We spend a good many dollars in this vote in advertising the subjects on which we wish opinions to be expressed to our law reform commission.

On the question of research, the hon. member says why do you not have a body that can do the research and let them be a full time commission? I think it is a great advantage to have a commission of this nature which then engages outside persons, expert persons, to do research, bright young people from the universities.

It gives them an opportunity to pursue certain fields. It gives employment in the research area of the universities and encourages them. It also avoids the necessity of overstaffing on a full-time basis various expensive research personnel. We get the same result. We get, I think, a better result.

As I say, we blend that with the practical experience of practical people serving on a commission on—it is true—a part-time basis, but they do a very substantial amount of work.

I have before me the complete record of their meetings through the year, the hours they have served, and of course the chairman, who is former Dean Allan Leo of Osgoode Hall, is full time.

I think the hon. member was wrong although perhaps I was not listening to him carefully enough to make certain, but I think he seemed to have an impression there were very few full-time personnel on the commission. I would point out that the chairman, Allan Leo, is a full-time commissioner. The counsel—Professor Richard Goss—

Mr. Singer: He is not a commissioner.

Hon. Mr. Wishart: He is counsel, but he is full time.

Mr. Singer: I said commissioners.

Hon. Mr. Wishart: I thought the member said counsel. I will not argue. I just want to clear this point in any event and put it on record.

The counsel is full-time, the secretary to the commission is full-time, there are two research assistants full-time and a secretariat.

Now then, as I say, we farm out and get a very excellent result and, I think, achieve other good results by farming out to research bodies such as universities and to their personnel, for instance Professor Ryan, for instance Professor Baxter, subjects on which research can be done.

Instead of hiring those people full-time, they can do that in a year or a year and a half and then our obligation to them ceases when that project is completed. There are great advantages to this type of commission, I think, and our record of the work they have done and the recommendations we have been able to implement, I think, support the argument that this is a most valuable body and, as I say, producing more implemented recommendations than any other reform commission anywhere. And this is recognized.

I think Miss Deech, although I have not read her article I must confess, in one of the things the hon. member recounted, said that the recommendations which such a law reform commission made would be accepted by the Attorney General or by the government. Is that what she indicated should be done? It was toward the last of her article, and the hon. member read it.

Is that what she said? What does she say?

Mr. Singer: Well, I will read it again.

> In the first place, a minimum of five full-time salaried commissioners, picked not to represent all branches of the profession, but for their legal qualifications. In the second place, fairly long terms of appointment, five or seven years, in order to promote continuity and overall planning. In the third place, careful allocation of the functions between the Ministry of Justice, where one exists, and the commission.
>
> If the ultimate responsibility for law reform is to lie with the Minister, and if he is given a veto over the programme of the commission, then the commission should at least have the assurance that its suggestions for legislation will be supported by the Minister, and a place found for them in legislative programmes. The commissioners should be safe from arbitrary dismissal and enjoy the closest co-operation of draftsmen and the finest research facilities available.

I think the Attorney General is—

Hon. Mr. Wishart: I want to point out that in the set-up of our commission, the Attorney General has no veto. I may refer things to it, but I cannot say to it, "Don't do this", or "Don't do that"; and I would not want to be in the position of being bound to accept every recommendation that any commission might make. I think this Legislature must be the supreme and final judge as to what policy we follow.

Mr. Bullbrook: I want to speak on that in a moment.

Hon. Mr. Wishart: I felt that Miss Deech goes a little far when she suggests that the Attorney General control the commission, have the right of veto over its studies and then be more or less bound to accept everything it says. I would not want to be in that position for a moment, I think this Legislature is to be the final judge of any outside body, whether it is a commission on civil rights, or a law reform commission, or whatever it may be. So I have no hesitation in defending and supporting our law reform commission. There may be some improvements that may appear, but we have a pretty good security of tenure. The members who have been appointed to it have now been serving five years, all of them. They serve at pleasure, I take it, by virtue of their appointment, but it gives us the freedom to change and alternate if we find that other persons could be found to serve more capably, and I think that is the way it should be. I am sure you will support this estimate because we are getting awfully good value for it.

Mr. Singer: Mr. Chairman, I do not think there is any doubt but that we will support this estimate, but what I am suggesting—I think the hon. Attorney General has missed my point—there are better ways of doing it.

Hon. Mr. Wishart: Maybe.

Mr. Singer: The Attorney General quoted a phrase back at me that the law reform commission was useless—

Hon. Mr. Wishart: Dismal failure, the member said.

Mr. Singer: I think it could work much better. The long list of reports that the Attorney General referred to, which are sitting around in some sort of limbo—

Hon. Mr. Wishart: Oh, no!

Mr. Singer: Yes, in limbo.

Hon. Mr. Wishart: Most of them implemented.

Mr. Singer: Yes, waiting for what? Those reports! Fascinatingly enough—Mr. Chairman, I do not know whether you noticed the procedure—a whole flock of reports were tabled all at once just a couple of weeks ago, following on the heels of a question I put on the order paper after a slight altercation with the Speaker, who consigned it to the order paper. My question was, "How many outstanding reports in the law reform commission has the Attorney General got? And when is he going to table them and what do they deal with?"

For some reason, best known to the Speaker, that got consigned to the order paper for several months. When it eventually brought forth an answer, very shortly after the Prime Minister (Mr. Robarts) tabled the answer, we got a whole new flock of law reform committee reports.

This is what I think is wrong. First of all, let me go back and review. I said the law reform commission can be improved by making it a full-time body and having people working on a full-time basis. But I say the second thing, and more important, is the attachment of some legislative responsibility other than the Attorney General's introduction of a bill to the whole process of law reform.

And what I am suggesting is that there be a committee, a permanent standing committee of this House, that will have the duty and the responsibility of reviewing recommendations or reports to the law reform commission; that will have the duty and the responsibility of giving a public forum to those experts in the field, practising lawyers and judges and university professors and social workers and so on, who might add something to that in a public way, so that we get to know whether or not the recommendation of the law reform commission is the best that can possibly be done, or if the committee can suggest a better way of doing it.

The hon. Minister without Portfolio is shaking his head—

Hon. A. B. R. Lawrence (Minister without Portfolio): We have the legal bills committee.

Mr. Singer: All right, this is not the legal bills committee. The Minister and I discussed this at some length one evening and he disagreed with me then and I hope he will make a contribution to this debate, which I am sure he is fully able to do. But I suggest to you, sir, that if you are going to make the participation of members in this House meaningful, that somewhere in the process of law reform, before a matter is decided, there has to be a role that the members of the Legislature can play.

Now, that is the point. No one is suggesting that the Attorney General has to be

bound by the recommendations of that kind of committee, because in the final analysis, the Attorney General is going to have to bring in whatever legislation he thinks is best. But surely if a committee of the whole House is there, and has the opportunity to make a searching examination of the last recommendation of the law reform commission, and, as I say, to bring before it those people who are knowledgeable, I think we would have better law reform, done in a more meaningful way. You would be utilizing, to a much greater extent, the talents that reside in this legislative chamber. Now, Mr. Chairman, there is no particular concern coming from some of us in the Opposition who can get up and make this kind of analysis, perhaps at the time they are introduced, not to the same extent as—

Hon. Mr. Wishart: May I ask a question?

Mr. Singer: Go ahead!

Hon. Mr. Wishart: Is the hon. member saying that there should be an opportunity for members of this House to appear before the law reform commission. If that is what he is—

Mr. Singer: No, no, no. You have missed the point.

Hon. Mr. Wishart: Well, I am trying to find out what the hon. member is talking about. Where does he want them to appear?

Mr. Singer: The Attorney General surely is not that obtuse.

No, I said the law reform commission shall function and bring in its report, and here it is.

Hon. Mr. Wishart: Right!

Mr. Singer: At that point, the report then goes to a committee of the Legislature.

Hon. Mr. Wishart: What prevents you doing that?

Hon. Mr. A. B. R. Lawrence: You have it now.

Mr. Lawlor: You want the hon. member's opinion.

Mr. Singer: We have not got it, and the Attorney General knows that we have not got it, and the Minister without Portfolio knows that we have not got it. The legal bills committee only sits at the call of the chairman, and it then only sits when specific bills are recommended to it. There is no committee research procedure undertaken by standing committees of this House. The members have no role to play in law reform.

The only time that it comes about is after it has gone through all these processes I have described and the Attorney General has made up his mind, backed by the government majority. Yes, he brings in his bill, and says, "Here it is. Here is the bill which I recommend." And with the government majority there it is pretty well a *fait accompli.*

Yes, we can change some of the ideas. The Attorney General bothered to say in his remarks about the expropriation Act, and one other Act, in his introductory remarks, that the legal bills committee had performed very well. I do not disagree with that, but those were two substantial exceptions that he mentioned. This is not the regular process of law reform that takes place in this province, other than the law reform commission which takes place behind closed doors. The first that we get to know about it is that the Attorney General rises in his place, backed by the government majority and says: "Here is the bill, pass it."

Now, that is the process, and it is a process that I think can be vastly improved, and that is why I suggest there can be a meaningful use made of a standing legal study committee, law reform committee, of members of the Legislature.

Mr. J. Renwick: When would we have time?

Hon. Mr. A. B. R. Lawrence: An elitist attitude!

Mr. Singer: Well, I am sorry that my erudite friends on the front benches of the third party do not grasp this idea, but had they thought of it first I am sure that we would have been hearing about it.

Mr. Lawlor: The hon. member is talking to hear himself talk.

Mr. S. Lewis (Scarborough West): Non-legal members of the Legislature!

Mr. Singer: Well, I think the time has come—

Mr. Lewis: Look at the poor Attorney General. Will he survive?

Mr. Bullbrook: The member for Lakeshore does not understand the debate unless you are reading from something.

Mr. Singer: That is right.

Now the member for Scarborough West, introduced last evening as the new leader of the NDP, wants to assert himself. The member for Riverdale is so obsessed with that idea as well, that they might as well carry on the chatter.

Let us get back, Mr. Chairman, because we are going to make no progress in this field by listening to the three divergent views of the three members now on that front bench.

The only way that we are going to make any progress in this is hopefully striking a spark from the Attorney General. There are some people over there who are concerned about the useful employment of the members of the Legislature in the process of law reform, and I hope this idea, which I think has substantial merit, will get some support.

Mr. Bullbrook: If I might, Mr. Chairman, I just want to recall that when the hon. Attorney General mentioned the ultimate responsibility of this body, of the Legislature, I interjected: "I want to say a few words". My colleague from Downsview has anticipated exactly what I was going to say.

Perhaps I would not go as far as he does because, I understand the burden of his remarks to be that there might be a liaison between the law reform commission and this House as a committee of the whole, but surely it is not elitist.

I request the response of the hon. Minister without Portfolio to the proposal that we, as a standing committee, the present standing committee on legal and municipal bills, that there be really some direct liaison between the commission and this committee in connection with their reports as they are published. I think one of the most attractive—

Mr. J. Renwick: Why?

Mr. Bullbrook: For greater knowledge, that is why!

Mr. Singer: For better knowledge!

Mr. Bullbrook: And for the participation of people involved in the function and responsibility of this chamber who are not lawyers, and—

Hon. Mr. A. B. R. Lawrence: We are elected as politicians, not lawyers.

Mr. Bullbrook: It has nothing to do with our function as politicians.

Mr. Lewis: As a matter of fact you are right about that. It is an elitist attitude.

Mr. Bullbrook: Mr. Chairman, I might say this:

Basically, when you spoke of the participation of that committee during the course of the deliberations on the expropriation Act and The Mechanics Lien Act, I asked you to reflect on the participation of Mr. Leal during the course of our deliberations, and the participation of your own deputy Attorney General at that time.

Now I think there is some great merit and substance made by my colleague from Downsview. That really, rather than us attempting to digest in effect a cold report, which we have talent enough to understand, why not afford the member for Sarnia the opportunity to discuss with Mr. Poole, or with Chairman Leal, their background, their thoughts and their understanding of the different concepts and precepts that they would recommend to this body for translation to law? There is nothing wrong with that.

Elitism? It is ridiculous! It is common sense, that is what it is.

Mr. Singer: That is foreign to the NDP.

Mr. Lewis: It is ridiculous elitism!

Mr. Sargent: I know it is kind of hard to ask that a man who is not a lawyer talk in this debate—

Hon. Mr. Grossman: Have you not got a QC?

Mr. Sargent: I have to be there 12 years for that!

The thing is that my colleague mentioned the fact that there should be people involved in the process of law who are not lawyers, who are part of the governing body. Now I understand that legal aid, as it is constituted in Ontario, is a joint enterprise of the Law Society of Upper Canada—the governing body of the provincial legal profession—and the Ontario government; the former the administrator and the latter the one who pays the bill. I would like to find out what representation there is on this body for someone who is not a lawyer.

Mr. J. Renwick: Wrong vote!

Mr. Sargent: I am talking about law reform. And I would like to know from the Minister what is the role here for someone representing the layman, the ordinary person who is not a lawyer.

Hon. Mr. Wishart: Mr. Chairman, we have an advisory committee who advises us on the conduct of legal aid.

I think I should perhaps say this to the hon. member: the concept of our legal aid plan was that government would claim the legislation could carry out the principle that nobody should be unable to have an opportunity to come before the bar of justice, or have their day in court as the common expression is, because they were not financially capable of doing so.

That was the principle by which we went. And we asked the legal profession—which naturally was going to provide counsel—if they would co-operate and carry out that plan. With almost unanimous voice, the profession said yes.

Then we said: "Would you carry on, subject to the surveillance and approval of the Attorney General?"—who was a Minister of the government responsible for this field. So we have a body on the administrative side set up that way, area directors in each district, each county. Under the Act, we appointed the advisory committee, which is a very active committee. It sits very frequently, studies the problems that arise, and is composed of certain persons: a judge of the supreme court, the chief judge of the county courts, the chief judge of our provincial judges—or what are magistrates' courts—and certain other persons.

This is where the civilians or lay persons play their part. The committee is composed as follows—and I am reading from the first annual report of the advisory committee: The Hon. Mr. Justice Brooke, who is chairman; His Honour Judge A. R. Wilmott, who is the chief judge of the county and district courts; His Honour Judge Johnson L. Roberts, who is one of our provincial judges; George Wallace, QC; Francis Wygoff, QC; and Patrick S. Fitzgerald, QC.

Then we have two lay persons, very capable and competent people, Elliot Stedelbauer and Professor Charles E. Emery. That is the committee and that is where the lay persons take part, become knowledgeable about what is going on, express their views and opinions as to how legal aid should be carried out.

Mr. Sargent: They are the civilian approach to legal aid, they are the protectors of the public funds from the lawyers, as it were?

Hon. Mr. Wishart: Well, Mr. Chairman, let me say this: most of the people, I would say 99 per cent of the persons who are served by legal aid, are civilians. It is not the lawyers who need legal aid. The people who are served by this plan are the citizens. Now, we get from time to time complaints from citizens who feel they perhaps did not get served, but by and large the response of the citizens to this plan has been tremendous.

It is appreciated, it has been of untold assistance; and we get this word from the people who are served and who, through the plan put forward by this House, by legislation, take care of the social need. While citizens can scarcely take too large a part in what is peculiarly a function of a profession, we do have lay representation. But it is designed—and this is the big point, I think—to serve citizens.

Mr. Sargent: Thank you.

Somewhere along the line in British justice, the law should be so defined that any man can go before the bar and plead his own case without the need for a lawyer.

Hon. Mr. Wishart: There is nothing to prevent him.

Mr. Sargent: But it just does not happen in our society.

Hon. Mr. Wishart: Well if he does not wish to go, that is his lookout; but there is no bar to that. He is invited and he can come, nobody will stop him. He can go right to the foot of the throne and do that.

Mr. Sargent: As for the law society council, there was an Act that was to be in the hopper to consider the manner in which the members of the society should conduct themselves in their obligation to the public. Where does that stand now?

Hon. Mr. Wishart: I did not get the question.

Mr. Sargent: The bill for the law society council!

Hon. Mr. Wishart: Oh, The Law Society Act! That is one of the bills which governs a profession, what we call a self-governing profession. The present Law Society Act is, of course, in force, but a new Act was drafted by members of the profession and with the assistance of legislative counsel and the staff of the Attorney General's department. We have had a number of interviews and meetings on revisions of the law in the new Law Society Act which I am urged—

Mr. Sargent: It governs the behaviour of lawyers?

Hon. Mr. Wishart: Yes—which I am urged to bring into this House. I have been urged by the profession to bring it in here soon. We have had very recent convversations and meetings with them. I have the legislation, I have made a number of suggestions for its alteration and amendment but it will be before this House shortly. I would not say this session, this year, but I think definitely next year.

Mr. Sargent: But you have been a year getting to this point and still it is not until next year. We heard this a year ago.

Hon. Mr. Wishart: I know, but I do not make any apology for taking that length of time to deal with a new concept of the government of a profession which is as powerful and capable as the legal profesison. If necessary, I will take another year before I will recommend to this House and to the government—

Mr. Sargent: It is nice to have that power.

Hon. Mr. Wishart: Well, I will take that responsibility. I will take the time to make sure that when we recommend an Act to this Legislature, which governs a profession as powerful as the legal profession, that the proper controls are in there. And I am sure if I did not, the hon. member for Grey-Bruce would be the first to criticize me—

Mr. Sargent: Well, would the Minister agree—

Hon. Mr. Wishart: Let me finish my sentence. The hon. member for Grey-Bruce would be the first to criticize me if we did not bring in proper legislation.

Mr. Sargent: Well this, if I understand it, will be purely advisory. There will be no power to enforce the recommendation whatsoever.

Hon. Mr. Wishart: I suggest the hon. member wait till he sees the legislation we produce. It will be something like the engineers Act, The Professional Engineers Act, with powers, with controls. The member will remember the debate that took place in this House over that professional Act.

Mr. Sargent: And you guarantee that lawyers, the benchers whom they rule on, will have a right to appeal?

Hon. Mr. Wishart: Well I am not going to forecast at this moment what that Act will contain. I do not think that perhaps is what the hon. member really wants me to do. But I think when I produce legislation, which will be soon, he will, I think, find in there provisions which will meet with his approval. That is all I say at the moment.

Mr. Sargent: With regard to law reform—this may or may not be to the point—you read in the press where top legal counsel in the courts say that deals are being made every day to keep the courts flowing, "deals are being made." I will quote this from the Toronto *Daily Star*—

Hon. Mr. Wishart: What was the word? To keep the courts what?

Mr. Sargent: Keep the courts moving, because of the glut of backlog of cases. If deals were not being made every day in the courts, then the courts could not function because of the backlog. If we have a great need for the area of reform in law to the ordinary person, the fact that one man can get a deal and I cannot get it because I do not have the proper top counsel, then I think it behooves us to take a good close look at what is going on.

I am quoting from the Toronto *Daily Star* and the headline is "Deals keep courts moving, lawyer says."

> The York county criminal courts would become overburdened and grind to a halt if the defence and prosecution didn't try to get some trials over quickly by trading guilty pleas for reduced charges, Crown Attorney Lloyd K. Graburn said Saturday.
>
> Graburn said the county courts had 700 criminal cases last year and if they had all gone to full trial, before judge and jury, only slightly more than half could have been completed.

And it went on to say that when a defendant agrees to plead guilty in return for a reduced charge, his case is put from a jury court to a court with just a judge, who receives a guilty plea and passes sentence.

> Graburn told 350 lawyers at a seminar on continuing legal education at Osgoode Hall that without the negotiated plea it is not dramatizing to say that the administration of justice would grind to a halt in the country courts.

Graburn made his observation during a discussion of so-called plea bargaining, and whether it was proper for the defence and the prosecution to try to get the judge to

join the negotiation or sound him out on sentencing.

I am not so naive as to believe that this does not happen in every area of business, but where the area of a man's freedom is the concern, he can buy top legal counsel with the money he has in his pocket. Then the amount of justice you get depends on how much money you have.

And it goes on to say this; that if you and I go up in court on the same charge in the city of Owen Sound or the city of Toronto, and if the fine is two months or $100, if you have $100 you will go free. If you do not have it you go to jail.

Repeatedly people are in jail because they do not have $100 and I say to you, Mr. Chairman, this is the only thing in our society that you cannot buy on the instalment plan—justice.

If there is need for reform it is in the area of a judge having power to say: "You go to jail; and you are free because you have your pockets lined." I think it is time you made a statement to the House and told us where we get off at in this society.

Hon. Mr. Wishart: I think I should say at once I am not going to make any comment on the views of Graburn, from which I dissociate myself. I do not think I need to comment on those, but on the business of paying a fine by instalments that is a clear procedure and is used—

Mr. Sargent: But if the magistrate elects not to give him the time he goes to jail, and that is your—

Hon. Mr. Wishart: Well, a judge may decide that in the circumstances of a particular case he should not. But it is generally used that there is the instalment procedure and there is no interest while it is carried on.

Mr. Sargent: If you have $100 you go free.

Hon. Mr. Wishart: Well I agree that perhaps it is more important in the field of the administration of justice that the difference in financial status should not make any difference, but to be a practical person one must look at life, I think, in the round.

If my friend and I went into the car dealer's establishment he would probably be able to buy a Cadillac and I would have to come out with a Ford. That is because of our different financial status.

Mr. Lewis: But neither of you is going to jail for it.

Hon. Mr. Wishart: There is a difference, I say.

Mr. Lewis: Your freedom is not inhibited by buying a car.

Hon. Mr. Wishart: That is right, I say there is a great difference in the matter of justice, but in the whole area of our lives, the financial status of one individual—

Mr. Sargent: But not justice!

Hon. Mr. Wishart: Not justice. I say there is a difference, but one cannot make it entirely even, no matter how one were to try, unless one were to pay the fine for the individual who has no money to pay.

What do you do about him? Do you give him instalments when he cannot pay and could never pay?

Mr. Sargent: So he goes to jail.

Hon. Mr. Wishart: What would you do with him? He has done a wrong. Let me ask you: the individual who could never pay, is he to break the law with impunity because he does not have to go to jail?

Mr. Sargent: I do not know the answer to that one.

Hon. Mr. Wishart: No you do not; nor do the courts.

I mean justice, punishment, is something handed out for wrongdoing. And because a person comes into court penniless and could never pay are you to let him go free? Is the state to pay his fine? Justice is not perfection and probably we will never achieve it. But you cannot say, because there is a difference in our financial status, that that is injustice.

Mr. Singer: Mr. Chairman, in the Ouimet report, which I am sure the Attorney General is familiar with—Roger Ouimet was the chairman and G. Arthur Martin, QC, was the vice-chairman and Mr. Lemieux, D. McCarton and W. T. McGrath were members—very interesting recommendations, quite along the line with the point that my colleague makes. This is what they say on page 199:

The committee therefore recommends that:

(a) Greater use be made of fines in suitable cases where the offender has benefitted financially from the commission of the offence either in lieu of, or in addition to, a sentence of imprisonment.

(b) Legislation be enacted to establish procedures to determine prior to the imposition of a fine—

and I think this is right in line with what my colleague has said:

—the ability of the offender to pay the fine, or pay a fine in a particular amount, and to determine the amount by which the offender has benefitted financially from the commission of the offence, where there is reason to believe that the offender so benefitted.

(c) Time be allowed for the payment of fines at the discretion of the sentencing authority, but within a reasonable period to be defined by law.

(d) That legislation be enacted to establish procedure to review the ability of the offender to pay the fine imposed, where the fine imposed remains unpaid to review the sentence.

(e) Imprisonment in default of payment only be ordered where the defendant, although able to pay, has refused to pay the fine or has fraudulently divested himself of his assets.

(f) Legislation be enacted to provide that a sentence imposing a fine, take effect as a civil judgment and that all civil remedies be immediately available without first resorting to civil litigation.

(g) The restrictions of section 622 of the Criminal Code precluding the imposition of a fine in lieu of imprisonement where the offender is committed on an indictable offence punishable by more than five years be repealed.

Very simply, sir, the point that my colleague from Grey-Bruce makes, is not only a most valid one, it is one that gave this important committee great concern, and about which they made very intelligent recommendations. One would have thought that the Attorney General would be about to implement those of these recommendations that he has the power to, or at least be talking to his provincial judges and suggesting that this is the line along which they might intend to move.

Hon. Mr. Wishart: I wish, Mr. Chairman, if the hon. member had just spoken about a moment longer, to point out to him and to the hon. member for Grey-Bruce, that these recommendations of the Ouimet committee would require the amendment of the Criminal Code.

Mr. Singer: Some of them.

Hon. Mr. Wishart: This is where the amendments are required, this is the field of criminal law and the punishment. And, as you know and this House knows, criminal law and the procedures relating thereto, are all contained in our Criminal Code.

Mr. Bullbrook: These principles apply to The Highway Traffic Act.

Mr. Sargent: Mr. Chairman, following up on the Attorney General's remarks, the federal Minister of Justice, John Turner, stated in a Toronto gathering that people in the Canadian cities were losing faith in law and government. For many living in the cities, he said, the law is the law of the established and the privileged. And I wanted to point out that in Toronto a youth who stole, a $1.98 theft, spent nine months in the jail down here because he could not raise $1,000 bail; and it could have been $1 million it did not matter. The fact is that it is the law of the privileged, and that is my point.

I sincerely hope the Attorney General will make a great milestone in the courts of our province for the people who cannot have—you would not believe it, we have up our way, people who are magistrates, now they are judges, and they are the highest up the totem pole they would ever hope to get; one man has never been a lawyer now he is a judge, he was just on the police force and now he is a judge up there, and they are knocking the hell out of our people up there, they are fined $200 for a drunk charge or for a driving charge. It is ridiculous what is going on up there insofar as persecuting people. They buy a government product and pay top tax and when they are caught with it they have to pay a $200 or $300 fine and if they do not have the money, they go to jail. There is a great need to take a new look at this thing because it is the only commodity we cannot have on the instalment plan.

Hon. Mr. Wishart: Mr. Chairman, I wish the hon. member for Sarnia had not left. The last remark he made when we were talking about the report of the Ouimet committee was that this applied to The Highway Traffic Act when I said these amendments should be made to the Criminal Code.

I seldom, if ever, heard of anyone going to jail because they could not pay a fine under The Highway Traffic Act. It is not provincial legislation that this was designed to change

or to cure. I think these recommendations have a great deal of merit, but I say of the hon. Mr. Turner, whom the hon. member for Grey-Bruce quotes, there is his opportunity to bring justice by adopting these recommendations.

Mr. Sargent: Why do you not intervene on behalf of the people of Ontario?

Hon. Mr. Wishart: This report has just appeared. The case which the hon. member cites of the $1.98 theft only tells one small feature of that case. I know something about it. If he cares to give me the name I will give him all the facts. He will find the young man did not spend his time in jail because of a $1.98 theft.

Mr. Sargent: I got this from the editorial in the Toronto *Daily Star*.

Hon. Mr. Wishart: Give me the rest of it, give me the name and I will tell you all the facts. You will find there is a lot more than what you recite.

As for the magistrate who fines the man $200 for being impaired or for drunk driving—

Mr. Sargent: I did not say "impaired," I said for just being in the car, or being found with it.

Hon. Mr. Wishart: And having some of it inside him, I do not know but what I might applaud the magistrate, because the danger to life and limb on the highway from the driver who is using liquor is one of our great problems. And there are many people, I am sure, in the member's own riding, and I am sure some of them have written to me and said that some of the sentences were too lenient.

I do not take issue with the hon. member that perhaps that sentence was—I do not know the case but perhaps that sentence was in his view severe, and perhaps he is justified in feeling that way. But we get points of view all the time, on both sides. Letters come into me saying our provincial judge is too lenient with the sentences. And then we get letters saying he is too severe, and as I say, justice can never achieve perfection; it could never achieve approbation or approval by all the people. We are always going to have two points of view at least and maybe many more, but I think—

Mr. Sargent: We are going to change all that in 1971.

Hon. Mr. Wishart: Well, you will not achieve perfection either, let me say, and you will not get approbation from all the people either.

Hon. Mr. Grossman: You will not get a chance to do it anyway.

Hon. Mr. Wishart: If you have that dream, you are going to be disappointed. Perhaps you will never get a chance to try it out.

Mr. G. Ben (Humber): Mr. Chairman—

Mr. Singer: I wonder—

Mr. Chairman: The hon. member for Humber has the floor.

Mr. Ben: Mr. Chairman, first of all I want to say something about the hon. member for Grey-Bruce, and that is this. If he was as eloquent as some of the members of this House he would wipe the floor with you people over there, because he comes out with the key issues which you are able to divert with your eloquence.

For instance, what the hon. member for Grey-Bruce first rose to discuss was the placing of laymen on law reform commissions, not legal aid. But the hon. Minister twisted it into legal aid and involved the report of the lay committee with reference to legal aid.

What he was trying to say is this, that in preparing the laws of this province, the layman ought to have a say in its drafting, so that other laymen could understand it.

I think the biggest crime perpetrated against the people of this province, or any other province, is writing law with unintelligible jargon that even the lawyers cannot understand. The prime example, in this Legislature, was The Personal Property Security Act that was brought down by this Minister.

For me, that was an utter disgrace to the legal profession, that they should have been guilty of bringing down such a thing which is completely incomprehensible to the average citizen. My friend here has handed me something—"the language of law is sheer gibberish" —and that is true.

Hon. Mr. Wishart: Mr. Chairman, the member for Downsview this afternoon said The Personal Property Security Act was a product of that eminent lawyer, Mr. Catzman, to whom he gave great credit.

Hon. Mr. Grossman: A very fine lawyer too!

Hon. Mr. Wishart: So do not charge that altogether to the law reform commission.

Mr. Ben: Mr. Chairman, I am a lawyer and I feel, therefore, I am entitled to take a crack at the legal profession, because here it has been very remiss and derelict in its duty and responsibility to the average citizen.

The law should not be written in jargon, it should not be written in gibberish. It should be understandable to every citizen. If you are going to say that ignorance of the law is no excuse for breaking it, then I presume it should be written so that everybody understands it.

Mr. Lawlor: Are you serious? Are you dead serious?

Mr. Ben: I am dead serious!

And I have seen some translations of law from other jurisdictions. I have also seen some law from other states which was not translated because they were written in English, and I have to say that they are a lot more understandable than the stuff that we publish here as the revised statutes of Ontario, and the statutes of Ontario, or the statutes of Canada.

That is what I think the hon. member for Grey-Bruce is driving at. If you have more laymen on these law reform committees they could aid in the drafting of the reforms that are required so that they would be understandable.

I think a citizen should be privileged to go to the Queen's printer, pay $1.25, or whatever you happen to be charging currently for office consolidations of different Acts, and be able to take that Act home and read it and be able to comprehend it.

Hon. Mr. Grossman: Oh come on!

Mr. Ben: All right, the hon. Minister says, come on!

Why not? If you can conceive all that gibberish to confuse people why can you not conceive a language to make it clear for them? I know why—because we want to preserve our old, old profession; just like social workers now are coming out with jargon that nobody can understand.

I was just reading here that one of the difficulties of the juvenile court is that there is no common communication.

Mr. Lawlor: You are reaching the depths of asininity that you usually do not plumb.

Mr. Ben: Will somebody put a foot in his mouth to shut him up.

Mr. Lawlor: You are reaching depths of asininity that you usually do not plumb.

Mr. Ben: All right, you just keep on preaching that and I will continue to preach that the law ought to be intelligible to the average man. You continue to say that he should be confused. That is your philosophy, it is not mine.

Mr. Lawlor: I do not buy that. I say he has to learn the language.

Mr. Ben: I was dealing with the difficulties of the juvenile court in that there is no communication. The social workers have their jargon and the lawyers have their jargon; and the judge cannot understand either of them. This is what is happening today.

That is the first point I think the hon. member for Grey-Bruce was trying to make. He wants to be able to understand the law. His constituents want to be able to understand the law without having to go to a lawyer. You say that is impossible? Well, that is too bad. I do not think it is impossible if we try to do it.

Hon. Mr. Wishart: Could I speak to that point before you go to your next point? I just quote one example.

I am really—I was going to say "surprised" —I am somewhat amused to hear the hon. member make these remarks. He knows that in one field where laymen have tried to write their own language—wills—the courts have been busy through the centuries trying to interpret what they meant. There has been more money spent, more legal fees earned in interpreting laymen's wills dealing with the property of estate, than in any other field because laymen tried to write language which would express what they meant.

There is no more difficult task, and I am sure the hon. member knows this, than to express in language simple, clear, one clear meaning, of which there is no possibility for different interpretations. That is what writing law, drafting legislation, is all about.

Where laymen have tried it, the lawyers have become fat as a result of their efforts.

Hon. Mr. Grossman: Even I agree with that.

Mr. Ben: It is a pity the Attorney General does not listen with both ears.

Hon. Mr. Wishart: Someone said to me, how about a do-it-yourself appendectomy. It is just about the same deal.

Mr. Ben: Well I will tell you, a Japanese did it with a mirror. Looking in a mirror he took out his own appendix.

But the Attorney General was not listening. I said we ought to have laymen on a law reform committee to advise the people who are drafting the law whether or not it is intelligible to the average layman. In other words, let the lawyers prepare it, but with the guidance of the laymen, so that the laymen can understand what the lawyers are writing.

That is one point I think the hon. member for Grey-Bruce was trying to make.

The next one was with reference to making deals. There is another aspect to this particular picture which perhaps the hon. member for Grey-Bruce did not comprehend or he had a different aspect, and that was this.

Yes, they make deals in the courts, but why do they make deals, and are all of these progressions that they are guilty of, deals?

For example, I find it extremely offensive that a citizen should be charged with theft, attempted theft and possession, all arising from the same offence.

Either the man was guilty of attempted theft, which means he never completed the act, or if he was guilty of theft, then why charge him with attempted theft? If you find him guilty, if he was guilty of theft, then what is this nonsense about charging him with possession of the goods? It is all part of the act of stealing.

What happens is that they charge you with all these things so that they can make the so-called deal that my colleague mentioned. They say, "OK, you plead guilty to attempted theft and we will drop the charge of theft and possession." And this is a deal, the so-called multiplicity of charges which I find extremely offensive.

You ought to charge the person with the offence that he is deemed to be guilty of, not charge him with the multiplicity of them, hoping that you may be able to stick him with one of the charges; and if you cannot stick him with any at least scare him enough that he will plead guilty to the lesser of the number of offences that he is charged with.

I think that this is also perhaps what my friend from Grey-Bruce was trying to say.

In line with the so-called deal-making, I think the one thing lacking, or as Mr. Justice McRuer recommended, and this parliament still has not come to accept, is compensation for persons wrongfully convicted.

We have got compensation for victims of crime. What is lacking now is compensation for those people who have been wrongfully convicted, and Lord knows we have a number of them.

I think that Mr. Justice McRuer pointed out that countries like Denmark, Norway, Sweden and the United States have these laws, a number of the states in the United States of America have these laws. I think the Minister should get up and tell us when he is going to introduce a law which would compensate these people who have been wrongfully convicted. Especially since there are a lot of them who were induced to enter into a so-called deal—as mentioned by my hon. friend from Grey-Bruce—who were innocent in the first instance but chose to plead guilty to a lesser offence because they were scared stiff that they would end up in prison, being convicted of some offence of which they were innocent in the first instance.

This, to me, is also very important. I would especially like to have the Minister's comments on the second two points: namely why police continue to lay a multiplicity of charges all arising out of the same act. As a matter of fact we know only one of those charges could possibly be relevant. And secondly, when is this Minister going to introduce an Act which would compensate persons who have been wrongfully convicted?

Hon. Mr. Wishart: If I could first answer very briefly some of the comments of the hon. member on the question of multiplicity of offences.

When an offence is committed, it generally involves and includes a number of offences. He used the example of breaking and entering. It may have been a complete break and entering, it may have been an attempt to break and enter where you might have difficulty in the court in a criminal prosecution, proving that there was actual entry. There may have been possession of the goods, stolen goods. You may not be able to prove that.

But it is quite proper—and I would make no withdrawal or retraction of this at all—quite proper for the persons who seized that person, apparently guilty of an offence, to charge him with a number of alternate offences. Because the responsibility rests upon the Crown, upon the prosecution, upon the police forces, the enforcement people, officials, to prove the offence. The only person who knows exactly what offence has been committed is the person who is protected by our

law from saying one word. He does not have to get into the witness box. The prisoner, the accused, he does not have to tell. The persons who have the responsibility of protecting the public by seizing the offender, who is attempting to commit, or who has committed a crime, you say they must not charge him with but just the one offence; and prove that one or else he goes free. And I do not agree.

Mr. Ben: May I interrupt the Attorney General?

I was glad he sat down. I would like to say a few words.

I was shocked at the Attorney General, who is also referred to as the Minister of Justice, using words like "may be guilty" or "apparently"; and this is the supposition he goes on. He made it quite clear that a person, I think, may not be able to prove that a person broke or entered, yet he feels justified that they charge him with an offence which they feel they may not prove; and he just washes it off at that.

I had the sad experience of subsequently talking to a magistrate who admitted that he had convicted a person of careless driving because there were two charges against him. One was—oh, there were not two charges, only one charge—but by error on the docket, they had the man charged with careless driving, and right behind that with ability impaired. And the Crown said it was a mistake, that he was not charged with ability impaired. But that impressed upon that judge—that magistrate—the thought that he was drinking but they were withdrawing it. And the magistrate admitted it to me.

Well, here is what happened. Just let me finish, please.

Hon. Mr. Wishart: Would you give me the name in that case?

Mr. Ben: It happened five years ago.

Hon. Mr. Wishart: Would you give it to me?

Mr. Ben: Pardon?

Hon. Mr. Wishart: I would like to have that.

Mr. Ben: Well all right. I will have to search long and I will have to phone up the man and see if he can remember. It came out of Lambton court.

Visualize this, the justice of it! A person goes to court and he is charged with breaking and entering, theft, attempted theft and possession. They all arise out of the one incident because the police, like the Attorney General, feel that he may be guilty, or he apparently broke in. They are not certain so they come to court and they strike a deal that my friend from Grey-Bruce spoke of. They say plead guilty to the attempted theft and we will withdraw the other charges.

So the Crown gets up and he says arraign the accused on the attempt. He arraigns the accused and the magistrate says to him: "What do you propose to do with the other three charges?" And it is proposed to withdraw them.

Surely, Mr. Attorney General and Minister of Justice, you are not going to ask this person at least to believe that not a single judge in this province is in any way influenced by the fact that there were two or three other charges that were withdrawn when it comes to sentencing that accused? I would challenge you to try to get up and ask me to believe that.

And this is the reprehensible part of it. How can that magistrate—or provincial judge, not just a magistrate; or someone else—he does not know whether or not there were three or four distinct offences, or whether they were just charges arising out of one set of circumstances. He does not know whether the police are going on the basis of many or on the basis of one incident. All he knows is that there were three charges against the accused on the docket. They are on the list.

Hon. Mr. Wishart: Mr. Chairman, I must ask the hon. member not to say all he knows is what is on the docket, because that is not all he knows. No judge, no provincial judge, takes a plea of guilty and does not have a statement of the evidence. He does not act on a plea of guilty, giving sentence on that alone. Even if the accused came in without any other charge at all and said "I'm guilty", the judge says "Let me have the facts." He calls the police or the police witnesses or gets a summary of the evidence, and on that he bases his sentencing.

So it does not matter if there were four charges, as the hon. member cited. If there is a plea of guilty to one, then the presiding judge says: "May I have the facts? What is the evidence?" And he gets a statement from the police or a witness in the box. He does not act without it. You cannot say all he knows is that there were three other—

Mr. Ben: I would respectfully suggest, Mr. Chairman, the Minister not destroy any re-

spect I have for him by demonstrating such an appalling lack of knowledge of what goes on in our provincial courts. What he says is completely wrong.

If there are four charges, as I indicated, and the accused pleads guilty to the one charge, the Crown will read from the information. He will say: "Your Honour, on October 15, 1969, the accused in company with certain others went to premises such-and-such and they did this and this and this and this."

Mr. Singer: The dope sheet!

Mr. Ben: Yes, the dope sheet; or it is called "the confidential information." We call it a dope sheet.

But all the Crown is supposed to do in all honesty and decency is read only the information which pertains to the offence of which the accused stands charged. In other words, if he pleads guilty to attempted theft, then all the Crown is morally and legally bound to read out are those facts pertaining to the charge of theft.

I think that a defence counsel would be entitled to launch an appeal if this information included evidence which would deal with the theft or possession or some other offence. So that the Attorney General cannot say that the magistrate is in possession of all the facts involved. He should only be in possession of the facts relating to the charge to which the accused pleaded guilty or on which he was arraigned, and usually they only arraign them on that one charge.

He will say "arraign him on the charge of so-and-so". And he pleads guilty to that charge and then they read the facts.

After he pleads guilty, he will ask: "Is the Crown proceeding on any other charges?" And the Crown will say: "No, your honour, we are asking that these other charges be withdrawn". So the magistrate will say "So noted". And the other charges will be withdrawn. That is the way it goes.

Now he does not know whether in fact those other charges arose out of the same set of circumstances. They could have. He could presume that they did, but he cannot be certain that they did, because then he is guilty of a supposition just as bad as a supposition the other way.

So I do not care how the Attorney General tries to wiggle out of it, it is just not justice.

Interjections by hon. members.

Mr. Sargent: Mr. Chairman, in consideration of this estimate in regard to law reform, I think many of us over the years will many times have felt they have contempt for the court. I say it is a shocking statement for the Minister to say he condones the throwing of multiple charges or enough charges against the accused to make sure of a conviction on any one charge.

Hon. Mr. Wishart: I did not say that, Mr. Chairman.

Mr. Sargent: Well you intimated that you condone multiple charges.

Hon. Mr. Wishart: Mr. Chairman, I did not say that, Mr. Chairman, on a point of order I did not say I condoned a multiplicity of charges to make sure of a conviction.

I said it was quite the proper thing to lay charges where the Crown and those who are in charge of the enforcement of law do not know what charges they may be able to prove when they first seize and arrest a person in the commission of a crime.

Then when the facts become known, the matter goes to court and the evidence is all before the court. It is quite proper then to assess it and say, for instance on a charge of the possession of stolen goods: "We have not got evidence to prove that, we will withdraw that. We cannot prove that, but we can prove the attempt to break and enter or the attempt to steal."

I did not say anything like that I condoned a multiplicity of charges being laid in order to secure a conviction and I will not have the hon. member put those words in my mouth.

Mr. Sargent: Well you have not changed your impression to me that you thought it was quite proper to have multiple charges laid.

We spend about $8 million a year on legal aid to protect people and your officers in the court have your blessing to lay multiple charges to make sure of a conviction. And I think these are Gestapo tactics that should not be allowed in the province of Ontario.

Hon. Mr. Wishart: The member is carried away!

Mr. Sargent: Over the years I have had great contempt for court, and I would suggest that the Minister's blessing of this thing going on, multiple charges in our police courts, is something that should be stopped.

Pinpoint! Shoot with a rifle instead of a shotgun. That is what you are doing now, shooting with a shotgun to make sure you will have some area of conviction.

Mr. Ben: Excuse me, the Minister did not answer my question about compensation—

Hon. Mr. Wishart: I did not get a chance.

Mr. Ben: The member for Grey-Bruce has yielded the floor, so the Minister may answer the question.

Hon. Mr. Wishart: Mr. Chairman, if I understood the hon. member for Humber, he used the expression "wrongfully convicted"; for a person who might have been charged with more than one offence and then pleaded guilty to one.

Mr. Ben: No, no!

Hon. Mr. Wishart: Well what persons is he talking about who are wrongfully convicted?

Mr. Ben: I am referring to the recommendation of the McRuer commission on civil rights, that those persons who are wrongfully convicted be compensated.

Hon. Mr. Wishart: Does the hon. member have any cases in mind?

Mr. M. Shulman (High Park): Horsburgh!

Mr. Ben: I took the marker out of here, but if the Chairman will let the member for Grey-Bruce speak—

Hon. Mr. Wishart: Well I must say this, there may be the occasional case of a person being wrongfully convicted, but none of them come to my mind and perhaps the hon. member has—

Mr. Shulman: What about the Rev. Horsburgh?

Hon. Mr. Wishart: He was not wrongfully convicted.

Mr. Shulman: Well the appeal court does not agree with you.

Hon. Mr. A. B. R. Lawrence: He was proved not guilty, a different thing.

Mr. Ben: Mr. Chairman, I do not have the date of this article, but it appears to have come from—it was reported in the Toronto *Globe and Mail* on March 6, 1968. The caption was:

> RULINGS WILL BE MADE BY TRIBUNALS AND SUPREME COURT JUDGES, COMPENSATION RECOMMENDED FOR PERSONS WRONGFULLY CONVICTED.
>
> The McRuer commission has recommended compensation for persons imprisoned for crimes of which they are subsequently proven not guilty.

I use the phrase "wrongfully convicted" from the caption.

> The recommendation was the most startling in the commission's report. It provides for the establishment of *ad hoc* tribunals to consider individual claims of wrongful imprisonment. The Governor-in-Council would be empowered to make compensatory payments to claimants whose innocence was clearly established by the tribunal to be composed of various Supreme Court judges—

and the articles goes on. Have I refreshed the memory of the Attorney General sufficiently for him to comment?

Hon. Mr. Wishart: Yes, I will comment.

I do not necessarily accept all the recommendations which are contained in the report of the hon. Mr. McRuer. This one which the member refers to may be worthy of consideration. It has not, so far as I am aware, been considered by government, and I am not in a position to state what the government's policy might be with respect to it.

Mr. Ben: Well could I perhaps ask the Attorney General to assume the role of Minister of Justice and look at it from the Justice's point of view?

Hon. Mr. Wishart: I would say that not every person who goes before our courts and comes out with a verdict of not guilty is entitled to compensation, because I have defended a number myself who I am certain, although they were found not guilty, were not deserving of compensation.

Mr. Ben: Mr. Chairman, the article and recommendations did not refer to persons who were charged with an offence and found not guilty. The recommendation concerns itself with those who were convicted and, as it states, "whose innocence was clearly subsequently established by the tribunal, to be composed of various Supreme Court judges."

This does not refer to people who were found on trial to be innocent, but people

who were found to be guilty and subsequently, completely and clearly exonerated by a tribunal of Supreme Court judges.

Mr. J. Renwick: What were the exact words again?

Mr. Ben: The exact words again were:

> Would be empowered to make payments to claimants whose innocence was clearly established by the tribunal to be composed of various Supreme Court judges.

Hon. Mr. Wishart: I will just pursue this for a moment longer, Mr. Chairman. All I would say is this has not been recommended to or considered by the government so I am not in a position to say what our policy might be. I wonder if the hon. member considers a person convicted in a lower court and whose conviction is squashed, set aside on appeal, as one of those who would then be entitled to compensation?

Mr. Ben: I would, perhaps, if I were in the Attorney General's seat—

Hon. Mr. Wishart: You would have a hard time.

Mr. Ben: Yes, because there are two other claimants so far, just from this side alone.

Hon. Mr. Grossman: Think it over, George.

Mr. J. Renwick: You each have an equal chance.

Mr. Ben: I would give consideration to the situation where—

Hon. Mr. A. B. R. Lawrence: Oh, baloney!

Mr. Ben: It could be a situation where a person has been persecuted through these courts rather than prosecuted.

Hon. Mr. A. B. R. Lawrence: Well, I'll be darned.

Mr. Ben: Well, after all, he is going through a system which is operated by human beings and they are not infallible.

But the recommendation spoke of those wrongfully imprisoned. The Attorney General might argue that until the highest court adjudicates on the matter or the time for asking the highest court to adjudicate has expired, it is still in the process of determination, and that even though the accused may be sitting in jail, he is not sitting in jail because he has been found guilty, but pending the outcome.

Hon. Mr. Grossman: It is a correctional institution.

Mr. Ben: I for one would be prepared to pay restitution if it is established that a person ought not to have been put through the unnecessary and expensive proceeding of defending himself right to the highest court in the land.

Hon. Mr. A. B. R. Lawrence: The highest court is not infallible.

Mr. Ben: Perhaps the Attorney General has a different view and he is entitled to it, but I am just expressing mine.

In this particular instance, the recommendation concerned itself with those who had been wrongfully imprisoned and subsequently completely exonerated. It is shameful that the Minister has not done anything about this.

Interjections by hon. members.

Mr. Chairman: Order, please!

The Chairman specifically remembers that the hon. member for Grey-Bruce resumed his seat to defer to the hon. member for Humber.

Mr. J. Renwick: On a point of order, Mr. Chairman. There was not a single word that passed between the two members, one sat down and the other one stood up.

Mr. Sargent: I said: "Okay, George". That is two words.

Mr. J. Renwick: Mr. Chairman, did you hear either of the members say anything?

Mr. Chairman: Indeed I did!

Interjections by hon. members.

Mr. Shulman: Mr. Chairman, on this point of order: Surely it is not possible to yield to allow another member to carry on the debate at some length, then resume yourself.

Mr. Chairman: I have permitted this for a long, long time in the estimates.

Mr. Lewis: Mr. Chairman, I would like the floor but I will defer to the member for Grey-Bruce.

Mr. Chairman: The hon. member for Grey-Bruce has the floor, will he please proceed.

Mr. Sargent: Very briefly. Justice takes a holiday in the summertime when we have eight high court judges trying to catch up

on the glut of 3,227 divorce cases in the courts. I know, I play golf with a judge. They take off in the summertime, and I think they deserve a good holiday because they have a trying and very responsible job throughout the year.

I do not, though, see why the judiciary should have not have the same right to work shifts as the rest of the economy. Policemen cannot take off and let all these cases just sit in limbo during the summer. I think these cases should be dealt with on a shift basis, continuously, and they should not be allowed to pile up. Could the Minister advise what steps are being taken in that regard?

Hon. Mr. Wishart: I think there is considerable merit in the idea. We are looking into the possibility of having more continuous court sittings through the entire year. These matters have been discussed with the judges and we have made some changes.

Mr. Sargent: Will the Minister advise what right they have to two months off in the summertime, when I have not? The ordinary working man cannot quit his job for two months. Why should a judge?

Hon. Mr. Wishart: Well, my sympathies lie, I think, with the hon. member for Grey-Bruce. I do not get two months off either. We are making progress in that direction.

Mr. Sargent: That will take two years, judging from the last premises on things that were going to happen?

Mr. Chairman, earlier this year, I submitted a bill to the legislative counsel for drafting. I see some high-priced talent there, they receive $22,000 a year to draft legislation that we submit. My bill was regarding a law which needs reform in this province and they were too busy to handle it. We had numerous conversations with the men concerned but they could not seem to get it in the hopper, not that it had a hell of a chance of passing at all, but it was a good bill.

Mr. Chairman: Order, please!

That was passed in the previous vote.

Mr. Sargent: This is on law reform. This is to do with the fact that a child born out of wedlock has no claim on his father's estate. He can inherit nothing unless it is specified, nor does he have even a free right to inherit his mother's property. This is a discrimination in law we have in this province. I think there is a great need for a change in the Ontario law so that illegitimate children be placed on the same footing as those born in wedlock.

Mr. Ben: There are no illegitimate children, just illegitimate parents.

Mr. Sargent: That is right. We should have a statement from the Minister that if any member of this House should bring forth such humane legislation, it would pass this House. You bring it in yourself, we will vote for it.

Hon. Mr. Wishart: This is a recommendation in the field of family law. This is what the hon. member is talking about. That is, I believe, one of the recommendations of the Ontario Law Reform Commission. Out of those recommendations, I am sure, will come this very change, among many others, which he has suggested. This is what the law reform commission is for.

Mr. Sargent: I yield the floor to the member for Parkdale.

Mr. Shulman: The member for Parkdale is not here unfortunately. Perhaps I might have the floor, Mr. Chairman.

Mr. Chairman: The hon. member for High Park.

Mr. Shulman: Thank you. I would like to follow up this matter raised by the member for Humber as to persons being wrongfully imprisoned.

The hon. Minister said he could think of no example. I would like to bring two to his attention. These are not cases of people being convicted then the case being reversed in the High Court. They are cases of persons who were imprisoned and subsequently found not guilty.

The first, of course, is the Rev. Horsburgh, who spent a considerable time in jail and was subsequently found not guilty. Surely a case like this deserves compensation for the time spent in jail.

A far more flagrant case is that of Douglas Woods on which there have been questions in this House but it has never really been discussed in detail.

I think it is a terrible thing that that could happen in the province of Ontario where two provincial police officers enticed a man to commit a crime, went with him while he committed it, and arrested him during the course of it. He was sentenced to jail, a higher court threw it out after he had spent months in jail and, not only did he not get compen-

sation, but this government, through the legal aid plan, refused him legal aid.

At first they refused him legal aid for his appeal on the grounds that he had no hope of winning the appeal. Then after he had won the appeal anyway, when an NDP lawyer contributed his time, they refused to pay the legal aid then on the grounds that the case was already over and the legal aid system did not allow for applications after a case had been won. Just a complete travesty of justice.

I wonder if the Minister would care to make any comment before I continue.

Hon. Mr. Wishart: Mr. Chairman, I can make brief comments.

In the matter of Horsburgh, what the court of appeal did was to order a new trial. The Rev. Horsburgh was tried on some of the charges for which he had originally been tried and convicted; but not on all, because the witnesses were not available. So the question of his guilt was never finally decided. He was not found innocent, or not guilty—he was not tried. The court of appeal ordered a new trial and I make it clear he was tried a second time on some of the charges.

In the case of Woods, what happened there, as I understand it, was that this man was found not guilty because the constables' evidence was considered defective. The court would not convict him, his guilt could not be proved beyond a reasonable doubt and he was found not guilty.

Mr. Lewis: What about his months in jail?

Hon. Mr. Wishart: He was found not guilty because the evidence was considered defective. His guilt could not be proven beyond a doubt, a reasonable doubt. That is the way our criminal law proceeds. But is this hon. member saying that in every case of a person found not guilty—I ask the question as I asked the member for Humber—is every person found not guilty to be compensated? Is that what you proposed?

Mr. Shulman: After spending time in jail, of course. Perhaps I am wrong. I was under the impression that in this province, in this system, a man is innocent until found guilty. Apparently the Attorney General does not agree with me.

Hon. Mr. A. B. R. Lawrence: Innocent and in jail?

Mr. Shulman: He is innocent and in jail. Here is the Minister without Portfolio. Do you agree with that; do you believe that a man who is innocent and who has spent time in jail should not be recompensed? Is that what you are saying?

Hon. Mr. Wishart: Not guilty; not innocent!

Mr. Shulman: Your colleague has said something different. In our system of justice, a man is innocent until he is found guilty. The Minister of Justice is shaking his head saying no. Well, this is shocking to me.

Hon. Mr. Wishart: I think I should explain this for the benefit of the hon. member. There is a presumption in our system of criminal justice that the person accused is innocent until proven guilty. He comes to court and all that that means is that there is an onus on the Crown, that the Crown must look at him and say I must prove his guilt beyond a reasonable doubt.

In that sense he is presumed to be innocent. The onus is upon the prosecuting authority to prove his guilt beyond a reasonable doubt, and that is the sense in which you presume him to be innocent. Unless the Crown fulfills that onus, that obligation of proving guilt beyond a reasonable doubt, then he is found not guilty.

But the court does not find him innocent. The jury does not find him, the judge does not say you are innocent. He is dismissed because he is said to be not guilty. His guilt has not been proven beyond a doubt.

Mr. Shulman: I am glad I am not a lawyer, Mr. Chairman, because the difference there is beyond me.

Here is one case that the Minister has referred to, that the man actually was not brought to trial, could not be brought to trial, and yet he paid for this crime of which he is certainly not legally guilty. The Minister says there is a difference between not guilty and innocent. Well, I hope when this government changes that a new government will be more humane.

I would like to ask the Minister about another matter.

Interjections by hon. members.

Mr. Ben: Would the Minister please inform this House how a citizen can distinguish between a verdict of not guilty—meaning that the person is innocent—and not guilty—meaning we have not found you guilty?

I am at a loss to understand.

Hon. Mr. Wishart: Perhaps the best way to explain it is to say that the Scottish jurisprudence, which is very sage, has a verdict "not proven".

Mr. Lewis: Of what consequence is that to our courts?

Hon. Mr. A. B. R. Lawrence: It is what you are asking for.

Hon. Mr. Wishart: You are asking for an explanation and there is an interpretation you can perhaps take—and we say "not guilty". But I say "not guilty" does not mean that you are "innocent".

Mr. Ben: May I ask the Attorney General how we distinguish between a jury saying "not guilty", and a jury saying "not guilty", where in the first instance the jury means you are "innocent" and in the second instance it means you have "not been proven guilty"? I cannot see how I can distinguish between those two words used in two different senses.

Hon. Mr. A. B. R. Lawrence: Go back to law school!

Hon. Mr. Grossman: What are you fellows learning in law school?

Mr. Shulman: Obviously some wrong things; or the Attorney General went to the wrong law school.

I would like to turn to another matter, another travesty of justice. I am quoting from an editorial. This is the matter of juvenile offenders.

We have had some discussion here in the House as to whether or not the provincial government was going to raise the age of juvenile offenders from 16 up to 17 or 18. Can the Attorney General inform me what has been done in that particular matter?

Hon. Mr. Wishart: I do not know of any policy yet determined on this point.

Mr. Shulman: Well then, let me ask the Minister on this subject what is being done about the problem that has arisen because one of our very finest jurists—and I can say only kind things about him—Judge Langdon, has taken the inaction of the government to be so wrong that he on his own, for the area in which he has jurisdiction, has refused to convict those between 16 and 17 who are brought up on such offences.

In effect what has happened is that there is one law for the Oakville area and there is another law for the rest of the province. Surely the Attorney General is not going to tolerate that situation? I asked about this a year ago and he—

Mr. Ben: He said he was. I asked him too.

Mr. Shulman: He said then he was going to do something about it, but nothing has been done.

Mr. Ben: Oh no, he did not indicate that.

Mr. Chairman: Vote 204?

Mr. Shulman: Whoa, whoa! I am asking the Attorney General a question and I am waiting for a reply.

Hon. Mr. Wishart: I simply say that I have no comment, no policy on this matter of the lowering of the age.

Mr. Shulman: That is not the question I asked the Attorney General. The question I asked was does the Attorney General intend to continue in the Halton area to allow the judge who is in charge there—and I repeat again he is a fine jurist and his ideas are quite correct—to use a different type of law than is followed at present in the rest of the province? This judge has so stated publicly and I have his comments here in front of me. I will read them if the Attorney General wishes.

Hon. Mr. Wishart: I can answer very shortly. If the judge goes wrong in law he can be set right by a higher court.

Mr. Shulman: But The Attorney General's Department has not been appealing these cases. The Crown attorney has not been appealing the cases where—

Hon. Mr. Wishart: We may decide to appeal.

Mr. Shulman: The time for appeal is past, you know that. There has been case after case—

Mr. Sargent: Three years ago, on the same man.

Mr. Shulman: Mr. Chairman, there has been case after case which has come up in the Halton area where the judge quite publicly has said this is a bad law: "I will not convict these 16- and 17-year-olds." And he has set them free.

The Attorney General cannot say we may appeal, because he knows very well that he cannot appeal, that the time for appeal has passed.

Hon. Mr. Wishart: Since the hon. member is saying that this conduct will continue, that he is so sure of it, all I will say to him is this; that if the case is of such importance, if a judge's decision is of such importance that it warrants an appeal, then we shall appeal. That is the way that you set a judge right.

The Attorney General does not interfere with the administration of justice by putting his political finger on the court. If I decide that the judge's conduct, the judge's decision is so wrong and the case is of such importance that it warrants an appeal, then we shall appeal. That is the only answer I can give the hon. member.

Mr. Shulman: Well Mr. Chairman, surely we must have consistency of law in this province. One of the things that bring the law into disrepute, and everyone in authority into disrepute, is because someone can go into one court and get one sentence and someone else will go in another court—exactly the same record, exactly the same offence—and get a different sentence.

I am assured there is no complete answer to that problem, but here we have a situation where a judge has publicly stated, "I will not carry out a certain law" which is the law of this province. And that judge consistently in every case has followed this policy of letting a person go who—

Mr. Ben: Please do not say consistently.

Mr. Shulman: All right; in a number of cases. I have a list of them here. He has stated in public court that it is a bad law and he will not convict persons of this age. The Attorney General has not seen fit in any of these cases to appeal, and in effect what has resulted is that we have one law in one section of the province and a different law in the rest of the province. This can only bring disrepute on all of the law.

I do not think the answer is to slap down Judge Langdon because he happens to be right.

It is bad law and something should be done on an entirely different level. The Attorney General surely has had enough time. It has been going on now for well over a year, these public statements from the judge. Surely he has had enough time to make up his mind whether the judge is right, and whether it is bad law or it is good law.

If it is bad law, and I think everybody in this House will agree it is bad law—

Hon. Mr. Grossman: I do not know about that.

Mr. Shulman: —with the exception of the Minister of Correctional Services who thinks that a boy of 16 is old enough to be in an adult court, is that what he is saying?

Mr. Lewis: No, the Minister of Correctional Services would like to get them in at 12.

Mr. Shulman: Oh yes, of course, now I understand. It will give him more clients, I suppose.

Interjections by hon. members.

Mr. Shulman: With the one exception of the Minister of Correctional Services, I am sure there is no one in this House who wants 16-year-olds to go to the institutions run by that Minister. Here Judge Langdon has had the guts and the decency to come out and say this and put his job on the line in effect, to try to get reform in the law and nothing is happening over there.

One year later we get up and ask the same question and the Minister of Justice says we have no policy. That sums up this government, they have no policy.

Mr. Ben: Mr. Chairman, on this particular topic, with all due respect to the hon. member for High Park, he did not quite state the facts as they were. In this particular instance there was a chap by the name of Peter Shine, 16 years of age, who was up before Magistrate Langdon. Magistrate Langdon refused to find the accused either guilty or not guilty but remanded him to jail for one week without bail and indicated that he was going to subsequently acquit the accused. His objection was that there was inconsistency in the age at which a person ceases to be a juvenile, that it varied across Canada —that was number one.

Second, his objection was that he did not have the power that they had in Great Britain of giving a conditional discharge. And third, he was very much opposed to saddling this 16-year-old boy for the rest of his life with a criminal record.

And even the Crown attorney got into the picture, making statements to the press by saying that he agreed with the judge, he thought a week in jail was better than a record for life.

Now, this to me was an inconsistency that is worthy of consideration in this Chamber. I agree that we ought to have in this

jurisdiction, across Canada I should say, a fixed age by which a person turns from being a juvenile to being a youth, if not an adult. I do not think it should vary from province to province.

I have for the past four years been asking this Minister to see if he can persuade the federal government to institute into our Criminal Code what would be a conditional discharge. As a matter of fact Magistrate Trotter, as he then was, on a number of occasions was giving what he called "conditional discharges." As a matter of fact, he wrote some articles for the *Magistrates' Quarterly*.

He was acting illegally too, and the article says the surprising thing about this is that this Attorney General did not jump on him, which indicates to me that he may have been in sympathy with what the hon. magistrate was doing. And if he was in sympathy, then I think he should have been a little bit more vociferous in trying to persuade his counterpart in Ottawa to institute this system of conditional discharge.

I am not suggesting that he has not had conversations with the Minister of Justice or Ministers of Justice from time to time, I am just suggesting —

Hon. Mr. Wishart: Perhaps I could shorten this a little bit to point out that we have approved this change. It must be made, again I point out, in the Criminal Code. It has to be done at Ottawa, but we have approved it. I do approve of it. And I would point out that, in our provincial probation Act there is provision to grant probation before sentence, without conviction. So we hope this will come about in the Criminal Code, but that is where the change has to be made.

Mr. Ben: One of the things that disturbs me here, Mr. Chairman, is the principle of sending the accused to jail to serve a sentence, in effect knowing that he is going to be acquitted. As a matter of fact, in this particular instance, the magistrate indicated he was going to subsequently acquit the accused. This I found most reprehensible because—all right, the Attorney General agrees, I will not press this issue.

But one of the other principles he stated was that he would not want a 16-year-old to be saddled for life with a criminal record. Mr. Chairman, I would not even want an adult to be saddled for life with a criminal record for an indiscretion, but that is what happens.

If a 16-year-old should not be saddled with a criminal record for the rest of his life for one indiscretion, how about a 17-year-old, how about an 18-year-old, how about a 19-year-old?

This is where the magistrate was a little thoughtless. His heart was in the right place, but I think he erred.

And before I sit down—it is now three minutes of 11, Mr. Chairman—I wonder if the Attorney General would comment on the point I raised. And lastly, has the Attorney General been in communication with his counterpart in Ottawa, the Minister of Justice, to determine when or if, and if so when, the age of criminal responsibility will be raised from seven years to something like ten or 12 years of age?

Hon. Mr. Grossman: It is 12 years of age in the province of Ontario.

Mr. Ben: I think the Attorney General wants to answer.

Hon. Mr. Wishart: I can answer briefly, Mr. Chairman.

I have indicated my approval of the change with regard to the matter of probation without having to convict. We know certain changes are coming forward by the Minister of Justice in Ottawa. As a matter of fact, our provincial judges are, at this time, discussing with officials from The Department of Justice certain of those changes which are forecast and formulated in the matter of bail and other matters—a number of them.

I cannot answer the question as to when the age of criminal responsibility may be changed at Ottawa, I do not know that at the moment, I might be able to get information on that from the Minister of Justice. We have not been given any indication there is something coming in that direction.

As to Judge Langdon, again I can only say that I did not agree with his decision; but again an Attorney General—and I have made this plain so often—cannot take a judge to task and I would not think of doing it. I think the political pressure of interference, even if I had the power, should not be exercised.

If we find the case so seriously out of line, the action of the court so badly out of line and we think the case is of sufficient importance, our redress is to appeal. The same as the right of the other party to appeal what they think is a wrongful conviction in the law.

Those are my answers to the hon. member.

Hon. Mr. Welch moves that the committee of supply rise and report certain resolutions and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, we will carry on with the consideration of the estimates of the Attorney General. I think some arrangements have been made for a private members' hour tomorrow.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 11.00 o'clock, p.m.

No. 185

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Friday, October 17, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Friday, October 17, 1969

Twelfth report, standing committee on legal and municipal bills, Mr. Evans 7199

Schools Administration Act, bill to amend, Mr. T. Reid, first reading 7199

The Judge Walter Little report on collective bargaining in the public service, statement by Mr. Welch 7199

Fires in colour TV sets, questions to Mr. Rowntree, Mr. Ben 7201

Sales tax on printing machinery and supplies, questions to Mr. White, Mr. Gaunt 7202

Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7203

On notice of motion No. 32, Mr. Shulman, Mr. Carruthers, Mr. Deacon, Mr. J. Renwick, Mr. Breithaupt, Mr. Lewis 7214

Motion to adjourn, Mr. Grossman, agreed to 7225

LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, OCTOBER 17, 1969

The House met at 10.30 o'clock, a.m.

Prayers.

Mr. Speaker: Petitions.

Presenting reports by committees.

Clerk of the House: Mr. A. Evans (Simcoe Centre) in the absence of Mr. G. Demers (Nickel Belt) from the standing committee on legal and municipal bills, presented the committee's twelfth report which was read as follows and adopted:

Your committee begs to report the following bills with certain amendments:

Bill 170, An Act to amend The Department of Financial and Commercial Affairs Act, 1966.

Bill 171, The Collection Agencies Act, 1968-1969.

Bill 176, An Act to amend The Real Estate and Business Brokers Act.

Bill 181, The Mortgage Brokers Act, 1968-1969.

Bill 185, An Act to amend The Consumer Protection Act, 1966.

Motions.

Introduction of bills.

THE SCHOOLS ADMINISTRATION ACT

Mr. T. Reid (Scarborough East) moves first reading of bill intituled, An Act to amend The Schools Administration Act.

Motion agreed to; first reading of the bill.

Mr. T. Reid: Mr. Speaker, the purpose of the bill is to introduce the possibility of a different and more broadly based method of decision making within high schools based on the concepts of (a) the individual high school as primarily a community of students and teachers, and (b) the school as a community or neighbourhood institution. The bill would enable the boards of education in Ontario to establish in any of their high schools a governing council consisting of the principal of the high school ex-officio, some teachers elected by all the teachers in the school, some grade 12 or grade 13 students elected by all the students in the school, and adult members of the community served by the school who shall be elected by the members of a representative organization or association designed by the local school board.

Hon. R. S. Welch (Provincial Secretary): The members of this House will recall that, by Order-in-Council dated July 20, 1967, His Honour Judge Walter Little was appointed as a special adviser to review and to report upon collective bargaining in the public service of Ontario and the Crown agencies and commissions as defined in The Public Service Act.

On May 9, 1969, the report of the special adviser was received by the Lieutenant-Governor-in-Council, copies of which were distributed to all members. This report generally endorsed the negotiation and arbitration procedures which were introduced by legislation passed unanimously by this Legislature in 1963 and amended on two subsequent occasions, noting that the bargaining process in the public service of Ontario, despite its scope and its complexity, is working in a reasonably satisfactory way.

It also made a number of recommendations regarding the operation of the system in the light of the experience of the last six years. Some of the recommendations will involve amendments to the legislation, namely The Public Service Act and others, can be implemented more promptly within the framework of the existing legislation.

Some of the more important recommendations made by His Honour Judge Little deal with:

The establishment of procedures whereby employees may exercise the democratic principle of freedom of choice as to bargaining representation within established bargaining units. In that regard I would draw your attention to page 30 of the report.

2. The continued recognition of the present bargaining agents since they have demonstrated that they command the support of the persons whom they represent.

3. The continued recognition of established bargaining units.

4. The entering into of more formal collective agreements with a minimum term of at least two years.

5. A more prompt exchange of proposals and commencement of negotiations.

6. A mandatory system of deduction of the equivalent of union dues where it is demonstrated that a bargaining agent has the support from a significant majority of members in a bargaining unit.

7. The exclusion of certain positions and classes from collective bargaining—together, of course, with criteria for maintaining a list of such exclusions.

8. The definition of certain matters as not being negotiable or arbitrable as well as certain other matters which might be the subject of discussion within the framework of the joint council even though not negotiable and arbitrable.

It is the government's intention to introduce legislation, consistent with the principles enunciated by Judge Little in his report, establishing a procedure similar to that prevailing in the private sector under which employees will, within each established bargaining unit, be able to exercise freedom of choice in the selection of their bargaining agent.

Within the public service the existing bargaining unit is the entire public service with the exception of certain specified positions and classes. The continuance of this broad bargaining unit was supported by His Honour Judge Little on the basis that the public interest is best served if the public service is not fragmented by the introduction of new units which would give rise to multiple bargaining. This is a principle widely recognized and supported by trade unions and employers.

This recommendation was supported by previous decisions of labour relations boards in various jurisdictions which, in determining appropriate units, have placed considerable weight on the history of collective bargaining, community of interest by virtue of terms of employment, uniformity of working conditions and benefits, and the viability of the unit being contemplated.

In the public service, bargaining is about to commence in respect of salaries for classifications in categories affecting nearly half the employees in the service. It is timely, therefore, to also take some action in respect of the recommendations relating to, firstly, the determination of appropriate bargaining units and the employee support of a bargaining agent which has the support of a substantial majority of employees in the unit represented.

As an interim measure, pending the introduction of legislation and the entering into of collective agreements, regulations under The Public Service Act have been enacted implementing the report's recommendations in two areas.

1. Establishing criteria for determining appropriate exclusions from the public service bargaining unit.

2. Providing greater financial support by employees in the public service for the recognized bargaining agent which already has the voluntary support of a significant majority of those in the bargaining unit. Present employees who are not members of the employee association will of course be unaffected by this regulation.

Mr. V. M. Singer (Downsview): Mr. Speaker, I wonder if, on a point of clarification, I could ask the Minister why, when this important step is being taken, there could not be legislation brought before the House?

As I was listening, it would seem to me that he is extending to a pretty great extent the power to govern by regulation when he has not got the necessary authority in the statutes. I have some more than passing doubt about the validity of those regulations he talked about and I just wonder why he did not take the precaution of bringing before the House appropriate legislation at this time?

Hon. Mr. Welch: Mr. Speaker, with all due respect, both of these regulations are quite possible within the present Public Service Act. We are quite satisfied that the steps taken are legal ones.

We do admit, during the course of the presentation of our policy, that other matters within the report will have to await legislative amendments to The Public Service Act. There is no question as to our legal position now with respect to these two regulations under the present Act.

Mr. Singer: Then there is no question about who should sign the information.

Mr. J. Renwick (Riverdale): Mr. Speaker, by way of clarification. I associate myself with the member for Downsview, but I am not so much concerned with the legality of it. I am concerned at the total lack of public

debate in this assembly about the matters which have been raised by the Minister.

Specifically, and I know there are many other questions raised by the statement, would the Minister elaborate upon the extent of the exclusions to which he refers in his statement? This is always a matter of immense concern, and certainly the report of Judge Little diverged considerably in terms of the extent of the exclusions which would be acceptable, necessarily, in this kind of collective bargaining arrangement.

Mr. C. G. Pilkey (Oshawa): Could I just make another observation on that same point?

Mr. Speaker: I must point out that there should not be an extensive debate—

Mr. Pilkey: I am not debating, just making an observation!

Mr. Speaker: Only points of clarification may be directed to the Minister.

Mr. Pilkey: It appeared to me that the Minister was using the private sector to make his analogy on what type of collective bargaining is going to take place in the civil service, or by their agents. The question I raise concerns these exclusions. Surely if we are going to leave it comparable to the private sector, then the bargaining agent and the government should negotiate what the exclusions are going to be. It appears to me, if I heard his statement correctly, that he is just going to make a unilateral decision and set out the exclusions prior to any collective bargaining.

Hon. Mr. Welch: Mr. Speaker, I should draw the attention of the members of the House, and particularly the members for Riverdale and Oshawa, to chapter 4 of Judge Little's report and, in more detail, to appendix 4 of the report starting on page 52. It is very lengthy and I will not read it now, except to point out to you the actual Order-in-Council incorporates Judge Little's recommendations in this regard, which was a matter of representation to Judge Little on this point by both sides. It has been updated because the original submissions with respect to those exclusions had to be brought up to date prior to the passing of the order.

There already has been a list of exclusions and of matters excluded from the agenda of the joint council. We have done nothing more now than to update and to incorporate in the order those matters set out in Judge Little's report. I must say that this reference to the fact that we are not having an opportunity to debate this is really not a very fair comment on the part of the member for Riverdale. We will have legislative amendments before the members. The Act has already been debated and was passed in 1963. As the member for Grey-Bruce (Mr. Sargent) said: "Why do they bring it up at all?" I think it is part of the government's responsibility to indicate that we would not quietly make some announcement with respect to these orders—which is certainly within our competence under the present Act.

Mr. J. Renwick: Well, simply because the Minister referred to the fairness or unfairness of it, it is just as difficult to prepare the regulations as it is to prepare the legislation. The Minister should bring the legislation in at the same time and give us an opportunity to debate the legislation and then—as we have urged upon the government from time to time—produce at the same time detailed regulations which incorporate so much of the so-called policy of the government.

Hon. Mr. Welch: But there is no need for new legislation to support these regulations. The member misses the whole point. And as far as legislation is concerned we have much legislation which we would like this House to discuss, and as soon as we can get some indication of the supply I would like to bring this legislation in.

Mr. J. Renwick: This will now be embedded within the establishment structure.

Mr. Speaker: Order!

The Minister has made a statement. There have been numerous points of clarification. We are not engaging in a debate on the statement at this time.

The hon. member for Humber has a question of the hon. Minister of Financial and Commercial Affairs.

Mr. G. Ben (Humber): I have a question of Financial Affairs.

1. Has the Minister been in touch with Mr. Stewart Statler, staff counsel to the President's National Commission on Public Safety, regarding the recent widespread incidence of fires in colour television sets, especially after they have been switched off?

2. Will the Minister circulate the Electronic Industries Association of Canada and individual manufacturers to discover how many complaints have been received in Canada; what, if any, callbacks have occurred; and what compensation for damages has been paid?

3. What the implications of CSA approval of electrical appliances in Ontario in relation to damage caused by such appliances? Is CSA approval anything more than a sales gimmick?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Speaker, with respect to the first question, I have personally not been in touch with Mr. Stewart Statler, staff counsel to the President's National Commission on Public Safety. The department, itself, however, is aware of the subject matter that the member has raised, dealing with the alleged dangers arising from fire in colour television sets. Radiation is one thing, but he is not talking about radiation. That is another question. Does he want that too?

Mr. E. Sargent (Grey-Bruce): Sure, if the Minister knows.

Hon. Mr. Rowntree: Well the member knows me, I do not mind taking a stab at it.

Mr. Sargent: At least he admits he does not know, anyway.

Hon. Mr. Rowntree: Let us deal with the immediate question, this being Friday morning. Mr. Speaker, the consumers' affairs branch is enquiring into this matter in respect to the sets being distributed and sold in Canada. There was one aspect I have to raise with the House, and that is that I read the newspaper reports on this matter, and a good deal of it has to do with the complaints being directed to one manufacturer, whom the President's national commission and the accusers refuse to name. We are endeavouring to narrow this down as to the manufacturer and as to the situation—whether it applies here in Canada or not.

Now on the question of the gimmick: I was first tempted to attempt an answer to part 3, having to do with the Canadian Standards Association and the implications of its certificate of approval. The more I thought about it, I think I should take that part and note it and try to bring to the House some accurate authoritative terms of reference and the actual definition, if I can put it that way, of the Canadian Standards Association, and just to what extent its certificate attempts to cover what situations.

Mr. Ben: Will the Minister accept a supplementary question?

Hon. Mr. Rowntree: If it is a short one.

Mr. Ben: It will be a very short one. Obviously the fires in these television sets are caused by surplus energy and the paper this morning reports that there is going to be a crisis due to a lack of heavy water. Can the government please convert some of the energy that causes these fires and transfer it to the Minister of Energy and Resources Management (Mr. Kerr), so that we can have enough heavy water to have our Pickering hydro-electric plant working?

Hon. Mr. Rowntree: There is a lot of merit in that. I think some of the members of this House could stand a transfer of that energy themselves, and I think they have the first priority.

Mr. Speaker: The hon. member for Huron-Bruce has a question to the Minister of Revenue.

Mr. M. Gaunt (Huron-Bruce): A question to the Minister of Revenue.

What steps is the Minister taking to eliminate the duplication of sales tax charges with respect to printing machinery and supplies, and the sale of the finished product?

Hon. J. H. White (Minister of Revenue): Mr. Speaker, I think there is no duplication. I will be glad to explain the application at the present time, if the hon. member would like me to do so.

At the present time printers fall into two categories. Those whose gross annual volume is less than $5,000 per year pay tax on everything they acquire and do not charge tax when they sell to their customers. Of course, this class of printer just has a duplicating machine, or something of the sort, in his basement.

The larger printers are in the same category, I think one could say, as all other manufacturers. They buy their raw materials free of sales tax; they buy those consumables in section 2 of part 13 of schedule 3 of the federal Excise Tax Act, tax free, and the printing consumables in section 4, tax free. They pay tax on equipment just as any other manufacturer does under application of the tax in this fiscal year and then, of course, when they sell to their customers, they apply the tax just as they would any other manufacturer.

Mr. Gaunt: Would the Minister consider a supplementary? Is this not in effect double taxation where you charge tax on the machinery and then charge tax on the finished product?

Hon. Mr. White: If this is a general question and nothing to do with printing as such, I do not think that can be argued. There is a double taxation if the manufacturer pays a property and a corporation tax. Is that not double taxation?

Mr. Gaunt: Let us allude to printers specifically.

Hon. Mr. White: The printers are in the same category as all other munfacturers except that for peculiar technical reasons we have had to accept a certain class of printing consumables in a way that we had not initially intended. The reason for that, very simply, was that there was no administrative way in which to apply the tax without that tax becoming punitive. But the printers are in the same category, with that small exception, as all other manufacturers and there is no duplication of taxation so far as I understand that phrase. I do not understand it at all. I do not understand what the member is saying.

Mr. Gaunt: The federal government sales tax regulations do not apply in that way, is that not so?

Hon. Mr. White: The federal people are not taxing production machinery, but in our Budget of March 4 we did extend the sales tax to production machinery.

Mr. Speaker: The hon. member for High Park has a question of the hon. Minister of Correctional Services.

Mr. M. Shulman (High Park): Yes, sir. How many inmates were involved in the disturbance at the Millbrook Reformatory on August 18, 1969? What was the reason for this disturbance?

Is the Minister aware that a number of the inmates stated that inmates who were not involved in the disturbance were punished along with those who were?

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, I will take this question as notice.

Mr. Speaker: Are there any answers to questions previously taken as notice? Any of the Ministers present? If not, that appears to complete the questions I have before me.

Orders of the day.

Clerk of the House: The 26th order, House in committe of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE
(continued)

On vote 204:

Mr. V. M. Singer (Downsview): Mr. Chairman, last evening my colleague from Grey-Bruce (Mr. Sargent) had begun to make a point about the fact that people are sent to jail in this province because of inability to pay fines that are levied. I read to the House a portion of the recommendation made by the Ouimet committee that appears on page 199 of that report.

Mr. P. D. Lawlor (Lakeshore): On a point of order, Mr. Chairman.

Mr. Chairman: Point of order.

Mr. Lawlor: Last evening I sat and listened for two hours, under vote 204, to a whole range of matters under every other conceivable vote, under the guise and masquerade of being matters of law reform. Surely some kind of order ought to be restored to this Chamber. If we are going to deal with 204, let us deal with the law reform commission and law reform as such, and not wander all over the countryside.

Mr. J. E. Bullbrook (Sarnia): On the point of order, if I might speak to it. That is not like the pot calling the kettle black, that is like the whole stove calling the kettle black, because time and again those people on the left speak out of order.

Interjections by hon. members.

Mr. Singer: Mr. Chairman, on the same point of order.

While the member for Lakeshore may have a point, this discussion waxed, for over an hour last evening, and he and his colleagues joined in this discussion and—

Interjections by hon. members.

Mr. Chairman: Order, please!

I would suggest that you carry on with your discussion.

Mr. Singer: Thank you, Mr. Chairman.

Mr. J. Renwick (Riverdale): Mr. Chairman, on the same point of order: If we can in any orderly way deal with the lengthy estimates of a department such as this, I suggest that the question raised by my colleague, the member for Lakeshore, deserves your utmost consideration. For example—

Mr. Singer: Did you not sleep well last night or something?

Mr. J. B. Trotter (Parkdale): What happened? You work late?

Mr. J. Renwick: Yes, I was up late last night and am quite prepared to admit that this morning I am in rather a bitchy temper.

Interjections by hon. members.

Mr. J. Renwick: Is that unparliamentary? Even about myself? I will withdraw it, since I have just objected to it.

All I am saying, Mr. Chairman, is that if you will look at the various headings, you will find that practically all of the matters that the member for Grey-Bruce mentioned last night come under the next vote in relation to criminal prosecutions. Other matters which were raised in the course of it, come under other aspects of the—

Mr. E. Sargent (Grey-Bruce): On a point of order, Mr. Chairman.

Mr. Lawlor: He is on a point of order.

Hon. A. Grossman (Minister of Correctional Services): Which point of order are we on?

Mr. J. Renwick: I submit the matters which were raised, Mr. Chairman—I believe you were either in the chair or in the Chamber – about the double-barrelling of charges, about the question of remaining in jail, and all the related questions, come under the next vote. They are not matters which the Attorney General has referred to the law reform commission, they are mainly matters which in a very large degree do not fall within the jurisdiction of this assembly so far as criminal law is concerned. They are a disguised attempt, by the party on the right, to shift the order of business in this House according to whether or not a particular member happens to be in attendance in the Chamber.

I am going to suggest, Mr. Chairman, that you consult if necessary with the Minister and ask the Minister's views, and seriously consider the manner in which he wants to bring these matters before the House, and we can then expedite the business of the House.

Mr. Sargent: Mr. Chairman, on the point of order, in view of the fact that I have been mentioned.

I was talking to the vote because I was talking about the "deals" being made in our courts across the province as accepted by all lawyers. Deals are made, time and time again, throughout the courts of Ontario. I think this is a great area for law reform. These lawyers can make deals for their clients, where the ordinary person cannot get justice. That is a point of law reform I am talking about.

Mr. Chairman: There is no point of order. The member for Downsview.

Mr. Singer: Yes, Mr. Chairman. I would like to finish this particular point because we discussed it for well over an hour last night and you cannot have half of it in order and half of it out of order.

Mr. J. Renwick: You want to have it all out of order.

Mr. Singer: I do not pay too much attention to that remark and most other remarks the member for Riverdale makes.

Interjections by hon. members.

Mr. Lawlor: Indulge you a little bit and we have to indulge you completely.

Mr. Singer: Are you through? Thank you.

The point was being made last evening that people are being imprisoned in Ontario because of inability to pay fines that are levied against them. In reference to that I read to the House the recommendations made by the Ouimet committee, as they appear on page 1939 of their report.

The Attorney General's (Mr. Wishart) substantial reply to those recommendations was to the effect that they have to be implemented by federal legislation. I interjected —but I did not get the chance to make the point fully as I intend to do now—that while some of them may have to be implemented by amendments to the Criminal Code, there are many of them that can be implemented in a very simple manner—that is, by holding periodic discussions with the provincial bench, calling in the provincial bench from time to time and indicating to them what the view of the Attorney General of this province is insofar as the determination of sentences. Surely that is something which lies in the Attorney General's power. Surely that is something that the Attorney General should be anxious and eager to do.

We hear a great deal about the question of uniformity of sentences. I am not suggesting that you call in Judge X and say, "You sentenced so-and-so too severe a

sentence, you should be more lenient." I think you have a responsibility to say, to all the provincial judges on the criminal side, that there must be some reasonable basis for the kind of sentencing that goes on.

Let me read another section from that report on page 198 which just highlights the point made by my colleague from Grey-Bruce.

> The committee is very strongly of the opinion, however, that no one should be imprisoned for mere inability to pay.

The word "inability" is emphasized there.

> The observations of the committee across Canada indicate that a very large percentage of the persons incarcerated in provincial institutions are serving terms simply because of their inability to pay fines imposed routinely or according to what has been called the revolving door and tariff process.

That is the point that my colleague was making and I think it is a most valid one. It is a point that bothered the Ouimet committee very much.

> The fact that a fine, however substantial, has been imposed, rather than a sentence of imprisonment, cannot be considered as anything but an implicit acknowledgment that the offender presents no problem of dangerousness.
>
> If he has not enough money, as happens mostly in the case of smaller fines, he is quasi-automatically imprisoned for a number of days, roughly corresponding to the number of dollars stipulated in the sentence. Moreover, the equation between $30 and 30 days is totally unrealistic in times of inflation, and so is the provision allowing a proportionate reduction of imprisonment on the part payment of a fine.

The committee goes on to say:

> In all cases, the court should be reasonably satisfied that the offender is in the position to pay a fine, or to pay a fine in the amount of contemplated before the fine is imposed. A pre-sentence report would, in many cases, constitute a suitable means test.

We are going to be coming to the same sort of point insofar as the fixing of bail is concerned, but, Mr. Chairman, there is no way that I can understand how the Attorney General sloughs off his responsibility in trying to bring about equality of sentencing and fairness of sentencing throughout the province of Ontario. He can call in his provincial judges and tell them this. He can tell them how important it is that there be pre-sentencing investigation. He could have told Judge Bigelow, and I think he should have, that when he arbitrarily—and we will deal with this when we come to the question of bail, under the right vote, for the benefit of the member for Riverdale—

Mr. J. Renwick: Well, do not start in.

Mr. Singer: I will start in as I want and then when I get out of order it is up to the Chairman to rule me out of order.

Mr. J. Renwick: You are out of order.

Mr. Singer: Mr. Chairman, he could have told Judge Bigelow that before those two fellows went off to jail on $25 bail, as a result of these minor charges, there should have been some kind of an investigation to see whether the fixing of that amount of bail meant going off to jail.

Those are the things, really, that we are concerned about. The inability of the judge, or the lack of desire or the lack of procedure of our provincial judges to investigate in advance what the effect of the sentences they are handing out is really going to be, involves this so-called revolving door, or tariff process, and you get people sort of automatically going off to jail. Our sentencing procedure does not take into consideration that a $30 fine to a certain person must mean jail, whereas a fine $30 fine to somebody else is no more than a licence fee to carry on with what they are doing.

That is the sort of thing that we think is important, and that is the sort of law reform that I think the Attorney General should embark upon. His predecessor did, to a certain extent, hold meetings of provincial judges and of justices of the peace and so on, and try to give them his ideas as to general procedures, which he thought were desirable, to be effective in the province. But this does not seem to be happening now, and in this whole series of new appointments that are being made, I wonder what practical training is being given to these people. We will come to that under the heading of provincial judges, but I thought it was substantially important, Mr. Chairman, for this point to be emphasized and the real concern of an important group who examined this problem at some length to be brought before the House.

Mr. Sargent: Mr. Chairman—

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, I thank my colleague from Downsview for bringing the problem into focus. Many times over a year I am called upon to go down to the jail to see a young chap in jail, to bail him out because he cannot pay his fine. Across this province today, this week, tomorrow, there are literally thousands of young chaps, under 18, going to jail for drinking under age, and in many cases, they cannot pay their fine so they go to jail. Now, this is their first approach to society, as far as going to jail and the law is concerned, and last night the Attorney General, in direct conflict with what the member for Downsview said, sir, that if they are unable to pay then they should go to jail. This is in direct conflict with the report read there now.

In our society, somewhere along the line, in the potential earning ability of any individual, there is a plus, and the Minister is adamant in his stand that if the man has not got the money that man should go to jail, if the magistrate sees fit. I think there is a great harm being done to the youth, in this particular case, who is drinking under age, because it is the game today. All you hear on radio, and on television, is about this drinking business, and these people are suffering. They are going to jail, and it is a $100 fine or they stay there for a month because they have not got the money in their pocket. But if their parents have the money they go free. So I say again, it is the only commodity you cannot buy on the instalment plan. And that is justice. I think it behooves the Attorney General to explain to the House why he will not see light in this argument. I would like to hear from the Minister.

Mr. Chairman: Does the Minister wish to reply?

Hon. A. A. Wishart (Minister of Justice): I would like to say a few words, Mr. Chairman; first of all, with respect to this report on the Canadian committee on corrections. As the hon. member for Downsview and I think the other hon. members know, this was just received, dated March, 1969. It just came into our hands; it was just released, actually, about ten days ago. We have been studying it. My colleague, the Minister of Correctional Services, tells me that many of the things that are recommended—it is on corrections—were long since achieved in Ontario. People who have produced this report admit this. Now, I know that is not relevant to our discussion, but we are looking at it, we are studying it. I come to the question of study—

Mr. Sargent: It is about time you did.

Hon. Mr. Wishart: Well all right, my hon. friend from Grey-Bruce.

Hon. Mr. Grossman: We only got it about a couple of weeks ago.

Hon. Mr. Wishart: What I was about to say was that the suggestion was made that we discuss sentencing with the judges. This we do. We do this in seminars four and five times a year. There were five last year, with the provincial judges particularly, in which we discussed the principles of sentencing and the changing attitude towards sentencing. The matter of bail was very thoroughly discussed, and at those seminars our views are made known. We have professors in the field of criminology, judges from our higher courts, provincial judges address the judges in these seminars; and I think that much has been achieved and we will continue these seminars. Just Tuesday of this week, the executive of the provincial judges attended here in conference with myself. One of the subjects we mentioned was a study of new amendments that are being proposed to the Criminal Code, and studies are going on with the persons from the Minister of Justice's department in Ottawa and with our judges. Four conferences are arranged so that these things may be studied as they come forward; actually before they appear in legislation. These things are being done.

I think I should point out to you—and I am not sure if hon. members are aware—we also commissioned a study with the centre of criminology at the University of Toronto, and I have here the report from Professor Edwards, which I think is well known to all of you. This is dated October, 1969, and is the annual report to the Minister of Justice and Attorney General of Ontario, outlining the programme of activities carried on in the centre of criminology during the financial year 1968-1969. And it starts off: "Research in progress, (1) sentencing in the Ontario provincial courts." That is the first item on which he reports. This project, begun in 1965, is directed by Professor John Hogarth with the assistance of Miss Barbara Schloss. Professor Hogarth left the full-time staff of the centre of criminology in September, 1968, to take up an appointment as associate professor at Osgoode Hall law school, York University. His new position, however, does not alter Professor Hogarth's responsibilities as the head of the sentencing project.

This study has three parts: "(a) the study of judicial decision-making is an investigation of the decision processes involved in sentencing by provincial judges in Ontario." Then it goes on and expands upon that. "(b) the study of the probation officer's role in sentencing, and (c) follow up studies of probation."

Mr. Sargent: On this point, Mr. Chairman. In 1951, and I say this because I respect the Attorney General, the Ontario mayors and reeves made a unanimous endorsement of what I am talking about today. It is 18 years later that I am bringing this up, and now we have to move. We have to move at the speed of the Attorney General. He has mentioned that this submission was made in 1965. Now it is 1969, four years later, and you still are not moving. I think that in the times we are living in, Mr. Chairman, we cannot move at the speed of this Minister and his department. He is away out of line and I think he should move today on the thing.

Mr. Lawlor: What is the point of order?

Mr. Sargent: The time is the point of order.

Hon. Mr. Wishart: Well, that is not much of a point of order, Mr. Chairman. The report to which the hon. member for Downsview referred, and which we referred to by the hon. member for Grey-Bruce, was commissioned by the late Justice Mr. Favreau, and I think perhaps about the same time, or perhaps after, we commissioned our study on sentencing. All I am trying to draw to the attention of the House is that we have been concerned with this matter. We commissioned the most capable people we know to make a complete study—

Mr. Sargent: That is a lot of nonsense. Why do you not do it?

Hon. Mr. Wishart: —to make a study on the matter of sentencing so that we would have the best advice, the best recommendations that we could obtain to achieve reform —that is what the hon. member for Grey-Bruce says he is talking about—to achieve reform in the matter of sentencing. Professor Edwards indicates that that report should be in our hands—it is expected the preliminary report on the major aspects of the research will be available—by January, 1970. That is a part of this report. I indicate studies with the judges, the seminars, the studies on this whole subject, to indicate that we are not standing still on it. But we want to move the right way.

Now one further thing. I may, or may not, entirely agree with the report of the Ouimet commission, but I want you to bear this in mind. There is a necessity to protect the public in the administration of justice, which includes law and order.

Mr. Sargent: We are 21. We know that.

Hon. Mr. Wishart: You do not altogether indicate that you do. The imposition of a fine is an alternate. The court has said that this offence of which the person is guilty deserves incarceration, deserves imprisonment for a term. Make no mistake about this, that is what the court says. He should go and lose his liberty for a time. But in this particular type of offence, which need not be major—these are not the most serious offences —the Criminal Code, our federal law, has provided an alternative that he may be punished through his pocket book. He can pay if he does not want to take the loss of liberty, but it is not a complete washout of the punishment.

He has broken the law, he has offended the public, he has hurt some citizen, or he has offended the state, and he must lose his liberty. The alternative is that he may pay a fine. But it does not mean that if he cannot pay the fine he escapes the punishment. Let us have that clear.

Mr. Singer: Mr. Chairman, the second point the Attorney General makes has validity, but he gives improper emphasis to it. What the Ouimet report says, what the hon. member for Grey-Bruce is saying and what I have been triyng to say is that in many cases, because of lack of pre-sentence investigation someone who is ordered to pay a fine, or in the alternative is going to be sent to jail, is punished more heavily because of his lack of financial ability to pay the fine. He will go to jail, whereas a wealthier person in the same circumstances will not go to jail.

Hon. Mr. Wishart: I will admit that.

Mr. Singer: That is the point that bothers the Ouimet committee. That is the point that bothers us.

The second point I want to make, I think adds emphasis to the argument that I was making yesterday about letting the members of the Legislature be a part of this on-going process. I knew there was a centre of criminology. I was not aware of this particular study that is going on. I would hope that it

will be a study that is well worth while, and that its report will be meaningful and most helpful to us in the cause of justice.

But it would seem to me that somewhere along the line a standing committee of this House should be privileged to get the Attorney General's opinions on what is in the Ouimet report. He said he may agree with it, he may not agree with it, or he may have some reservations about parts of it.

I would think it is important that we know, and I would think it is going to be very hard to get the kind of meaningful discussion going in the Chamber concerning this.

By the same token, where we see the report of the centre of criminology, insofar as sentencing is concerned, I would think that that kind of discussion should take place with members of the Legislature so we know what the thinking really is; if the recommendations have importance and validity; then, how are we going to go about bringing them into effect?

That is the sort of thing that does not seem to happen. It happens unilaterally insofar as this government is concerned; it is all in the mind of the Attorney General. We are getting further and further away in this Chamber from the real theory of responsible government.

I think the members of the Legislature are entitled, in a forum where their views can be properly expressed, to examine at some length the recommendations in this report, and the report that the Attorney General has just referred to; then to bring the people before them who have made the report and ask them questions about it, and find out from the Attorney General what his thinking is on behalf of the government.

We have no machinery that allows that to be done at the present time, and I come back again to the suggestion I made last evening, that it would be of substantial benefit to the cause of the administration of justice if we had a standing committee on justice made up of members of this Legislature which could embark upon this kind of investigation. In that process, I would think, we would emerge with better administration of justice in the province of Ontario.

Mr. Chairman: The member for Parkdale.

Mr. Trotter: Mr. Chairman, I would like to speak briefly on an item that I feel does require some research and in the making of new legislation. This is in regard to the matter of pitchmen who telephone our various offices and want us to contribute to various charities. This has gone on for years. We have not done too much about it, but this matter of various service clubs and legitimate organizations permitting promoters to use the name of legitimate organizations is now reaching the point that the public is being fleeced of many millions of dollars.

At the present time, too there is fraud. Naturally, if you can prove fraud you come under the Criminal Code and then the Attorney General can carry out the administration of justice. But the law is such today—or the administration of it is such today—that the pitchman can set up a boiler room once they have received the consent of a charity, and literally go to work and fleece the public in the name of the orphan and the name of the veteran.

One man who was in the racket for 18 years claims that there is $20 million taken from the public every year through the boiler room system. Some of that money, or a portion of it, actually goes into charities, not all of it is lost. But whenever money is raised for charity by pitchmen over the phone most of it is lost to the charitable organizations.

What has brought this matter to a head, particularly in this part of Ontario, is that of recent date the Scarborough Rams had turned their name over to a group—I think it was called Talent Productions. Over $100,000 was raised and the Rams, which is a group that was set up to encourage junior football, ended up getting $700. They must still produce a show which is going to be held on October 24, and they are going to have to pay for that show, so they are going to end up losing money.

So, a number of things have happened. Junior football has received a serious setback; a good, decent organization like the Scarborough Rams has got a bad name; and the general public has been fleeced for $100,000. If the Attorney General just thought, and the other members of the Legislature ever considered it, $100,000 could do a tremendous amount for junior football.

But under this vote, Mr. Chairman, what I want to emphasize, and what concerns me, is that first of all I think that the Attorney General should have done something about this matter before now because it has been going on for some time. But what I would also like to emphasize is that I was shocked at the apathy of some of the service clubs themselves.

As organizations, these service clubs do wonderful work, but a lot of them are really apathetic. I do not like throwing their names

around, but the truth is that they have caused the public a loss of money, and some of the apathetic clubs are going to cause a loss of confidence in the service clubs themselves.

I have mentioned the Scarborough Rams. The same group or one of their buddies, the St. Catharines Rams, had the public taken for $38,000 of recent date.

The Better Business Bureau has emphasized on many occasions the difficulty it has in trying to get the service clubs to co-operate. I obtained a list, Mr. Chairman, from the Better Business Bureau of various organizations it knows are using this boiler room system where they hustle money out of the public.

The Better Business Bureau gives a rating of A, B, C and D to various charities and if they are an A-1 charity they get a rating of A. I realize the vast majority of them are fine, but what I feel the Attorney General is going to have to do is to bring in some type of licensing legislation where anybody who is a promoter, or who sets up an organization such as Talent Productions, is licensed and we know who they are.

The Attorney General may want to argue this will come under consumer protection. Well, at the present time, Mr. Chairman, there is no protection for the consumer unless you can prove an out-and-out fraud, which is extremely difficult to do.

Mrs. M. Renwick (Scarborough Centre): There is none in Ottawa either.

Mr. Trotter: Well, whether there is in Ottawa or not, the main thing that must be emphasized is that the public that is really taken is the public in Ontario and mainly that in the Toronto area. They phone the business firms.

I obtained the Better Business Bureau list and I found that one of the groups that has a bad rating is one to which I have been sending money for some considerable time, because I knew of the general area in which it was supposed to be working. But, as an individual citizen. I do not have an opportunity to check into these groups so I know, if I am one who is reasonably wary of what is going on, certainly the general public must, as a group, lose a great deal of money.

Just to give you an example of how the public is taken in and also how indifferent service clubs can be, a service club might say, "Well, why pick on me?" I think probably the Scarborough Rams feel that way and probably some of these other clubs may consider it. I mention two or three of these clubs because they have been warned by the Better Business Bureau of Toronto, and they have also been warned in some instances by the press—I notice the Toronto *Telegram* column, "Action Line" has gone after this problem and I think they spent a considerable amount of time in detailing the Scarborough Rams fiasco.

I do not think any newspaper man or any member of the Legislature wants to kick around the name of a service club or an organization that means well, but if an organization is a service club, and is doing its best for a charitable cause, it has a prime responsibility to protect the public.

I think one of the worst examples of a service club having its head in the sand is the Kinsmen Club of North York. The Kinsmen Club have done a tremendous amount of good, but in 1967 the Kinsmen Club, obviously without checking into what they were doing, retained a circus called the Garden Brothers circus. This in turn was turned over, in the selling of tickets and advertising, to a promotional group called the M.I.G. Corporation of Montreal but they are in business with the Garden Brothers circus—in other words, it was the same outfit.

They went out and sold approximately, I think on the first occasion, $57,000 in tickets or in advertising, and they used the good name of the Kinsmen Club up in North York. What does the Kinsmen Club get? I got a hold of their statement and it came to about $376. I would like to know where the thousands of dollars that were raised in the name of charity went. I am quite convinced it goes to the promoters, and promoters who are known to the Better Business Bureau of Ontario as "operators". For example, men like Ian Garden, who is connected with the Garden Brothers circus, and the M.I.G. Corporation of Montreal, or a man named Jack Watling, who has been operating in the Toronto area for years. Whenever his name appears in one of these promotional schemes, any organization should be on guard. And yet I repeat, the Better Business Bureau know about it, they warn people; and still we get sucked in.

I mention the Kinsmen Club of North York, and what a bad time they had of it. This shows the apathy of a club—despite the fact that in their name, $57,000 or approximately that amount, was raised, and they get about

$370 of it. What did they do? The following year they did exactly the same thing. They get in with the same group which carries on a legalized robbery.

Of course, the Kinsmen help crippled children, they have done a tremendous amount of good in the past, but the money from that circus is not going to crippled children, it is going to legalized bandits because these men are operating within the law. That is why I bring it under this vote; they are really operating within the law, or they are on such a thin edge of it that you just cannot nail them. And they are operating today. Again the Kinsmen Club held a circus this year and raised approximately $60,000. They are going to do a little better than their $370; in fact, they may come off with nearly $1,500.

I say to the Attorney General through you, Mr. Chairman, that it is time that we saw to it that people who are in this business of selling tickets, no matter whose name they are using, are licensed, that there be a law that protects the public and protects the service club or the church, from their own apathy.

I have seen it in my own area where a church has been offered $200 or $300 to use its name in a bingo and the bingo turned out to be a racket. Of course, it is bad for the church and it is bad for public relations in raising charitable funds, but it is just a disaster for the public and the only people who profit are the racketeers.

I was reading a Better Business Bureau paper called *Trufax*. Some of the groups are asked for information, and the bulletin says, "Information requested—no co-operation". And this is in the Better Business Bureau.

I am appalled when I see names like the Beaches Kiwanis Club, the Metro Toronto Amateur Baseball Association, and the Toronto Amateur Athletic Club in this list. If these groups that are service clubs cannot tell the Better Business Bureau—either cannot tell or will not tell—what they are doing, it is time that government cracked down, because we expect high standards from service clubs.

I am a member of service clubs myself and I am happy to say that the ones I belong to, were not listed, because if they were, I would certainly be raising the devil within my own organization. In some cases, the chamber of commerce has been named; in some cases the junior chamber of commerce has been named. Out in the west end of Toronto, the Etobicoke Jaycees will not co-operate with the Better Business Bureau. And if they will not co-operate, I say to the Minister, for heaven's sake let us stop this $20 million robbery. For the most part it is a legal robbery that is going on in Canada.

That is a grand estimate for Canada as a whole, as I said. It came from one of the men who pulled this stuff off, but I think it is serious enough that you should take a very firm hand and look into what goes on.

A man who has been operating in the Toronto area has a name very similar to mine, a man named Leo Trottier. I watched his operation. Because of the similar name it happened to catch my eye. He has been listed for years by the Better Business Bureau of Toronto as a bad risk, in anything he carries on. He is interested ostensibly in fire precautions. A number of years ago he had some—

Mr. Sargent: He is a leading Conservative.

Mr. Trotter: Actually, he was a political candidate for that party, at one time, I think.

Years ago, he got in trouble with the law because he was operating in order to advertise the work the police were doing. As it turned out, it was, in essence, a fraud and he ran afoul of the law. There is no way to control that kind of person once they are on the loose and they are operating again today.

When they are being interviewed—or their pitchmen who are in these boiler shops are being interviewed—they are laughing at the law, they are laughing at us and they are laughing at the Attorney General. They like to talk about churches, saying they are doing work for the church, or that they are doing work for orphans; this is the standard pitch.

I know of no way to stop this as it is going on at the present time. Just yesterday, I had a call at my office and I turned him down because I started to follow the rules set down by the Better Business Bureau of Toronto. Do not accept calls over the telephone unless you happen to know the people personally.

I think rules, or guidelines, are going to have to be set down no matter what the charity is. For example, in the list the Better Business Bureau has set out, there is a group listed, which a lot of people think is a charity, called "Biggar Opportunities". This is the type of group which is listed. As the Better Business Bureau says, this is one of the many organizations which are often confused with charitable organizations, but in fact are doing business solicitation.

Today, Mr. Chairman, under our law, if we attempt to incorporate a company that in any way appears to be part of a government organization, you are not allowed to use the name. But with these charities, you go high wide and handsome, there is no way to stop it.

I just point out, through you, Mr. Chairman, to the Attorney General, when an organization is marked "C", it indicates that either: (1) we have not had any co-operation from this organization, or (2) that as a result of our investigation, we feel that the organization in question leaves much to be desired, and (3) people involved with this organization have a past record of being connected or associated with other organizations which also left much to be desired.

Now I emphasize and underline that to the Attorney General. What is happening in some of these organizations is that the names often change but the same people are operating them. In fact, I can again repeat to you some of the major operators—a man named Jack Watling or a man named Leo Trottier—yet we sit and let them rook the public right, left and centre. The only way we have of trying to bring this to the public—unless it is through the Better Business Bureau and they have limited means—is for someone like myself to stand up and complain publicly saying: "Look at these horrible examples, these operators. What are you going to do about it?" Another way of doing it is to use the names of good organizations who have been rooked, and whose names have been used to rook the public, like the Kinsmen Club of North York.

I have to emphasize that because it has done it twice in a row, despite the warnings it has had. Here is something that certainly needs a tremendous amount of investigation.

The Better Business Bureau says that if money is raised for a charity, at least 85 per cent of it should go to the charity. Now, there are exceptions to that, but I think those exceptions should be watched. I admit that if a group does hold a circus, a legitimate circus, it is going to cost money. I say a legitimate circus, not a promotion.

There are legitimate circuses making tours in Ontario and I do not want to be taken as damning all the circuses that go through these towns. What these people who operate a legitimate circus and not part of a promotion racket are going to have to do, in self defence, is appeal to this government that certain regulations are set down so that they themselves are protected from the would-be racketeers.

It is unfortunate that in this day and age, even when people want to do good and even when there are charities, that we have to set up guidelines and rules and regulations. This must be done first of all because of the few that are the actual racketeers and secondly because people are apathetic. What disturbs me the most is that good people are apathetic, like the men who run these service clubs.

I have more names here of clubs that have gotten themselves into trouble unnecessarily or where the public has been rooked. I do not want to bandy the names about but it is about time the service clubs took a very hard look at themselves and it is long overdue that this administration set up licensing requirements. If you cannot change the Criminal Code yourselves, you certainly have the power to license.

These fellows get on the blower, as they call the telephone, phoning the executives of some of these firms.

They use the executive's first name. It has happened to me. You get on the phone, "Hiya Jim, how are you"? Being a politician, you assume it is a long-time worker and you find out he is the pitchman for a very legitimate organization. What has happened is that the legitimate organization has signed a contract and very little of that money finds its way to help the widow or the orphan or the crippled child or the veteran. I have even been aware of this and as a protection against it, refused everybody. In refusing everybody, you hurt a lot of good people who are really trying.

So I say to the Minister, through you, Mr. Chairman, in the name of charity, in the name of fair play, and in the name of better business, please bring in legislation that will give some kind of control over these people who just rob the people blind and who rob the blind.

Hon. Mr. Wishart: Mr. Chairman, I think the hon. member has raised a matter of some concern and I will be glad to give it study. He does point out, of course, the apathy of persons who are quite intelligent and capable and, as an instance, the Kinsmen Club of North York, where they have engaged in the example he cites. They are repeating the experience, and I think it is quite apparent that this estimable club of probably young businessmen and young professional men, who certainly have knowledge

and intelligence, while they are interested in doing some charity, are quite prepared to let some organization such as Garden Brothers, who put on, I guess, a pretty good show by way of a circus, carry the work. If they make $300 or $1,000, that seems to be all they are interested in.

The very fact that they are repeating it—and in the opinion of the member this arrangement should not be allowed—indicates that it is very hard to legislate or you do not have a public attitude to support your legislation. I think it would be very difficult to license, and I have some hesitation; I have considered the matter. I have some hesitation in imposing licensing restrictions and regulations in this area. It would be difficult to assess those that should be licensed.

The next thing that comes to my mind is that supposing the Kinsmen Club of North York were licensed under the arrangement proposed. It would naturally follow, I think, that if they make a contract with some organization such as Garden Brothers and their representatives to sell their tickets, that being the employees of the licensed agency, they would be quite well permitted to go forward and do exactly what they have done here.

Mr. Trotter: I do not mean license the service clubs. I mean strictly to license the people in the promotional field. You should set up certain standards and you should know who you are dealing with in order to get a licence. At least there should be some protection. When things got a bit hot for the man who rooked the Scarborough Rams for $100,000, he went down in the sunny south with our money. What has happened is there are really a few operators in the area organizing the same thing. I have thrown out the names. Those men should not be allowed and all you have to do is set up standards just as you do with the LCBO, liquor licensing, and anything else.

Hon. Mr. Wishart: It would take some perusing and some examination to determine whom you would license if you do not license the charitable organizations. But I must seek out only those who act for them, and I take your own example. I think there would be some difficulty. However, I will certainly undertake to consider it.

But in the moments that I have to reply to this concern, I want to draw to the attention of members of the House—and I am not sure the public is aware of this—that we have on our statute books an Act known as The Charities Accounting Act. It is chapter 52 of the Revised Statutes of Ontario, 1960, and I think that the public is perhaps not aware of remedies which are contained in that Act in this area. Section 6 of that Act, and I am going to read it into the record, says this:

> Any person may complain as to the manner in which a person or organization has solicited or procured funds by way of contribution or gift from the public for any purpose, or as to the manner in which any such funds have been dealt with or disposed of. Every such complaint shall be in writing and delivered by the complainant to a judge of any county or district court. Wherever the judge is of the opinion that the public interest can be served by an investigation of the matter complained of, he may make an order directing the Public Trustee to make such investigation as the Public Trustee deems proper in the circumstances.
>
> In making such investigation the Public Trustee has, and may exercise, any of the powers conferred upon him by this Act, or that may be conferred upon a commissioner under The Public Enquiries Act. The cost of any such investigation when approved by the Attorney General forms part of the expenses of the administration of justice in Ontario. And as soon as the Public Trustee has completed his investigation he shall report in writing thereon to the Attorney General and to the county court judge who ordered the investigation.

There are some further subsections which are not too relevant, but the point is that—

Mr. Trotter: Obviously it does not work.

Hon. Mr. Wishart: I am not sure there has been an awareness of it.

Mr. Trotter: What good is it? I do not think you are aware of it.

Hon. Mr. Wishart: Let me finish, please. We have investigations going on under The Charities' Accounting Act of the very nature which the hon. member recites and complains about. It does work, it does give power to investigate. I suppose you could say it does not work till the matter complained of has been well advanced, but any person—and I think that this is what the public is not aware of—has the right to complain, if someone approaches him. He can complain at once. It is a very simple matter. Simply send a letter in writing to the judge and our Public Trustee has wide powers to investigate.

I could mention, just as one instance, there was a case over in Kitchener not too long ago where certain persons held themselves out as high officials in a church—as a bishop or an archbishop, or something of that sort, with a retinue of other followers, and said they were carrying on some charity, a collection of money. That was investigated and was being pursued and the matter has been complained of. The person, actually, has been prosecuted and convicted of fraud.

I know it does not replace licensing. Licensing would be the permission by which some person would have the right to go forward and collect. This is, however, a very good provision to enable an investigation to be commenced at any time on complaint of any person, and carried forward by an agency of this government and that branch of this department—

Mr. Trotter: Does not the Attorney General believe that an ounce of prevention is worth a pound of cure?

Hon. Mr. Wishart: Oh yes, but I say there are some difficulties in selecting persons to be licensed. The hon. member has already said he would not think of licensing the charitable organizations.

Mr. Trotter: I do not think you have to.

Hon. Mr. Wishart: I think that is perhaps the place where you would license. Then they would be responsible for the persons they let go out. That might be the simplest way.

Mr. Trotter: I am appalled, really, at the answer of the Attorney General. It is all right to read an Act that is on the books but it has been on the books I assume for some considerable time. What happens in this day and age is that the legislation is not working. It cannot be for we really have no accurate estimate of how much people are losing and how much legitimate charities are losing. We know from our own experience, maybe from the calls that we get and from the calls others get, or where some newspaper reporter has made a thorough examination of some particular problem—

Hon. Mr. Wishart: Have you ever complained?

Mr. Trotter: No, I have not gone around laying charges. You are responsible for the administration.

Hon. Mr. Wishart: You do not have to lay a charge.

Mr. Trotter: How more impractical can the Attorney General be? We are running around with one of those great big books of the RSO of Ontario, saying, "Look, I can do this. I will go to the Attorney General. Maybe he will investigate." What good is an investigation when the operator, let us say of the Scarborough Rams situation, is sitting down in Florida with our money? What good is it? You cannot even catch up with him. And we know that today, as things are now, these promoters can operate legally.

It is true today that the Kinsmen's Club help crippled children; there is nothing wrong with that statement. What they do not tell you is how much of the money is going to the crippled child and how much is going to the pitchman in the boiler room. It is usually about 90 per cent, maybe often more.

Hon. Mr. Wishart: The hon. member has said this, Mr. Chairman; he is being very repetitive.

Mr. Trotter: I know, but I am not getting through to the Attorney General.

Hon. Mr. Wishart: You do not run around with this book in your hand and you do not go to the Attorney General. If the hon. member had listened to me, he would know that he should simply write a letter of complaint to the judge; and the investigation is under way by a branch of this government.

Mr. Trotter: By a branch of government. Well, I know how government works and how practical that is. It just is not working.

Hon. Mr. Wishart: You have not tried it, have you?

Mr. Trotter: Well no, I certainly have not. And the average person would not be doing it. I would like to know what your department is being paid for; that is one of its jobs.

Mr. M. Shulman (High Park): On a point of order, I do not wish to interrupt the hon. member but the time has come for the private member's hour.

Mr. Trotter: Oh, I am sorry.

Hon. Mr. Grossman moves the committee of supply rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

NOTICE OF MOTION

Clerk of the House: Notice of motion No. 32, by Mr. Shulman.

RESOLUTION: That the report of the Ontario Securities Commission on Canadian Central Holdings be made public and that appropriate charges be laid as recommended in the report.

Mr. M. Shulman (High Park): Mr. Speaker, I move resolution No. 32.

Mr. Speaker: The member for High Park moves resolution No. 32.

Mr. Shulman: The material of today's resolution represents an all-too-typical Ontario situation—the sort of thing we have seen time and time again in recent years—in which a group of crooks set up business in this province, defraud the public, and get away with their malfeasance.

Perhaps it is even worse that the government lays no charge and even goes so far as to refuse to reveal the results of the investigation of the Ontario Securities Commission, even though that investigation report advised that charges be laid.

This particular swindle began in Toronto in 1964. A new company was formed by the name of Canadian Central Holdings. The president and promoter was one A. M. Greenaway, previously president of A. M. Greenaway and Company mortgage brokers; the secretary was James Ronald Denny, then a lawyer and QC; and the treasurer was John Moffat Kellie.

The company was ostensibly set up to raise money from the public through the issuing of stock, notes, and through loans, which money was to be invested in mortgages. The prospectus for Canadian Central Holdings was approved by the Ontario Securities Commission on December 8, 1964, and the company began to raise funds from the public on that date.

Thousands of dollars were poured in, and in return, the investors were given seven per cent collateral trust notes. They were told that their money was being used for the purchase of mortgages, and indeed some of it—a little of it—was going for that purpose. Much, however, was going straight into the pockets of certain of the directors.

When I interviewed Mr. A. M. Greenaway last week, he stated that the secretary and the treasurer of the company, unknown to him, had opened a separate bank account for Canadian Central Holdings, into which they deposited funds as they were received from investors. They then promptly issued cheques to themselves for the moneys, contrary to the prospectus, which required that all funds be paid to the trustee, Stone Adamson and Company. I have some corroboration for this statement of Mr. Greenaway in the form of a letter from Stone Adamson and Company, dated February 10, 1967, which was sent to every note holder. I have a copy of it here and I quote from it. "Some notes were issued by company officials for which we did not receive the funds as trustee".

This morning, I was able to speak to Mr. Denny, who was the secretary of the company, and he flatly denied that he took the money. His statement is that the treasurer, Mr. Kellie, took certain funds in and did not bother to put them into the trust account. Mr. Kellie has left this jurisdiction and has now moved to Hattsborough, Pennsylvania.

Certainly, regardless of who was doing the stealing, the money disappeared in short order, and in early 1965 the securities commission began to receive complaints about the matter. On November 19, 1965, the commission issued an investigation order, and the company rapidly ceased doing business.

Meanwhile, the trust holders soon found that they not only had no hope of getting their capital back, but within a very short time all interest payments ceased. At this point it became apparent that Denny and Kellie were not the only ones who had explaining to do. One of the investors who got stuck was an elderly gentleman by the name of Ralph T. Markham, who continued to make loans to Greenaway's company after all hope had gone.

It is of interest that in the prospectus of Canadian Central Holdings, it states that the company owned the total outstanding shares of A. M. Greenaway and Company, which was in the business of placement of money for mortgage investment. Ralph Markham made a series of loans to A. M. Greenaway and Company. One of his receipts is dated as recently as April 5, 1968. The loans, he was told, were to be forwarded to Canadian Central Holdings Limited.

Somewhat belatedly on January 8, 1969, Mr. Markham consulted a firm of lawyers, Hume Martin and Allen, and they wrote to Mr. Greenaway inquiring about Mr. Markham's money and/or securities for the same. When nothing was forthcoming they sued Mr. Greenaway. I have here the letter from the Sheriff's Office of the County of York, dated March 25, 1969. I will read it:

> My officer, Fred Ward, attended on March 24, 1969 at 169 Yonge Street, Toronto, and spoke to the defendant who stated he is President of A. M. Greenaway and Company Limited, and that he had no assets to pay this judgment.
>
> Further, he also stated that he drives a company car and has no personal bank account. The address at which he resides is 122 Cumberland Drive, Port Credit, Ontario.
>
> I would also point out that there are 11 other executions on file in the Sheriff's Office against the above named defendant.

Well, it appears that Mr. Greenaway has no assets. Yet strangely enough, the firm of A. M. Greenaway and Company mortgage brokers is still in existence and is still licenced by The Department of Financial and Commercial Affairs in this province to do business with the public. In fact not only is it in existence and doing business, but it is doing exactly the same business as it was doing during the short, sad, swindly life of Canadian Central Holdings.

They are very much in business. I have here a copy of the Yellow Pages which I have just taken out of a phone book with their very prominent ad, and strangely enough it is the same ad that they have been running for the public for several years, dating back to and including the time the Canadian Central Holdings was extracting money under the same fraudulent premise.

Well, what was the securities commission doing through this whole debacle? The investigation which they began on November 19, 1965, was finally completed on March 9, 1967. The results have never been made public. On May 10 last, I asked the hon. Minister of Financial and Commercial Affairs (Mr. Rowntree) if he would make the report public and he replied on page 4226 of *Hansard*, "It is not in the public interest".

We do know one thing about the secret report because the Minister of Financial and Commercial Affairs admitted in the Legislature that the report recommended that charges be laid against these men. He put the blame for charges not being laid on the Crown attorney's office.

It is of perhaps more than passing interest that last year James Denny was disbarred from the list of practitioners by the Law Society of Upper Canada. The Department of Financial and Commercial Affairs, curiously, is under the misapprehension that this was done as a result of their report. I have a letter here from the securities commission, and I quote:

> As a result of the actions taken which were disclosed in the investigations by the commission, James R. Denny was removed from the list of practitioners of the Law Society of Upper Canada.

Well, that is all very well, except it is not true. He certainly was disbarred but this is not why he was disbarred. He was disbarred for an entirely different matter which I do not see any point in going into at the present time, but it had nothing to do with that whatsoever. But the securities commission was trying to say that at least something came of it, he got disbarred. Well, he got disbarred all right but it was purely fortuitous.

There are three very serious aspects to this case. The first, is the mystery as to why no charges have been laid. The Minister of Financial and Commercial Affairs has passed that responsibility off to the Attorney General, and perhaps at some future date he would care to give an explanation, if there is one.

Let me emphasize that the report of the securities commission said, "We recommend that charges be laid". They went on to give their various reasons, and listed the details of the fraud. The second damning matter is the fact that once again a financial fraud has taken place in this province. There has been a complete, if agonizingly slow as usual, investigation made by the securities commission.

We had the blessing of having Henry Langford there for some years, and he was a very competent, dedicated man. Despite his lack of co-operation from above, and his lack of help from below—he did not have enough staff—he did his best. He brought in a good report—too slow, but he brought it in. He gave it to the Minister of Financial and Commercial Affairs who had the gall to rise in this House and refuse the public the results of that investigation, and with a straight face say, "I won't tell you because it is not in the public interest". I often wonder whether these various Ministers confuse the public interest with that of the Conservative

Party. This government has a very strange view indeed of what is in the public interest. As a result of their activities, the Conservative government has completely destroyed the faith of foreign investors. Because of some activities outside this Legislature I have frequent occasion to speak about securities in the United States to various financial groups. I am going down again next week and I can inform you that the reason that every U.S. Investment Trust looks with a jaundiced eye on our securities is because of mishandled cases like this one.

The third matter—the most important one, the one I want to strongly emphasize and which shows the absolute bankruptcy of The Department of Financial and Commercial Affairs—is that A. M. Greenaway and Company was in the centre of this mortgage broker fraud. Greenaway, personally, has at least 11 judgments outstanding against him, none of which is collectable, because he keeps nothing in his own name. Yet the very same department which investigated this matter and which recommended that charges be laid sees fit to continue his registration as a mortgage broker, dealing with the public. Just what are the qualifications necessary to be a mortgage broker in this province? Apparently you can get away with anything. You can defraud, you can owe all sorts of people money, it does not seem to matter.

This case fits perfectly into the pattern followed by this department in Prudential, Ord Wallington, Windfall, and Pyrotex—incompetence and failure to carry out the responsibilities of the department of the government.

I contacted Mr. Greenaway last week before preparing this material and he was quick to agree that there had been fraud in this case. He placed the blame on his co-directors.

However, I have here a list from the sheriff of the county of York of some 11 judgments against A. M. Greenaway, none of which are collectable. I asked Mr. Greenaway about one of these. I asked him about the one of Mr. Ralph T. Markham, the man who lost his capital as a result of investing in this company, and he said: "Oh yes, I meant to look after that, I will certainly look after it shortly," and it is just so patently obvious.

But it is not just Ralph T. Markham. There is Codwell Sons & Smith, James Jones, Agnes Maud Jones, Ruth Wicksie, Ben Walker, Walter Markle, Harold Roy McCarthy, Agincourt Construction, Bank of Montreal, Mabel Brauer, Fairway Finance. These are just the people who took the trouble to sue this deadbeat. These are the people who went into court, sued him, and got the judgments which are not collectable. How many other investors, after getting a lawyer's advice, realized it was impossible to get anywhere in the courts, it was just a waste of time and money, and just gave up?

But here we have judgments against him for a grand total of $60,000 in his own name and another $86,000 against associates. But the thing that puzzles me is the securities commission—and this is really the point of the whole thing. The securities commission has had this information now for two years. Not only have they had the information, but since last May I have written them and asked them to go over the material again and asked for a report.

Since last March this matter has been brought up in the Legislature and nothing has been done. Not only have no charges been laid, because the Minister can pass the responsibility for charges over to the Crown attorney, but nothing has been done. We still have this mortgage broker, licensed by this department, who has investigated him and is aware of all these judgments. What is the matter with this government? They are bankrupt.

Mr. A. Carruthers (Durham): Mr. Speaker, I have listened with great interest to the remarks of the member for High Park in this respect, and I do not intend to take sides but simply to comment on the circumstances and to relate the facts as I have been given them in my investigation.

I would point out, Mr. Speaker, that the resolution proposed by the member for High Park simply illustrates the difficulties that are involved in dealing with situations of this type.

The debate yesterday on the estimates of the Minister of Justice brought out the difference of opinion, I thought, in this regard, and if such matters are made public knowledge, the government is often criticized for damaging the public image of individuals. The government was criticized yesterday for laying charges which were later withdrawn and criticized because individuals had their image damaged in the public view.

This is particularly the case, Mr. Speaker, if charges are laid, and because of insufficient evidence, or other conflicting circumstances, charges are dismissed or withdrawn. The member for High Park pointed this out himself yesterday. On the other hand, if the

files are not made public, the suspicion is created in the minds of certain individuals that facts are being hidden, and those involved are being protected by the authorities.

Very careful consideration must, therefore, be given to each and every situation as far as I am concerned—on one hand taking every possible precaution and every possible means legally to assure the public that their interests are being protected, while at the same time taking precautions to protect the interest and character of individuals involved.

Now I would like to review the history of this matter. It has already been reviewed by the member for High Park to a considerable degree and I would just like to present the information that I have on hand, with respect to the history of this company, Canadian Central Holdings Limited.

This company was incorporated under The Canadian Corporations Act, November 30, 1962, as a public company. No returns were filed with the Provincial Secretary's (Mr. Welch) office at that time, but a letter on the Ontario Securities Commission file dated December 7, 1966, from Ottawa, states that company at that time was not in good standing, and that it had contravened section 121 of The Canadian Corporations Act in failing to file returns.

The company first submitted material with the Ontario Securities Commission on November 14, 1963. This was re-submitted on April 29, 1964, and the prospectus was accepted for filing on December 8 of the same year. On that date registration was obtained as a security issuer of its own shares. The company is not registered with the Ontario Securities Commission as outlined in its prospectus. The purpose of the company was to originate and service mortgage loans for others and to engage in the trading of mortgages.

Mr. Speaker, in response to an enquiry from an Ottawa father, whose son had invested some $40,000, at his own discretion and in his own wisdom in Canadian Central Holdings Limited, an investigation order was issued under section 21 (1A) of The Securities Act, RSO 1960, on November 19, 1965. The investigation order, I understand, was based on the failure of the company to deliver this man's security, and on the basis of evidence developed through preliminary enquiries.

A final report on this investigation was made on March 9, 1967, at which time it was directed that the investigation be terminated and the information thus obtained be submitted, as the member for High Park stated, to the Crown attorney with respect to charges, and to take such action as the Crown might advise. This was done. The Crown attorney advised that no criminal charges could be supported on the evidence submitted. Here we go back to my opening remarks as to what you do, and how careful a study you must make of these situations.

It should be emphasized that the Ontario Securities Commission, Mr. Speaker, has in its possession hundreds of files and reports and these are confidential in nature and must be confidential in nature unless permission is given by the commission for their release. This is understandable and completely justified as far as I am concerned, because they contain many candid statements and many of them personal in nature. In many instances, as I pointed out in my opening remarks, publicizing could affect the personal lives of innocent people. May I refer you to section 24 of The Ontario Securities Act which reads as follows:

> No person, without the consent of the commission, shall disclose, except to his counsel, any information or evidence obtained, or the name of any witness examined, or sought to be examined, under section 21 or 23, RSO 1960, clause 363, section 24, amended.

May I point out, Mr. Speaker, that several civil actions were taken by various parties against the company, and why these individuals mentioned by the member for High Park did not take civil action, I do not know.

Mr. Shulman: They did; they got judgments.

Mr. Carruthers: Well, I do not believe the member mentioned that.

Mr. S. Lewis (Scarborough West): Yes, he read them out.

Mr. Carruthers: I am sorry, I missed that. In one instance the judgment was taken out and in another case the records of the commission do not show whether judgment was ever entered.

It is interesting to note, however, and important for consideration, that as a result of the actions taken, which were disclosed in the investigation by the commission, the legal counsel was removed, as the member stated from the list of practitioners of the Law Society of Upper Canada.

Mr. Lewis: Well, how do you handle the other part?

Mr. Carruthers: Mr. Denny was the solicitor—

Mr. Lewis: On a point of order, Mr. Speaker, how does the member handle the contention that the dismissal of the solicitor had absolutely nothing whatsoever to do with the company involved? How do you handle that fact? And therefore, why do you introduce it?

Mr. Carruthers: Well, I am only taking the member's word—

Mr. Shulman: Check with the law society.

Mr. Carruthers: I am not convinced—

Mr. Speaker: Order! I do not think the hon. member for Scarborough West has raised a valid point of order. The hon. member for Durham is making his speech and presenting his views on the resolution. There are differences of opinion but I hardly think there is a point of order.

Mr. Carruthers: Thank you, Mr. Speaker. That is only his opinion.

Mr. Denny was the solicitor who acted as secretary to the company and was a material figure in the investigation.

Mr. P. D. Lawlor (Lakeshore): He came to the member's rescue.

Mr. Carruthers: No rescue needed.

Under these circumstances, Mr. Speaker, the public interest will appear to have been fully served in a proper and legal manner.

Mr. D. M. Deacon (York Centre): Mr. Speaker, when I first read this resolution and when I first reviewed the material we had at hand, I wondered how I could say anything about this question at all because there was so little available about it. I wondered why the hon. member for High Park had brought it up.

But after I had got into it more thoroughly, this is one time that I compliment the member, and I say to the hon. member for High Park, "Me too."

I am glad to see he has gone into this because here is a situation where there is one law for thieves who steal paltry amounts and go behind the bars for years, and another law for those who steal millions or hundreds of thousands in this case, and get off scot free. It is time we did something about it if we say we have the interests of the public of this province in our hearts.

In the United States they have the practice among lawyers of splitting benefits with clients, so there are lots of actions taken by shareholders against people who are defrauding them by using their inside information, or other means, to gain what is lawfully the property of the shareholders.

But in Canada, for good reason, I am glad we do not have this practice. It is time, though, that we recognized the role the securities commission should take; that of rallying and gathering together those who are the victims of these people and assisting them in any action they can take, not only to recover what they have lost, but to see that those who defrauded them are properly punished.

And what do we have on the part of this government? Time and time again we have evidence that indicates that this government is more concerned with fighting the victims than it is with fighting those who have caused the problems. Here we have a situation where the Minister of Financial and Commercial Affairs was written by the president of Prudential Finance creditors in January, 1968, who said, "In your offer to help to obtain what little is left for us of the assets, could you indicate the exact action you contemplate taking to achieve this result?"

He got no answer from the Minister to this enquiry, no response at all, except to shove him away and say, "This is in the hands of the securities commission."

Who is he fighting? Time and time again there is evidence of this Minister fighting the victims, and it is time we saw a change in his attitude, to where he could get these people together and give them the leadership he is in the position to give.

Mr. Lawlor: By the way, where is the Minister?

Mr. Lewis: And a change of the ministry.

Mr. Deacon: This is a very fine suggestion, the best suggestion we have had today.

We also have in this case a prospectus which was approved by the securities commission. It is interesting to note the wording that helped induce these people to buy the securities they did. The wording is one that I think is rather misleading.

It says that the assets—the money turned in—will always be invested in first-class securities. One of the ways this is backed up,

the fact they are going to have first-class security, is that the security behind the mortgages is going to be appraised by an appraiser who is acceptable to the trustee, the company, Canadian Central Holdings Limited, and the Ontario Securities Commission.

Now, the securities commission, when it allows its name to come into a situation or prospectus like this, must assume the responsibility. Anybody else who uses his name has to assume the responsibility and accept it. Why does it sit back there and say it has nothing to do except disclosure, when in effect it associated itself in the prospectus with the security that is being offered?

Mr. Lawlor: A kind of loss leader.

Mr. Deacon: Absolutely. A loss leader attraction to the security, making it sound as if it is a good thing.

We have a securities commission that is also continually imposing more and more regulations that are going to be of great benefit only to the legal fraternity. Despite what the hon. member for Riverdale (Mr. J. Renwick) has told me that this is not the case, and that all these regulations can be met without a lawyer's assistance, I defy any normal man who has not legal training to go through the regulations that we are now amassing to protect the public from people of the type who operated this Canadian Central Holdings.

What we need to take is a different tack. We have to take a tack where we adopt a principle that where there is evidence of collusion to defraud the public, the securities commission does all in its power to rally the victims' support, and take action. I understand there are plenty of precedents in law of cases where there is evidence of collusion to defraud the public.

Let us stop making our laws full of regulations behind which officials can hide and say, "Well, we have done our part. We have no further responsibility." Let us clearly give the securities commission the responsibility of rallying action where there is evidence of collusion to defraud the public.

Imagine the same man who has been responsible for the organization and the operation of the Canadian Central Holdings advertising that he has been serving the public for 48 years. There is nothing done to stop him operating as he has been operating in the past. What sort of attitude does this create in the minds of the public who are the victims of this type of situation?

The Prudential Finance people see a man —one of the four people involved there—a prosperous partner in a development in Scarborough, and they say, "What sort of situation do we have here in this province?"

You have to be stealing millions of dollars before you can get away with it, and here we have the securities commission and a Minister—it is primarily the Minister who is responsible here, who is showing that he is much happier attacking the victims than he is fighting those who are responsible for the acts that are taking place—

Mr. Shulman: He does not even come into the House.

Mr. Deacon: That shows his interest in the matter.

I entirely and fully support the resolution of the member for High Park that this report of the securities commission be made public so that we are aware of just how lax the Minister has been in taking action.

Mr. Speaker: Before the hon. member for Riverdale proceeds, perhaps he would permit me to interrupt the proceedings to introduce our visitors today. We have visitors in the east gallery from St. Norbert's separate school from Downsview. I am sure we would want to welcome these visitors.

Mr. J. Renwick (Riverdale): Mr. Speaker, I want to zero in on the fundamental question which has been raised by my colleague, the member for High Park, and reiterated by the member for York Centre.

The question is, in what way is the public interest served by failing to disclose this report? The whole purpose of The Securities Act, and the whole purpose of the power to investigate granted to the securities commission under that Act, as it was then in force, is for the purpose of protecting the public, (a) by requiring effective disclosure in the case of securities offered to the public and, (b) providing an effective method for investigating to find out whether or not the provisions of that Act have been complied with.

As the member for Durham has said—and I will come back to him in a minute—this was an investigation under section 21a of the then Securities Act. I want to refer now to the provisions of section 25 of that Act, which says where an investigation has been made under section 21:

> The commission shall report the result thereof, including the evidence, findings,

comments and recommendations to the Attorney General—

At the present time the Minister of Financial and Commercial Affairs would, I assume, be the appropriate Minister.

—and the Attorney General may cause the report to be published in whole or in part in such manner as he deems proper.

That is not a blanket discretion on the part of the government to decide whether or not they will publish it. They have specifically to ask themselves whether it is in the public interest.

The Minister has said, yes it is. Well, I say to him, in what way is it in the public interest that this report not be published? That is the question on which we must concern ourselves.

I am shocked to see that neither of the Ministers—the Attorney General or the Minister of Financial and Commercial Affairs—is in the House. I am concerned that the member for Durham allowed himself to be used in this way. I would like to know where the source of the material originated that the member for Durham used.

Did it originate from one of the government departments? Was it information provided by the very Ministers who do not see fit to be in the House to even listen to the debate, let alone comment about it?

Mr. Deacon: Or to provide information to us.

Mr. J. Renwick: Or to provide the information. Let me just say in parenthesis about this weird system of the private members' hour that there is some strange rule that the Tory government has adopted that the private members of this House are supposed to engage in a little intercourse between themselves for two hours a week, and in some way or other, the government Ministers are not required to be here to listen. They have almost translated it into the position that it is really an affront to the private members if they come and eavesdrop on what is taking place. Let me end the parenthesis by saying that I expect, when matters of concern to the public are being debated in private members' hours, that the Ministers directly concerned, and other Ministers, should be in the House, not just the Minister of Correctional Services, who is always in his seat.

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, may I just comment on that? I distinctly recall that a number of years ago a member of the government engaged in a debate during the private members' hour; because of some reference that was made, he felt obliged to make some comment. Some time was taken and an objection was made on the part of some of the private members, who felt that the least the government could do was to allow the private members that hour for themselves to present whatever debate they wanted to present without any interference from the government. This is the way I think it has developed, Mr. Speaker.

Mr. Speaker: It would seem to me that the purpose of this particular hour is to provide the hon. members who wish to participate, a period to discuss the resolution or the bill that is before the House. In this particular case, it is the hon. member for High Park's resolution No. 32 that is being debated, and I feel that the hon. member for Riverdale should confine his remarks to the debate on that particular bill, rather than on private members' hours generally.

Mr. J. Renwick: Mr. Speaker, I made the point and I end the parenthesis because I want to get back to the substance of what is required.

Let me clarify this. This is the prospectus, and there were two amending statements to it and it was dated April 29, 1964. With the assistance of the various experts that the member for York Centre has spoken about, it quite obviously complies with the provisions of The Securities Act. It is a carefully designed prospectus to provide the framework within which this particular business operation could be carried on.

What the member for High Park is complaining about, and why the report should be published, is that they did not adhere to this prospectus. There were breaches of what was required. They filed with the securities commission a prospectus. It was made available to each person who bought the securities, the collateral trust notes. Each person was entitled to rely upon it and the framework was quite simple.

You appoint a trustee, and the trustee was appointed—that is another problem, I think the laws relating to the role of trustees in corporate securities require drastic overhaul in this province—but the money that was received by subscription for the collateral trust notes was to be paid to the trustee. The investments were to be made by a finance committee in which the trustee took part. All the investments, the mortgages, the securities and the cash were to be held by the trustee. No moneys or mortgages or securities were to be

withdrawn unless there was 120 per cent protection of the principal amount of the notes outstanding.

All of the necessary safeguards were provided, but what happened? The member for High Park said that the money that was received did not go to the trustee; the money disappeared and was dissipated, the net result being that the securities were not delivered.

Just to back that up, let me quote precisely from the provisions of the prospectus of Canadian Central Holdings Limited, which was simply a company superimposed on a group of the Greenaway operation for the purpose of providing a convenient financing vehicle and nothing more. It states quite clearly, in a letter signed by Mr. Greenaway, which is a customary part of such prospectuses, that:

> While there are no restrictions on the trustee, concerning the ratio of funds to be invested in each class of security, it is proposed that all moneys are to be invested in mortgages, and to the extent only that idle funds exist from time to time, the same to be invested in first-class securities—

And they define first-class securities in a quite adequate way to deal only with short-term moneys. It is only a question of putting it to work until satisfactory mortgage investments are available.

> The mortgage investments were to be limited to the excess over the first mortgage requirement of 66⅔ per cent of an appraised value up to an additional 13⅓ per cent, that is 80 per cent of the appraised value.

In addition to that, not only was it to be only up to that ratio of the total value of the property, as I have said; the moneys were to be in the hands of the trustee up to the extent of 120 per cent.

> The moneys or the investments for the short-term securities were to be held by the trustee up to 120 per cent of the principal amount of the notes which were at any time outstanding.

Specifically, in the course of the statutory information, one finds the provision relating to the sale of collateral trust notes:

> Moneys received will be paid directly into the trust, and collateral trust series of notes will be issued by the trustee for the amounts paid in.

So I finish those references to the prospectus to say that, yes, it complies with the traditional framework for this kind of security issue—no problem about that. But here we have people who have invested their money on the strength of that, and the money did not get into the trust. The money did not arrive at the destination on which the whole of the framework of the operation was built.

The investigation was ordered. The report obviously discloses, without it ever having been made public, but simply in terms of the little information which we know, that in fact that was the case. Charges were recommended to be laid. For some reason or other, the decision was made that no criminal charges could be laid on the basis of the evidence, but it does not refer anywhere that I know of, as to whether or not any charges could have been laid, at least under The Securities Act, for breaches of that Securities Act.

Mr. Speaker, I do not think there is any need to elaborate on it any further, but I cannot understand—and I ask the same question that the member for High Park asked and that the member for York Centre has asked—in what way is the public interest of this province protected by a failure to publish that report and to table it in the Legislature? I would have thought that in the course of this debate the Ministers who are responsible for answering that question would have come in—and my memory would be that at the time of the receipt of the report it was basically in this instance about the question of the public interest, which comes under the Minister of Financial and Commercial Affairs. Where is he, when is he going to answer this question? When is he going to give the reasons?

It is not some *carte blanche* protection that he has got to say, "Arbitrarily I am going to exercise my discretion." He has thoughtfully to state why, in the public interest, it should not be disclosed. It is not sufficient, in this day and age, simply to say it is against the public interest, because the whole thrust of our work in the securities field has been that the public interest requires total disclosure. If there is to be any exception carved out of that, the Minister must categorically state what that exception is. Otherwise, there will constantly and continuously remain the impression that there is some special arrangement for special people; and we cannot, in this Legislature, afford that luxury.

In all the language of law, or all the language of common parlance, the presumption is that all documents, all reports, under The Securities Act are public documents, and that if there is to be an exception made under the cloak of the public interest, the Minister has got to enunciate the principles on which he makes that exception.

I cannot conceive that there is any legitimate reason in this case for failing to table a report. What conceivable reason can anyone in the Chamber dream up, imagine, or fashion in his mind, that would indicate that the public interest is in some way served by failing to publish this report?

I, and others in this House, can dream up the other question that, yes, it is in the personal interests of some people that this report not be published. But it is not in the public interest that it not be published, and I simply affirm what the member for High Park says—that the responsible Minister, or Ministers, or failing them, the Prime Minister (Mr. Robarts), or the House leader, has got to state why he is not tabling the report and I urge that the report be tabled in this Legislature.

Mr. Speaker: I have no other hon. members on my list to speak. The hour has not expired; are they any other hon. members who wish to speak? The hon. member for Kitchener.

Mr. J. R. Breithaupt (Kitchener): Mr. Speaker, I was tempted to let this occasion go by and not enter into this debate, but when I heard the comments of the member for Durham I felt it necessary to rise and give my opinion on those comments.

I have rarely heard a more pitiable or weaker defence of government inaction as I have heard from that member this morning. Surely he must be aware that the Crown does not win or lose a case, that it is not a matter of having to have a conviction before some matters are laid before the courts. The important thing, if reputation is to be protected, and if the public interest is to be served, is that these matters be brought out in the open. When they are brought out in the open they can then be judicially decided.

It almost reminds me of the story of the two convicts in the penitentiary. One was a very ordinary chap, but the other decided to improve himself and he was busy reading books, taking care of his grooming and attending the concerts and the various educational benefits in the penitentiary. His friend asked him why, and he said: "Well, because if you and I ever return here again you will be a common thief, but I will be an embezzler."

Now, that seems to be the difference. Justice must not only be done, it must be seen to be done. If justice is not openly dealt with by bringing this matter into the public sight, then the public can only presume that justice is not, in fact, being done.

Here we have a gentleman, and I use the term very loosely, Albert Miller Greenaway. A very good Toronto address in business, I suppose. No doubt a very nice home at 122 Cumberland Drive in Port Credit. But it would appear that this man has one failing: this pillar of the community has a foot of clay in that he has been found with his hand in the cookie jar, and apparently the government is not particularly interested in worrying about the result for all of these other persons.

They have not only not worried about the fact that he is allowed to continue in business, they have also not worried about the fact that various persons have lost funds. They have had an investigation and it would appear that the results of that investigation are not to be made known to us. Why? Are they too worried about Mr. Greenaway's reputation that we find it cannot live with any harsh spotlight of judicial activity?

There may not be a conviction if charges are laid. Indeed it is surely the function of the securities commission to lay charges on the basis of reasonable and probable grounds. They cannot lay their charges on the sole fact that beyond a reasonable doubt a conviction will be incurred. That is the result of the court. They simply have to say: "We have a *prima facie* case. We think there is reason that this matter should be looked into." That is their function, and unless they perform that function properly, the courts cannot decide, the public interest cannot be served. Indeed, Mr. Greenaway's reputation, such as it may be, is in far more danger, presumably, from the innuendo which must result from a failure to investigate, than it would be if he were cleared by a proper investigation. Now, this is where the government has failed. I feel sorry that the member for Durham has found it necessary to become an apologist for this lack of action.

Mr. Speaker: There are still some remaining minutes for this discussion. There has been but one speaker from the government side. I feel in fairness I should give any private member from the government side the

first opportunity to use the remaining few moments.

Mr. R. F. Nixon (Leader of the Opposition): On a point of order, are you specifically excluding the members of the government from participation?

Mr. Speaker: This is a private members' hour. I would exclude the members of the Executive Council.

Mr. Nixon: Well, Mr. Speaker, on a point of order, I do not know whether that is generally accepted on all sides as the appropriate use, because certainly these gentlemen have a capacity as private members as well. They are elected here, as are all of us, and I would say they should not be excluded. As a matter of fact, I would like to hear from them.

Mr. Speaker: Perhaps I might say that my action in excluding the Executive Council was perhaps because I anticipated there might be some objection from the Opposition parties if I permitted them. If there is no objection to having Ministers of the Crown enter into the private members' hour, then I invite any member from the government side to take advantage of the next few minutes.

Hon. Mr. Grossman: Mr. Speaker, I can only reiterate what I said earlier. This was the understanding that has grown up over the years. If the hon. members wish to change that policy, then the time to change it is when the discussion is held between the Whips of the House, and see if we can have an understanding on this matter. There is not any point, Mr. Speaker, at this particular moment, in asking a member of the government to get involved in the private members' hour, when it has been an understanding that this shall be exclusively for private members. I can very well conceive what would happen—

Mr. Nixon: It is not an understanding at all.

Hon. Mr. Grossman: There has been an understanding, and I have been here long enough to remember that.

Mr. Speaker: Again, I must in fairness point out to the hon. Minister that I excluded the hon. member for Riverdale from engaging in this sort of a discussion, and in fairness to the House I must ask the hon. Minister either to speak to the resolution or discontinue his remarks.

Hon. Mr. Grossman: You invited the Ministers to participate if they wished to, and I was explaining to you why I did not think, at this stage, it was a proper procedure to take.

Mr. Speaker: In debating the resolution only. Is there any other member who wishes to debate this resolution?

Mr. Lewis: I would like to enter the debate since that is the contribution or the defence from the government side.

I do not intend to labour the tattered remnants of the member for Durham. He has besmirched himself sufficiently in this House this morning. Others need not rise to his defence, Mr. Speaker.

Mr. Carruthers: Mr. Speaker, on a point of order.

Mr. Speaker: Point of order?

Mr. Lawlor: He does not feel besmirched.

Mr. Carruthers: No, I do not feel besmirched. I am not apologizing, Mr. Speaker, for the government. I investigated this matter personally, as far as any information was available, and I am certainly going to carry it further. From the remarks that have been made I do not think this should be finalized today. I would like to find out the facts and I intend to follow it up, but nobody is going to say that I am apologizing for this government. I am just as anxious to see that justice is done as anybody else in this House—

Mr. Lawlor: The hon. member is going to have a tough time, but all power to him.

Mr. Carruthers: —but I resent that remark and would ask the member to withdraw it.

Mr. Lewis: I am not at all sure, Mr. Speaker, what "besmirched" means, but if it offends the member I will withdraw it. I will say in his defence that we are sorry he was so severely embarrassed by the course of this debate that he now has to rise and intervene and say that he hopes justice will be done. We, too, hope justice will be done, and we would have wished, Mr. Speaker, that someone in the Executive Council would have had sufficient common decency not to set the member for Durham up as some lackey—

Mr. Carruthers: Mr. Speaker, on a point of personal privilege, nobody has set me up. I set myself up in this.

Mr. Lewis: The member should be smarter, then.

Mr. J. Renwick: He needs somebody to take care of him.

Mr. Carruthers: In my investigation I only had one side of this case. Now I have heard the other side of this case and I assure you I am not letting it drop until I find out what can be done with respect to revealing this to the public. But as I pointed out in my opening remarks, certain conditions, certain situations are involved, certain matters are involved, and this was pointed out yesterday in the debate on the estimates of the Minister of Justice.

Mr. Lewis: Mr. Speaker, if it is true that the setup was inspired by the member himself, then he has an impeccable sense of self-immolation and I accept that as a reality.

Mr. V. M. Singer (Downsview): Has anybody got a match?

Mr. Lewis: I trust no matches will be lit.

If I can join the issue in the few moments remaining, I think that all the members on the Opposition side of the House have put it quite well when they put it in the context of the public interest. Mr. Speaker, I am not particularly interested in arguing whether or not the Ministers should participate, but I want to reaffirm what has been said here already this morning that for the Ministers to be absent is a reflection of their total embarrassment, their total humiliation, and their obvious culpability. That is what is involved in their absence, and I suggest that when you have a row of guilty men they should occasionally face their accusers even if only by way of intervention or observation rather than by way of speech.

The confusion of the public interest in this case, Mr. Speaker, can only be achieved by the Conservative Party, and indeed by the Minister of Financial and Commercial Affairs, who has emerged in his life in this Legislature as the arch-conspirator, as the conspiratorial personality without equal. It emerges in two ways, Mr. Speaker, and I mean that in the broadest descriptive sense. In the broadest sense it has two implications. The first conspiracy is to aggravate and further victimize those members of the public who have been defrauded. That is the first part of the conspiracy.

Whether it was in the case of Prudential or whether it was in all the enumerated instances put to the House by the member for High Park, the Minister of Financial and Commercial Affairs manages to further aggravate and victimize those who have been defrauded and in the process, Mr. Speaker, he violates every elemental sense of social justice. That seems to me to be a largely conspiratorial practice and it is a widely irresponsible practice. Too many people have called for the Minister's resignation for my modest voice to have any further effect, but let it be said that it is near unanimous on this side. I hear no dissenting voices and I am listening very carefully. You see, there are no dissenting voices on the government side, and I have listened with equal care.

Hon. Mr. Grossman: I dissent.

Mr. Lewis: I engaged in a dramatic pause to hear the vociferous interventions but there were none. Well, the Minister of Correctional Services is a radical. He dissents by instinct, others dissent by conviction.

Mr. Speaker, what we are saying is the public interest has become the private interest; that is really what has occurred in this debate. The public interest has become the private interest because the public interest is mutilated by the refusal on the part of members of the Crown, of members of the Executive Council, to do the simple and obvious thing of tabling a document. After all, the member for High Park, unlike his usual practice, is not asking for the revolutionary overthrow of the government, he is not requesting that it dress in ashes and sackcloth and prostrate itself before the Speaker. He is asking only, in a moment of great moderation, that a report be tabled in this House, and it seems to us on this side that nothing could be more equitable or obvious.

And the second area of conspiracy, Mr. Speaker, is the insistence on the part of the Minister of Financial and Commercial Affairs, as a member of the government, to undermine public confidence in the province of Ontario as a place in which to invest and as a place in which to have certain economic development.

Interjections by hon. members.

Mr. Lewis: I want to pull this together. It comes back to positions which we put before. It is bad enough, Mr. Speaker, when your economy is emasculated by foreign ownership. It is even worse when you undermine so severely your own sense of worth and integrity that your own people cannot invest in you with any feeling of assurance. Not only do the Conservatives suffer a crisis of

faith about how they can handle foreign investments; they suffer a crisis of faith about how they can handle their own capacities in terms of the province of Ontario.

Hon. Mr. Grossman: The hon. member talks like a whirling dervish.

Mr. Lewis: Well, the fact of the matter is that you have failed on all fronts. I am impassioned today; I am not sure of my ideology, but I feel pretty strongly about what I am putting to you.

Hon. J. Yaremko (Minister of Social and Family Services): Which side of your mouth are you speaking from today?

Mr. Lewis: Well, here is another—

Mrs. M. Renwick (Scarborough Centre): Not another; the other.

Mr. Lewis: The other, right; here is the other saviour of the front bench, the other protagonist for government.

Interjections by hon. members.

Mr. Speaker: Order! The time has expired that we spend on the private members' hour.

Mr. Lewis: No, I see time for a short peroration.

Hon. Mr. Grossman: Mr. Speaker, you having said the time has expired, I move the adjournment of the House.

Mr. Lewis: I have not relinquished the floor.

Mr. Speaker: I must say to the hon. member, it is now 1.00 o'clock, which is the expiration of the alloted time for the private members' hour.

Hon. Mr. Grossman: You cannot argue with time, no matter how eloquent you are.

Mr. Lewis: The constant interventions by government members abbreviated my remarks slightly, Mr. Speaker. I have therefor one final sentence.

Hon. Mr. Grossman: The member wanted intervention by Ministers. Now he is complaining he had it.

Mr. Shulman: Not intervention.

Mr. Speaker: There was a great deal of intervention from both sides of the House. The hon. member has one sentence.

Mr. Lewis: By way of preamble, sir, I am contemplating what I can possibly say which would justify a final sentence. We think, sir, that the behaviour of the government in this instance is a reflection of the total abdication in other instances, and witness again to the dissolution of the Tory regime in the province of Ontario.

Hon. Mr. Grossman: Mr. Speaker, on Monday we will continue with the estimates of the Attorney General, and no doubt they will be completed on Monday. We will then move to Lands and Forests and, if that is completed, we will then proceed with The Department of Revenue. Of course, there will be a private members' hour between 5.00 and 6.00. I do not know whether we can make arrangements over the weekend as to whether Ministers should engage in it or not. There will be a night session, of course.

Hon. Mr. Grossman moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1.00 o'clock, p.m.

No. 186

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Monday, October 20, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Monday, October 20, 1969

Canadian Central Holdings losses, Mr. Shulman 7229
Takeover of Union Gas by Consumers Gas, questions to Mr. Kerr, Mr. Nixon 7229
Inquiry into non-medical use of drugs, questions to Mr. Wishart, Mr. Nixon 7230
Studies on northern Ontario water supplies, questions to Mr. Kerr, Mr. MacDonald 7230
Proposals presented to the three northern development conferences, questions to Mr. A. F. Lawrence, Mr. MacDonald 7231
Government and private enterprise in development of primary industries in north, questions to Mr. A. F. Lawrence, Mr. MacDonald 7231
Thermal pollution of Lake Erie by Nanticoke power station, questions to Mr. Kerr, Mr. Burr 7232
Hamilton civic employee and land purchase, question to Mr. McKeough, Mr. Deans 7232
Provincial representation of Thunder Bay area, questions to Mr. McKeough, Mr. Stokes 7232
Texas Gulf Sulphur discovery in 1963, questions to Mr. Rowntree, Mr. Deacon 7233
Control and regulation of licensing of insurance agents and brokers, questions to Mr. Rowntree, Mr. Deacon 7233
Prudential Finance Creditors Association letter, questions to Mr. Rowntree, Mr. Deacon 7234
Canadian Central Holdings Ltd. and Ontario Securities Commission, question to Mr. Wishart, Mr. Carruthers 7234
Certificates of mechanical fitness for dump trucks, questions to Mr. Haskett, Mr. Young 7234
Ban on use of cyclamates, questions to Mr. Wells, Mr. Nixon 7235
Rouge Valley Zoo, question to Mr. McKeough, Mr. Ben 7235
Inquiry into non-medical use of drugs, questions to Mr. Wells, Mr. Nixon 7236
Pollution control by municipalities, questions to Mr. Kerr, Mr. Deans 7236
Censorship board and change of film classification, question to Mr. Auld, Mr. T. Reid 7237
Retention of water in two Great Lakes, question to Mr. Kerr, Mr. Paterson 7237
Safe disposal of DDT in storage, question to Mr. Wells, Mr. Burr 7238
Responsibility of federal agencies to obey provincial prohibition of DDT, questions to Mr. Wells, Mr. Burr 7238
Disturbance at Millbrook Reformatory, questions to Mr. Grossman, Mr. Shulman 7238
Air pollution readings for radio broadcast, questions to Mr. Kerr, Mr. Trotter 7239
Moratorium on prosecution of marijuana and hashish users, questions to Mr. Wishart, Mr. Trotter 7239
Ontario psychiatric hospitals and mental health programme, question to Mr. Wells, Mr. Ferrier 7239
Heavy water for Pickering and Bruce generating stations, questions to Mr. Kerr, Mr. Nixon 7240
Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7240
On notice of motion No. 38, Mr. Kennedy, Mr. De Monte, Mr. Lawlor, Mr. W. Hodgson 7262
Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7268
Recess, 6 o'clock 7272

LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, OCTOBER 20, 1969

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: We are favoured today with the presence of pupils from two schools in our galleries. In the east galleries we have students from the Neil McNeil high school, of Scarborough, and in the west gallery students from the Bayview secondary school.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

Mr. M. Shulman (High Park): Last Friday, during the private members hour, I brought up the case of Canadian Central Holdings, and the losses that took place under that company. In today's *Telegram* there is an article which states that the total collapse loss is $4,800. Just to correct the record once again, I have here judgments obtained from the sheriff of the city of Toronto, county of York, against Mr. Greenaway for a total of $180,000, in addition to which, I have a letter here from Hume, Martin and Allan referring to the sum of $7,300 from one client alone, which never reached Canadian Central Holdings, although receipts were given stating it was to be so given. In addition, I wish to point out that the member for Durham (Mr. Carruthers) pointed out a case involving some $40,000, sir.

Mr. Speaker: The hon. leader of the Opposition.

Mr. R. F. Nixon (Leader of the Opposition): I have a question of the Minister of Energy and Resources Management.

Is the government going to bring forward suitable amendments to The Energy Act—and perhaps I should say, some other Acts—which will give it the power to control the imminent takeover of Union Gas by Consumers Gas?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, I do not really have anything further to add to the answer that I gave the hon. member last week. We are still considering this matter and certainly a decision will be made in the next few days.

Mr. Nixon: Might I ask the Minister if he is aware that the actual sale of the stock is taking place this week, and that if he is not prepared to take some action, it means that he is abdicating this responsibility? This is probably the largest single energy purchase or change that has taken place for a century here, and without commenting on its merits, we believe the public interests should be represented.

Hon. Mr. Kerr: I am fully aware of the details of this offer.

Mr. Nixon: What is the Minister doing about it?

Hon. Mr. Kerr: In two or three days we will reach some decision.

Mr. Nixon: I would like further to ask the Minister of Energy and Resources Management the following question:

Since Canadian heavy water production has virtually collapsed, where will Ontario Hydro obtain the 1,700 tons needed to start up Pickering, and the 2,400 tons needed to start up the Bruce plant?

Hon. Mr. Kerr: I will have to take that question as notice, Mr. Speaker. I will have an answer for the member tomorrow.

Mr. Nixon: Mr. Speaker, unfortunately I will not be here tomorrow to hear the answer. However, I hope the Minister will, perhaps when he is following this up, enquire into Atomic Energy of Canada's decision that it will try to get the heavy water in Russia. I had understood that the reason we were using the heavy water system was that we would not be dependent on American enriched uranium; it now looks as if we are going to be dependent on Russian heavy water in order to continue.

Mr. V. M. Singer (Downsview): That is progress.

Hon. Mr. Kerr: I will give the hon. leader of the Opposition the answer on Wednesday.

Mr. Nixon: This question to the Minister is along the same line; it has to do with Hydro and perhaps he would like to take it as notice.

Is existing capacity sufficient to see us through the winter without resorting to blackouts, especially during the peak Christmas period? How much power does Ontario Hydro expect to purchase from outside the province?

Hon. Mr. Kerr: Mr. Speaker, I will also have to take this question as notice, and will have an answer this week for the hon. member.

Mr. Nixon: Right; thank you.

To the Minister of Justice and Attorney General: Can the Attorney General indicate if officials of his department or the Ontario Provincial Police will offer information to the current inquiry into the non-medical use of drugs?

Hon. A. A. Wishart (Attorney General): The answer, Mr. Speaker, would be yes, we will offer certain information to the inquiry; we will not be submitting a brief to the inquiry because the Ontario Provincial Police do not ordinarily complete, or continue to completion, investigation into drugs or narcotics trafficking.

I find that the Ontario Provincial Police have handled 26 cases in the past year. Some of these are quite important—three particularly, where firearms were involved as well, and a special report of those cases is being made to the commission. Further than that, the Ontario Provincial Police are keeping themselves informed on the progress of the inquiry, and will answer information as called for. But we are not submitting a particular brief.

In the terms of the question, yes, we will be offering information to the commission.

Mr. Nixon: I wonder if the Minister might tell the House whether or not the Alcoholism and Drug Addiction Research Foundation will be involved in these hearings in any way? This Minister is not responsible for that foundation, it comes under the purview of the Minister of Health (Mr. Wells).

Hon. Mr. Wishart: I am not responsible. I would anticipate that they would have something to offer the commission, but I do not know at the moment.

Mr. Speaker: The hon. member for York South has a question of the Minister of Energy and Resources Management.

Mr. D. C. MacDonald (York South): My question to the Minister of Energy and Resources Management is: When will studies by the OWRC and the federal government on nothern Ontario water supplies be completed so that the government can consider policy decision on this important question?

Hon. Mr. Kerr: Mr. Speaker, the Ontario Water Resources Commission initiated studies in five major northern drainage basins in 1965. This is a preliminary study which is planned to make available by 1974 a report on the general water resources of these basins. While short-term hydrometric data will have been utilized in this study, resulting in some limitations on its interpretation, the information gathered by that time will be used to initiate planning and formulation of policy.

The collection of basic hydrometric data will be continued after 1974 to provide an improved basis for planning and policy decisions. The federal studies are still in progress and their date of completion has not been indicated.

Mr. MacDonald: Mr. Speaker, by way of clarification, do we then assume that they will not have even a tentative report from these studies until the 1970s?

Hon. Mr. Kerr: Mr. Speaker, the hon. member's question asked for policy decisions. I think that recommendations and data and information are being made available every six months as a result of these studies, but as far as acting on any decision or policy, that has to await the completion of the study.

Mr. MacDonald: Is this data being passed on to the U.S. Corps of Engineers who are doing surveys in some of the northern Ontario watersheds?

Hon. Mr. Kerr: This is a joint, or, I should say, a three-party survey, involving also some U.S. engineers.

Mr. J. E. Stokes (Thunder Bay): Mr. Speaker, on a point of order. I asked that same question and the Minister stated categorically that there is no American involvement in these studies. I would like him to clarify that for this House.

Hon. Mr. Kerr: Mr. Speaker, what I am saying is that the actual participation in this formal study does not include any Americans,

but the information and data are made available really to anybody who might want them, including the representatives of this House.

Mr. MacDonald: That is so remarkable it is difficult not to get into the debate, Mr. Speaker. However, we will leave it for the moment.

I have two questions of the Minister of Mines:

First, will the Minister make available to Opposition parties the compendium of proposals presented both verbally and in written form to the three northern development conferences?

Hon. A. F. Lawrence (Minister of Mines): Mr. Speaker, we are intending to publish the actual reports, or if not the actual reports then a distillation of the reports, for the use of all the people who did register as delegates to all three of the meetings. If the hon. member feels that this would be useful to all the members of the House, we would be glad to send it out to all members too. It will be a few weeks before this will be available.

Mr. MacDonald: By Christmas?

Hon. A. F. Lawrence: Oh yes, certainly.

Mr. MacDonald: My second question to the Minister is: Would the Minister explain more precisely what he meant when, in the "bear-pit" session at Thunder Bay on Friday night, he said that the government was willing to consider partnership with private enterprise in development of primary industries in the north? If he wants to extend that to secondary industries, as well as primary industries, I would appreciate the reply.

Hon. A. F. Lawrence: Mr. Speaker, it is kind of farfetched, I think, to consider a couple of these questions as being of urgent public importance, but if you are not going to rule that they are out of order on that ground, I would be happy to indicate—

Mr. MacDonald: The people of the north would like to know.

Mr. Stokes: He thought it was urgent enough on TV.

Mr. Singer: We have no right to know—that is what he means.

Mr. Speaker: Order!

Mr. T. Reid (Scarborough East): He is lucky he has got a question, so he can get up on his feet. He is waiting for Mr. Speaker to rule him out of order.

Hon. A. F. Lawrence: No, not me.

Hon. A. Grossman (Minister of Correctional Services): These members must have had a lot of birdseed for lunch.

Mr. Singer: That did not work, so let us get on with it.

Hon. A. F. Lawrence: Mr. Speaker, perhaps as background for you, sir, and the members of the House, I could indicate that the hon. member for York South, who has appeared at all of these meetings, along with some of his doctrinaire socialist friends, have been very adamant in the point of view that the way to answer a lot of these problems is to have Crown corporations in the north. In attempting to answer an enquiry from him at one of these TV sessions I indicated that the view of this government was not to get into that sort of an effort.

At the moment we have a very workable and working grant system in the north—the EIO forgivable loan programme in the north. However, we are still flexibly minded, and if all else failed we are certainly open to persuasion for other means of assistance to the north. And this might even go so far as to indicate some sort of a partnership deal with private industry.

Until those circumstances do arise, and until an actual specific application is made to the government in respect of assistance along that line, this was an attempt to seek new ideas and more information, sir, and was nothing more than that. I would be glad to consider any specific proposal or see that the government considers any specific proposal in respect of any such effort.

Hon. J. H. White (Minister of Revenue): That is what the hon. member for Scarborough West (Mr. Lewis) has been saying right along.

Mr. MacDonald: Mr. Speaker, by way of supplementary question, do I understand the Minister correctly when he states that when he gets a bit more evidence to prove what is already rather well proven—that these policies are not effective enough in the north—he will then consider adopting some of those so-called doctrinaire socialist solutions?

Hon. A. F. Lawrence: We are willing to consider anything, even doctrinaire socialist conclusions, Mr. Speaker.

Mr. Speaker: The hon. member for Sandwich-Riverside has a question of the hon.

Minister of Energy and Resources Management.

Mr. F. A. Burr (Sandwich-Riverside): A question of the Minister of Energy and Resources Management.

Have any steps been taken to prevent thermal pollution of Lake Erie by the Nanticoke power station?

Hon. Mr. Kerr: Mr. Speaker, the answer is yes. All possible steps are being taken by representatives of my department to prevent thermal pollution of Lake Erie. Representatives of OWRC are working closely with Hydro during the construction stage to see that every possible method and means is used in the power station itself to prevent pollution of the lake.

Mr. Burr: Does that mean that you are going to have some cooling towers?

Hon. Mr. Kerr: Well, certainly, Mr. Speaker, there will have to be equipment there to deal with the problem of overheating of the water that is dumped into the lake at this plant, and it has to assure representatives of my department and OWRC that the waste water does not, in any way, affect the fish life in Lake Erie.

Mr. Burr: But that does not mean that you are ruling out the possibility of cooling towers?

Hon. Mr. Kerr: No, it does not mean that.

Mr. Speaker: The hon. member for Wentworth, a question of the Minister of Municipal Affairs.

Mr. I. Deans (Wentworth): A question of the Minister of Municipal Affairs:

Does the Minister intend to investigate the actions of a Hamilton civic employee as reported in the story in the Hamilton *Spectator* of October 18, 1969, where land was purchased by this employee's relatives from the CNR and subsequently sold to a real estate firm at a grossly increased price—taking into consideration that this land was required by the city and that this employee's position should have made him aware of it?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, the answer is no. I have just now had a chance to look at the press report on this particular matter. It seemed to me that if there is action which should be taken, such action can be initiated by the city council under section 241 of The Municipal Act.

Mr. Deans: I wonder, Mr. Speaker, if I can ask my question of October 8 of the Minister of Energy and Resources Management.

Mr. Speaker: Perhaps the hon. member would not mind waiting until we have dealt with today's questions, and I will give ample opportunity to go back over those that have been taken as notice or not answered previously. Now, the hon. member for Hamilton East has a question of the Minister of Municipal Affairs.

Mr. R. Gisborn (Hamilton East): A question of the Minister of Municipal Affairs, Mr. Speaker.

1. How many municipalities have passed bylaws to participate in The Municipal and School Tax Credit Assistance Act, 1967?

2. How many applications were made for each of the years 1967, 1968 and 1969? How many were approved?

3. What were the amounts of the credits for each of the years 1967, 1968 and 1969?

4. What were the total costs of administration of the plan to the province in each year?

Hon. Mr. McKeough: Mr. Speaker, this requires a little digging for the answer. Rather than transfer it to the order paper, I will give it to the hon. member tomorrow.

Mr. Speaker: The hon. member for Thunder Bay has a question of the same Minister.

Mr. Stokes: Thank you, Mr. Speaker. How is the Minister going to designate the members now representing the cities of Port Arthur and Fort William after amalgamation on January 1, 1970? As there is now a member representing Thunder Bay, will it not cause confusion to have three members identified by the same constituency name?

Mr. MacDonald: This government can create more confusion than it can clear up.

Hon. Mr. McKeough: Mr. Speaker, I realize there is some confusion, due perhaps to the names of the three ridings of Thunder Bay, Fort William and Port Arthur. There is some confusion, I guess, from the city of Thunder Bay as to what a free member represents too, so perhaps they are a little confused about the legislative process.

I would have no power to have anything done about this. Presumably what the member is suggesting is that the name Thunder Bay should be changed to something else; perhaps the names Fort William and Port

Arthur should be changed to something else. This would normally be done; changes such as this could be made through an amendment to The Representation Act, 1966.

I was told by the clerk this morning that amendments to The Representation Act normally, for changes in name, are made only at the time of a redistribution. However, there is no good reason why the Legislature could not consider an amendment to The Redistribution Act, which, incidentally, would normally be introduced by the Prime Minister.

I would suggest that the member might well like to confer with the member for Fort William (Mr. Jessiman), and the member for Port Arthur (Mr. Knight), and perhaps with the council of the new city of Thunder Bay, and then perhaps with the Thunder Bay municipal officers, to see whether some solution might be found to this problem. I cannot speak for the Prime Minister (Mr. Robarts), but I think he would be interested in seeing a unanimous representation for amendment to The Representation Act.

Mr. Speaker: The hon. member for York Centre.

Mr. D. M. Deacon (York Centre): Mr. Speaker, I had a question, but I have somehow mislaid my copy, that I wanted to ask some days ago of the Minister, with regards to the—

Mr. Speaker: Order, please. Is this to the hon. Minister of Municipal Affairs?

Mr. Deacon: Not Municipal Affairs; to the Minister of Financial and Commercial Affairs.

Mr. Speaker: Well, I have those two questions, 2230 and 2231.

Mr. Deacon: No, there is another one before that with regard to the Prudential Finance Company, but I will ask 2230 and 2231.

The first question is: In view of the precedent set by the United States District Court in Salt Lake City in connection with the Texas Gulf Sulphur discovery in 1963, has the Minister considered instructing the Ontario Securities Commission to organize shareholders' actions in cases where misleading information released by companies has caused shareholder losses?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Speaker, I have asked the Securities Commission to secure for me the judgment handed down in the case the hon. member refers to, and the actual details regarding the particular case so that they may be studied.

Mr. Deacon: Will the Minister then report to us after he has had a chance to study this and give us an answer to this question?

Hon. Mr. Rowntree: Yes, I would be glad to speak on it further.

Mr. Deacon: Next question: Has the Minister given consideration to the suggestion by the president of the Ontario Insurance Agents Association, as reported in Saturday's Toronto *Daily Star*, to appoint an advisory board to control and regulate the licensing of insurance agents and brokers?

Hon. Mr. Rowntree: Mr. Speaker, this matter will be given consideration in conjunction with our continuing review of licensing standard and regulatory procedures, foreign term agents and brokers. It is a subject that is before us from time to time and arises from the fact that several of the speakers at the agents' annual convention last week made some reference to it.

I might point out, Mr. Speaker, that insurance agents and brokers are already licensed by our department after having met all standards set by the office of the superintendent of insurance.

These standards include passing a written examination as set by the office of the superintendent. With respect to the Ontario Association of Insurance Agents, I must say that they do carry on a very healthy and well organized campaign of continuing education with respect to their membership, and I think I should point out to the House that probably their most immediate objective is to seek a greater membership so that the association represents a greater number of those engaged in this particular occupation than it does at the present time.

Mr. Deacon: Mr. Speaker, a supplementary to that: In view of the experience that some brokers have not shown financial responsibility in dealings with their clients, brokers that are now operating within such legislation, do the Minister's considerations include financial requirements to ensure there is financial responsibility for the work they are carrying out?

Hon. Mr. Rowntree: Are you speaking of insurance agents and brokers?

Mr. Deacon: I am speaking of insurance agents and brokers, but my reference to those

now being responsible was to just a broker. And I did not say what category of broker.

Hon. Mr. Rowntree: The whole question of bonding, as I indicated to the House, and as I think the hon. member will recall, regarding those licensed in this area, whether they be in the used car field or other occupations including insurance agents, is presently under review and revision.

Mr. Deacon: Mr. Speaker, the question I want to ask the Minister is: Since bonding has obviously not looked after the situation in some cases with brokers—will he give consideration to having minimum financial requirements as part of their licence provisions?

Hon. Mr. Rowntree: No, I can't give that undertaking at all. I must remind the hon. member that he did not understand the answer I gave to the question. Nor, do I think, was he here to hear my comments about bonding, which I made in the House some days ago.

This question of bonding requires a different revision of the actual coverage which the bond offers, to make the bond a more effective instrument, so that there will be a greater financial responsibility involved. So the question of financial responsibility is uppermost in our minds.

Mr. Deacon: It might even look after Mr. Greenaway.

Mr. Speaker: The hon. member has a question to the same Minister from October 3. Perhaps he would like to put it now?

Mr. Deacon: That is the one that I don't have. I misplaced my copy. I wrote some notes on it on Friday, and I was wondering—

Mr. Speaker: I would be glad to lend the hon. member my copy if he will return it to me.

Mr. Deacon: I would very much appreciate it, Mr. Speaker.

Mr. Speaker, this question is to the Minister of Financial and Commercial Affairs. Why did the Minister not reply to the only question Mr. Harry Westlake, president of the Prudential Finance Creditors' Association, asked him in his letter to the Minister, dated January 15, 1968? The question was: "In your offer to help to obtain what little is left for us of the assets, could you indicate the exact action you contemplate taking to achieve this result?"

Hon. Mr. Rowntree: Mr. Speaker, I consider that the answer to this question was obvious. As I stated in answer to a previous question regarding this matter, Mr. H. E. Langford, QC, who was then chairman of the Ontario Securities Commission, had been instructed to meet with the representatives of the creditors. This he has done—and was at that time corresponding and meeting with Mr. Westlake and others representing the creditors. Mr. Langford was also in contact with the trustee in bankruptcy, and assisting, where possible, in the pursuit of the assets of the company.

Mr. Deacon: Mr. Speaker, a supplementary question: Since the chairman of the Prudential creditors did not consider this an answer, would the Minister undertake to contact the present chairman of the creditors' association to see what further assistance he can be to them?

Hon. Mr. Rowntree: I shall review the file.

Mr. Speaker: The hon. member for Durham has a question to the Minister of Justice and Attorney General.

Mr. A. Carruthers (Durham): A question to the Attorney General, Mr. Speaker:

In view of statements made by the member for High Park, and other hon. members, during the private members' hour on Friday last, is the Minister prepared to review and reconsider the decision of the Crown attorney in the matter of Canadian Central Holdings Limited, and act on the recommendations of the Ontario Securities Commission by having charges laid in accordance with the Ontario Security Commission's report?

Hon. Mr. Wishart: Mr. Speaker, I have not seen the statements made; I did not hear them in the House because I had to leave to attend that northern Ontario conference at noon on Friday. I will certainly examine the statements as they appear in *Hansard* and check the matter thoroughly.

Mr. Speaker: The hon. member for Yorkview has a question of the Minister of Transport.

Mr. F. Young (Yorkview): Mr. Speaker, a question of the Minister of Transport:

When will the Minister carry out his intention, expressed on May 6, 1968, of demanding certificates of mechanical fitness for dump trucks before they can be licensed?

Hon. I. Haskett (Minister of Transport): Mr. Speaker, the certificate of mechanical fitness mentioned by the hon. member arose when we had Bill 66, an Act to amend The Public Commercial Vehicles Act, before the House, and the pertinent section became effective on May 30, 1968.

We have not exercised the authority provided under that section, as yet. The hon. members will probably recall that when Bill 105 was being debated in this House in the spring, there was an amendment made to section 47(a) of The Highway Traffic Act providing for similar requirement being made of any class, or classes, of vehicles.

It was felt that if we had exercised the provision under The Public Commercial Vehicles Act, enacted on May 30 a year ago, it would have meant there would be unfair discrimination against the operators of dump trucks, licensed under The PCV Act, as distinct from those who are carrying out privately owned operations, and I so explained in the House last spring.

The section of The Highway Traffic Act that will bring the requirements into conformity, or equality, becomes effective on January 1 next. The programme for implementation is under preparation. I could not give you the exact date but it should be available and ready shortly after the new Act comes into effect.

Mr. Young: As a supplementary question, Mr. Speaker. Does this mean that this deficiency will be corrected by the end of this year?

Hon. Mr. Haskett: Mr. Speaker, it means that we will have acquired a basis for applying that requirement of The PCV Act equally and fairly. That, I think the member will agree, should have been brought about before we applied it against one segment of the industry while not requiring it of the other.

Mr. Speaker: The hon. leader of the Opposition has questions of the hon. Minister of Health.

Mr. Nixon: Right, Mr. Speaker. To the Minister of Health:

1. Does the Minister intend to ban the use of products containing cyclamates in all provincial institutions, including hospitals, pending the result of further reports on the artificial sweetener?

2. Has the Minister had any discussion with the federal Minister of Health regarding the use of cyclamates since the United States announced a ban on it?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, in answer to this question, I might begin by saying that, of course, the announcement of this ban in the United States is of very great concern to us here. Anything that in any way suggests that it contains anything that may be a health hazard to our people has got to be of concern to us.

I personally have not talked to the federal Minister of National Health and Welfare but, as soon as I heard of this on Saturday, I was in contact with the officials of my department who are concerned with this particular area. They have been in touch with the federal people at this time. Members of the federal Food and Drug Directorate, which has the responsibility in this matter, are presently, as I understand it, in Washington investigating and finding out what documents the United States decision was based on. I understand from television and the press, the federal Minister will be making an announcement about this in a day or two.

As soon as the FDD announcement is made we will act accordingly in regard to the use of these products in our institutions in this province.

Mr. Nixon: I have two supplementary questions, if the Minister will permit them:

1. He has no intention, then, of withdrawing the use of these artificial sweeteners from our own hospital institutions?

2. Is there anyone from the provincial health staff in the party in Washington getting this information?

Hon. Mr. Wells: No, Mr. Speaker, there is no one on our staff with the group in Washington.

I want to make it very clear, in the last little while the responsibility in this case is with the Food and Drug Directorate. I feel very strongly that matters such as this involving foods and drugs—things that are ingested into the human body—are of paramount national importance and span provincial boundaries. I think we have to look for the FDD to act in these areas.

I realize that it may take them a day or two, but I certainly think that this is of paramount importance and must be acted upon nationally, not unilaterally, so we are waiting for the Food and Drug Directorate, who are equipped to handle this.

Mr. Nixon: Mr. Speaker, the hon. member for Humber (Mr. Ben) is absent, but he had given notice to the Minister of Municipal

Affairs of a question that I do not think should be delayed, if the Minister would like it asked at this time.

Has the Minister received a request from Metro Toronto for legislation authorizing Metro to delegate the responsibility of running the Rouge Valley Zoo to the Metro Toronto Zoological Society?

Hon. Mr. McKeough: No.

Mr. Speaker: Perhaps we should just wait for a moment until I locate the last question in this great pile that I have here and properly deal with it.

The hon. leader of the Opposition had another question of the hon. Minister of Health.

Mr. Nixon: Mr. Speaker, when the Minister of Health was not in his place, just at the beginning of the question period, I asked the Attorney General a question very close to this. Perhaps now that the Minister is here he would care to tell us whether he can indicate if officials of his department or representatives of the Alcoholism and Drug Addiction Research Foundation, will testify at the inquiry into the non-medical use of drugs?

Hon. Mr. Wells: Mr. Speaker, I am happy to answer this question. It may be rather a little more lengthy than one or two sentences, but I think that the House would be interested in knowing this background.

Officials of the Alcoholism and Drug Addiction Research Foundation have already been considerably involved with the commission of inquiry into the non-medical use of drugs. On June 30 the executive-director and four senior members of the research staff of the foundation met with the full commission to discuss the overall work of the foundation and the possible relationship between its work and the inquiry commission.

The chairman of the commission asked the staff of our foundation to prepare an *aide-mémoire*, which they could use in planning their inquiry. This memorandum, entitled "Some suggested approaches to the task faced by the commission," was forwarded on August 25.

At the same time, the foundation invited the members of the commission to visit their headquarters in Toronto to enable them to discuss with various members of the staff the specific work of our Alcoholism and Drug Addiction Research Foundation that had direct bearing on this particular commission's inquiry. On October 2, the commission spent the full day at the Ontario foundation offices and met with a number of research, clinical and educational staff, all of whom had been engaged in work relevant to the concerns of the inquiry commission.

The Ontario Alcoholism and Drug Addition Research Foundation is planning to submit a comprehensive report to the inquiry commission. In addition, members of the commission will be meeting with the staff and using many of the resources of our foundation throughout the period of their inquiry.

Our foundation has assured the members of the inquiry commission of their full support as they proceed with their inquiry.

Mr. Nixon: I wonder if the Minister can tell us if the full report contains recommendations for legislation that would, in essence, be government policy? Does the report contain recommendations for changes in legislation?

Hon. Mr. Wells: Does the member mean the report that our people are preparing for the commission? I am not positive at this point, but I am not sure that it does.

I think that our people are trying to lay the problems and the research that they have on this matter before them. The matter of formulating policy in this regard, I think, is the one that the inquiry commission has been given and we are waiting for them.

Mr. Speaker: Did the hon. leader of the Opposition receive replies to both of his questions to the Minister of Health regarding cyclamates?

Mr. Nixon: Yes.

Mr. Speaker: The hon. member for Wentworth.

Mr. Deans: Mr. Speaker, I also had a question of the Minister of Health, but I accept the answer he gave to the hon. leader of the Opposition as the answer to mine.

To the Minister of Energy and Resources Management, a question dated October 8, and I regret the delay in asking it:

Has any programme been drawn up, similar to the one which involves approximately 65 industrial companies, which will be applied to municipalities in the province of Ontario in regard to pollution control?

Hon. Mr. Kerr: Mr. Speaker, a continuing programme involving the expansion or enlargement of existing municipal sewage

treatment facilities is being carried out by OWRC. As the hon. member knows, the commission instals facilities in many municipalities and operates these plants. Municipalities are charged for the capital cost under an agreement on a user basis.

In many instances the municipalities apply to the commission for the facilities and the OWRC reviews the application. It is most difficult to compare the municipal waste situation with what is being dealt with in the industrial waste treatment field.

I hope my announcement in the House last week will indicate our interest in ensuring that there will be every opportunity for municipalities of all sizes to obtain adequate treatment facilities. I am well aware that some municipalities have co-operated with us to a greater degree than others. The hon. member can rest assured that we will be accelerating our efforts to see that each and every one of them meet with our standards.

Mr. Deans: Mr. Speaker, if I might, by way of supplementary question, ask the Minister, in view of the fact that we are both aware of the unusual situation Hamilton finds itself in with regard to the lack of funds for a secondary sewage plant, whether or not some action is contemplated early in this coming year to assist it out of the dilemma with which it is faced.

Hon. Mr. Kerr: I assume, Mr. Speaker, that the hon. member is referring to the fact that CMHC no longer has funds available to help with the construction of those treatment facilities. Certainly, if the city of Hamilton is not able to proceed with this treatment plant as required by us on its own, and unless there is some change as far as the lending policy is concerned by CMHC, we will probably have to consider some sort of assistance to the city.

Mr. Speaker: Did the hon. member for Wentworth indicate that his question number 2335 had been dealt with?

Mr. Deans: Yes, Mr. Speaker, the Minister of Health answered it, thank you.

Mr. Speaker: The hon. member for Essex South has a question of the Minister of Energy and Resources Management.

Mr. D. A. Paterson (Essex South): I do not seem to have a copy of that question.

Mr. Speaker: Question number 2260.

Mr. Paterson: Was that submitted today?

Mr. Speaker: On October 15.

Mr. Paterson: October 15? Would the Speaker kindly forward me a copy of that, please?

Mr. Speaker: Yes.

Mr. Paterson: Mr. Speaker, yes, that question has been asked and answered.

Mr. Speaker: The hon. member for Scarborough East has a question of the hon. Minister of Tourism and Information.

Mr. T. Reid: Did the censorship board change "The Graduate" and "Alice's Restaurant" from a restricted classification to an adult entertainment classification? If so, why?

Hon. J. A. C. Auld (Minister of Tourism and Information): Yes, Mr. Speaker, the board did, after watching and evaluating audience reaction. This is not uncommon; the board has done it in the past and it is done in many other jurisdictions.

Hon. Mr. Kerr: Mr. Speaker, regarding the member for Essex South, I might be able to deal with an earlier question which he submitted to me, number 2019, which had three parts, and I did not have an opportunity to answer part three. I had taken part three as notice. I am in a position to reply to part three today.

The question was: Have water flow controls at Sault Ste. Marie-Niagara diverted or retained extra levels of water in these two Great Lakes this year?

The answer is: No diversion or retention of water has taken place at Niagara because there are no control works that affect the outflow at Lake Erie. During the 1968-1969 winter season, the International Great Lakes Levels Board carried out a winter test operation of the Sault Ste. Marie control works. The St. Mary's River is part of a test programme designed to determine the feasibility of operating the control gates during the winter period, and of increasing the existing limit of maximum water outflows under the present regulations plan for Lake Superior.

To provide for additional releases of water for these tests, some water had been stored in the lake during the month of July, 1968. Approval for departures from rule curve operation of Lake Superior for the conduct of these tests was obtained from the International Lake Superior Board of Control. Because of the high water level conditions of Lake Superior during the latter part of

1968 and early this year, and the prospect of a possible continuation of high levels during 1969, and in view of the relatively moderate levels existing on Lake Huron at that time, the Lake Superior board of control took action upon the completion of the winter tests to discharge additional water out of Lake Superior for the remainder of the winter period.

During the period May 1 to September 30 of this year, the rule curve for Lake Superior has called for a gate setting of 16 gates open. This setting was maintained until September 12 when the Lake Superior board decided to close ten gates. The closure was for the purpose of storing water in Lake Superior, the latter for later release during the conduct of further gate test operations in the St. Mary's River to be carried out during the 1969-1970 winter season.

As of October 1, 1969, the net effect of departures from the Lake Superior rule curve, because of high water levels on Lake Superior during 1968, has been a lowering of Lake Superior levels by approximately 0.08 feet and a rising of the levels of Lake Huron by about 0.03 feet.

Mr. Speaker: The hon. member for Sandwich-Riverside has a question of the hon. Minister of Health.

Mr. Burr: What instructions or advice has the Minister given to those who have quantities of DDT in storage, on the safe disposal of this very dangerous pesticide?

Hon. Mr. Wells: Officials of our department, along with officials of the waste management branch of The Department of Energy and Resources Management, are presently working out suitable systems for the disposal of DDT that is now in stock. The details for this will be finalized shortly, and as soon as they are, we will be publicizing them.

Mr. Speaker: The hon. member has a further question?

Mr. Burr: A further question: Has the question of the responsibility of federal agencies to obey the provincial prohibition of DDT been settled, or will the experimental farm at Ottawa merely "try" to abide by it as reported in the Ottawa *Journal* of September 25, 1969?

Hon. Mr. Wells: Mr. Speaker, my legal people tell me that the legislation of the province of Ontario is not binding on the Crown, in other words, on the federal government; therefore, we cannot legally bind them to this. However, it is certainly our hope that their establishments in Ontario will abide by the spirit of our restriction and not use DDT in any other way than that which is permitted by permit.

Mr. Burr: Has the Minister done any more than hope; is he pressing them?

Hon. Mr. Wells: Mr. Speaker, we are pressing them, and we have indicated what the policy in this province is, but as I say, legally, we cannot prosecute them if they continue to use it.

Mr. Speaker: The hon. member for Scarborough West had a question of the Minister of Health, dated October 17.

Mr. S. Lewis (Scarborough West): Yes, if I can find it, Mr. Speaker. In the estimates of premium income of $295,884,423 for OHSIP for 1970-1971, presented to the House by the Minister on October 2, what figures were used as the number paying full premium, receiving 100 per cent subsidy, and partial subsidy, covered by single contracts, two person contracts, or three or more person contracts?

Hon. Mr. Wells: Mr. Speaker, I am still getting that information. As soon as I have it I will make it available.

Mr. Speaker: The hon. member for High Park had a question of the hon. Minister of Correctional Services of which notice was taken. I believe the Minister has that answer.

Hon. Mr. Grossman: Yes, Mr. Speaker. It was a three-part question, the first part of which was: How many inmates were involved in the disturbance at the Millbrook Reformatory on August 18, 1969? The answer, sir, is that on Monday, August 18, charges of creating a disturbance over that weekend were heard against 19 inmates.

The second part of the question: "What was the reason for this disturbance?" The answer, sir, is that these inmates were attempting to harrass the staff and create unrest.

The third part of the question: Is the Minister aware that a number of the inmates have stated that inmates who were not involved in the disturbance were punished along with those who were? The answer is "no"; I am informed that each of the 19 inmates was observed as a participant in disruptive behaviour and his actions were reported by a responsible officer. Millbrook

houses the most difficult behavioural cases from all other institutions in the province. I therefore want to commend the staff for taking the necessary action to prevent what could very easily have developed into a much more serious situation.

Mr. Speaker: The hon. member for Parkdale has a question of the Attorney General.

Mr. J. B. Trotter (Parkdale): I have also a question of the Minister of Energy and Resources Management, as reported in today's Toronto *Telegram*, refused to provide air pollution readings to CHFI for broadcast on their hourly newscast in the interests of keeping the public informed on pollution levels?

Hon. Mr. Kerr: Mr. Speaker, the department did not refuse to provide air quality data to CHFI. They were advised that we were studying how to set up facilities to provide such information to all news media on a meaningful basis.

Mr. Trotter: As a supplementary question, I was wondering if the report in the *Telegram* was wrong?

Hon. Mr. Kerr: Mr. Speaker, I have not read the report in the *Telegram*, but if it is as indicated in the hon. member's question, that we refuse to provide these readings, this is just not correct.

Mr. Trotter: A question for the Attorney General, Mr. Speaker:

In view of the fact that former federal chief narcotics officer, Arthur Whealey, and Melvin Shipan, a representative of the Ontario Parent-Teachers Association, favour a temporary moratorium on the prosecution of marijuana and hashish users, which Gerald Le Dain, chairman of the current drug commission says may be a commission recommendation, does the Minister agree that there would be value in such a moratorium?

Hon. Mr. Wishart: Mr. Speaker, the question asked for an opinion of the Minister. In that regard I would prefer to get the commission's recommendation. I was aware, having read the news report, that such a recommendation is coming. That is one thing I would say.

The next thing is, does the Minister favour a temporary moratorium in the prosecution of this type of offence? All prosecutions with regard to drugs are carried out by the federal people, every one of them. They are not provincial, they are not within my field; so whether I favour it or not would have little bearing on the fact of the moratorium. It would have to be the federal people who would make that decision. So I would first of all prefer to wait for the commission's recommendation, and then I might be prepared, even though it is not my jurisdiction, to express some opinion. I have expressed some views on occasion, particularly about marijuana.

Mr. Trotter: What are they?

Hon. Mr. Wishart: That was not the question today.

Mr. Trotter: Well, Mr. Speaker, in the way of a supplementary question, certainly the Attorney General, in view of the fact that he is responsible for the administration of justice, can go hard or easy on prosecution? Secondly, surely he should have an opinion of what he thinks these present proposals are, good or bad. Could the Minister answer that?

Hon. Mr. Wishart: Mr. Speaker, I would like to have the benefit of the commission's recommendations, and perhaps then I would be prepared to express an opinion.

Mr. Speaker: The hon. member for Cochrane South has a question of the Minister of Health.

Mr. W. Ferrier (Cochrane South): Yes, Mr. Speaker:

Is it the Minister's intention to encourage other Ontario psychiatric hospitals to follow the lead of the Northwestern Psychiatric Hospital and work with doctors in surrounding communities to provide help within a home environment, instead of concentrating all services within the hospital?

Hon. Mr. Wells: Mr. Speaker, yes, it is our intention to do this, and in our mental health programme increasing emphasis is being placed in provision of services within the individual's own environment.

As further evidence of this, I might point out to the hon. member, or direct his attention to, I think it is Form I in the new Mental Health Act, which is the form used by a physician who makes application for an involuntary admission to a psychiatric facility. This requires the doctor to state why no measure short of hospitalization would be appropriate for the individual concerned. Certainly the emphasis in our department is to do the things the member has stated.

Mr. Speaker: Are there any answers to questions that have been previously taken as

notice? Have I missed any of the current questions? This will complete the questions then.

Hon. Mr. Kerr: Mr. Speaker, I now have the answers to the leader of the Opposition's questions 2308 and 2309. The answer to 2308: Ontario Hydro expects to obtain its heavy water for the Pickering and Bruce generating stations from Atomic Energy of Canada Limited. Each of the four Pickering units will require 545 tons for start up, and the Bruce units approximately 675 tons.

Mr. Nixon: I understood from the answer that they expect to acquire it, and then the amount they need was listed. I want to know where they are going to acquire it.

Hon. Mr. Kerr: From Atomic Energy of Canada Limited, Mr. Speaker.

Mr. Nixon: The problem there, if you will permit me, Mr. Speaker, is that Atomic Energy of Canada have not got it. They have announced that perhaps Pickering will have to be postponed because they have not got any to supply, and their plant in Nova Scotia is not working. That is not the Minister's fault, it is their fault, but they do not have it. The one suggestion was that they were trying to get some from the United States; they were trying to get some from Russia, but they thought that Pickering would have to be postponed. The Minister's answer to my question is that Atomic Energy of Canada Limited is going to supply it. I think he had better look into this or he is going to be short of hydro in a couple of years.

Mr. Speaker: That covers the two questions.

Hon. Mr. Kerr: Well, Mr. Speaker, Atomic Energy of Canada Limited has made a commitment to supply heavy water for these units. We are aware that they going to have trouble and are attempting to solve whatever problem they might have. At the same time they have indicated as of last week that they could supply us with the necessary water for these start-ups.

Mr. Nixon: I must ask, then, if this commitment that they could supply is different from the public announcement that they could not—if in fact they were negotiating with a number of foreign powers just to see what the world supply was? There is every indication that the use of heavy water in these facilities is reducing rather than expanding and that we are going down a road that is going to be very difficult for us to complete.

Hon. Mr. Kerr: Well, Mr. Speaker, all I can say is unfortunately I have not read the article to which the hon. member refers. However, as he indicated they are negotiating and we hope that the problem will be solved by the time we require this water.

Mr. Speaker: Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

(continued)

On vote 204:

Mr. V. M. Singer (Downsview): Mr. Chairman—

Mr. Chairman: Order, please. The hon. member for Wentworth (Mr. Deans) indicated he had a very important appointment so—

Mr. Singer: Mr. Chairman, on a point of privilege first, and then I will yield to the member for Wentworth.

Mr. J. Renwick (Riverdale): What is the privilege? Let us start off properly this week.

Mr. Singer: Mr. Chairman, I wish you could keep the noisy member for Riverdale quiet at least until I have made my point. One would believe that common courtesy would require him to listen, but apparently he has not got any.

My point of privilege, Mr. Chairman, is this. The other day when talking on this vote I was making some remarks in relation to the Baxter study on family law and I indicated during the course of my remarks that in my opinion it was absolutely useless.

The Attorney General at a later stage took that portion of my remarks and attributed them to comments in relation to the whole of the law reform commission. I was not sure whether his interpretation was in fact correct or not until I had read *Hansard*.

Having read *Hansard* I am confirmed in my opinion, and I am sure the Attorney General would not want it understood that I was criticizing the law reform commission in that manner. My remarks were related to that particular report which emanated from Professor Baxter in relation to family law.

Mr. S. Lewis (Scarborough West): Now you know why the member for Riverdale said what he did.

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, I would like to say that I did perhaps, in looking at items in the estimates and in listening to the member, think he was referring to the law reform commission. And my remarks did say that I thought he was going far afield. In fact, I think I said he was being carried away by the exuberance of his own verbosity to say that the law reform commission was a dismal failure. I certainly took the wrong interpretation. I am glad to admit it.

Mr. Singer: Is that all right, member for Riverdale? Is that within your understanding of a point of privilege?

Mr. P. D. Lawlor (Lakeshore): It may be all right with him, but it is not with me.

Mr. R. F. Nixon (Leader of the Opposition): Well then, let us raise a point of order on this matter, Mr. Chairman, because you mentioned at the beginning that you were recognizing the hon. member for Wentworth because he had indicated to you he had something important to give to the House. Is there some indication that some of these other contributions are of lesser importance or that this is arranged before the House sits?

Mr. Chairman: No, the chairman did not indicate he had a greater contribution than anyone else to give to the House. Actually the member for Wentworth has an appointment with his doctor which he has to keep.

Interjections by hon. members.

Mr. Chairman: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Chairman, I appreciate the opportunity of saying a few words, and I want to say to the member for Downsview that I did not intend to cut into his time or anyone else's time. It just happens that I was informed not to spend a lot of time in the House in the first few days back, and I wanted to say something on this particular vote. This is for the benefit of the members of the Opposition.

I wanted, sir, to talk for a few moments about the law reform commission report on landlord and tenant. It is something we have raised with the Minister a number of times in the past few years—not necessarily this particular report, but the contents of this report—because the contents of this report come remarkably close to the sort thing that we, in this party, have been saying since early 1967—and perhaps beyond that time.

In fact, I would say to the Minister that in the early part of 1967—February, as I recall it—the member for Riverdale introduced a resolution into this House which would have alleviated to some considerable extent the problems that confront most of the residents of this province. And since that time to date we have, with amazing regularity, risen in this House and asked the Minister to take action that would somehow or other ease the lot of about 40 per cent of the population of this province. And, since 1967—and as I say that is early in 1967—this Minister has done very little, if anything, to try to relieve what has now become a situation almost beyond recall in many areas.

I would say that, in the early part of my campaign for election to this House, I came across clauses in leases which I found to be totally beyond my comprehension—and I am sure beyond the comprehension of most people in the House. We brought to the Minister's attention, in the early part of 1968, some changes that were necessary in terms of a tenants' bill of rights. We brought into this House, in the late part of 1968, a revised tenants' bill of rights in order that the Minister might see for himself what kinds of situations prevail throughout this province in the metropolitan areas. The law reform commission brought in, in the late part of 1968, two very lengthy documents dealing with the problems that we have brought to the Minister's attention. Yet, to date, other than the promises that have been made time after time, nothing has happened.

From what I can see—and I say this with all due respect to the Minister, regardless of his capabilities or abilities as the Minister of Justice—if there is one area of his portfolio where he has failed miserably it must surely be in the area of securing a decent set of rights for the tenants of this province.

He may well have done a reasonable job in the many other areas that I am not familiar with, but I am entirely familiar with those areas; and I can say quite truthfully that in the two years that I have been in this House the job that he has done has been deplorable. Sir, it has bordered on being absolute neglect. There are 40 per cent, as I say, of the people in this province, who live in rented accommodation; and for four years

it has been brought to your attention on a regular basis—the sort of substandard accommodations, the kind of abortive leases that are being forced upon these people. And you have done absolutely nothing about it.

When one takes a look at the law reform commission report—and I might say, as I did before, that much of what is said there is repetitive, repeating almost exactly the things that we have raised in this House and the things that the member for Downsview has raised in this House—I want to say to you—

Mr. Lawlor: Do not let us go too far with this courtesy business.

Mr. Deans: —that no matter what you do at this point to change the leases, to make a standard lease that will provide for equitable and fair dealings, there is nothing you can do that will assist the tens of thousands of people in this province that you have neglected over the last three years, or four years. There is nothing that you can do.

You have had ample opportunity, you have had voluminous documents placed before you in terms of showing what has taken place, and you have completely neglected to deal with them. In the case of the city of Ottawa, which felt the necessity to come before you and ask permission to introduce legislation, you assured them in the private bills committee that there was legislation in the making, and it would be coming in a short period of time—and this short period has extended to almost a year.

It has been a considerable period of time and nothing has been done about it, absolutely nothing. How you can justify being the Minister in charge of this area is beyond me. I am not about to suggest that you should resign—I think that sort of thing has gone by the board—but I do believe, and I say this to you, that this area should be removed from your jurisdiction.

I do not feel that you have handled it at all well. In fact I think you have handled it terribly, and I say to you that there are some recommendations in the Ontario Law Reform Commission which we feel are of paramount importance. I do not want to deal with the individual sections, point by point in the law reform commission report—and everyone knows about the security deposits and how they ought to be abolished, and those dealing with those portions of security deposits which are already in existance, the contracting in and out. We have raised this with you a number of times, the right of distress and how you cannot exempt yourself from these things. We could go through it clause by clause and deal with it. But I sense somehow that this is a futile effort.

What I want to ask the Minister to do, is this: there is no question that we need an ombudsman of some form in this province. I think that the problems of the people of this province have now reached a magnitude where they have to have someone to turn to, who is, we will say, non-political—if that is possible. A person to whom they can turn where they can be sure that their voice will be heard, where they can be sure that their case will be taken into consideration and where they can be sure that the advice they are getting is the kind of advice that will assist them to solve their problem.

What has to be done, I think, is that, in the case of this ombudsman, there has to be a department set up within it to deal specifically with landlord and tenant. This has to be made available in the major areas of this province, so that the individual average guy working in the street can walk in there with his particular problem and talk to someone away from the atmosphere of the court. Because the average individual is afraid to go to court. He is actually afraid—he senses that courts are places of doom, and where people are not treated well, and he does not want to go there and be subjected to any ill treatment.

I think that the setting up of some form of an ombudsman, with an office dealing with landlord and tenant, is necessary in this province at this time. But even after having done that, we are not going to have solved the problem—even after having changed them as to standard and lease, which I hope is part of the legislation; even after we have a tenants' bill of rights, which I hope is going to be part of your legislation. I might say to you at this point, this ought to have been introduced some months ago. You ought not to have waited until after your estimates to introduce this. You should have come in before the estimates, so that we could have dealt with it here in this House during the estimates—so that we could have discussed with you the clauses of this particular legislation that you are about to bring in, or at least you claim you are about to bring in.

I want to say to you that the major portion, the major stumbling block, in any legislative process, affecting the tenant and the landlord,

will be the retaliatory eviction; and unless this is taken care of, unless that is paramount in your thinking in the introduction of the legislation you bring forward, it will be relatively useless. I deal with tenants as many other members of this House do on a daily basis and the one fear that every tenant has is that after his problem is brought forward he is then evicted from the place in which he lives.

Unless that is the major portion of your legislation, your legislation will be, for all intents and purposes, useless to this community.

Now, I think as I review the kinds of things we have said, the resolutions that have been brought in dealing with landlord and tenant, the resolutions dealing with the tenants' bill of rights, the rent control—and I might say, that even at this point, the need for rent control is as great as it was when I introduced the bill, some six or eight months ago—that the changes that have been made, if anything, have been detrimental to the tenants seeking tenancy in the major apartment and housing projects of this province.

I might say that the Ontario Housing Corporation contributes considerably to many of the ills—because of its inhuman attitude toward some of the basic needs of the people who live within the confines of its environment. I am not going to deal with that today. I do not want to do that.

But it has to be taken out of your hands. You have obviously dealt with this in the most incompetent way—you have dealt with this callously, you have neglected it over the years, and there is no question in my mind that no matter what you do now, there is nothing that can save the people who have been forced to live with the kind of laws that you have had the power to change over the last ten years. I suggest that it ought to be taken away from you now.

Hon. Mr. Wishart: Mr. Chairman, I would like to reply very briefly to the member. Matters of housing rent control all things relating to housing, of course—are government policy.

I happen to be the Minister who is in charge of the responsibility of producing legislation in this particular matter of landlord and tenant legislation.

I would point out to the hon. member that we specifically asked the Ontario Law Reform Commission to hasten its study of this field of the whole law of property. I asked for attention to this particular area, landlord and tenant, and directed, or requested, the Ontario Law Reform Commission to give its attention first in this area to this subject.

Let us remember also that the law reform commission, having done that, produced its report in December, 1968—I believe it was December 10—and therefore we got it toward the end of last year. I was able to get it for study in the first part of this year, and to table it in the House. I presumed it was tabled here at the end of January, 1969, or early in February. So we have had it about nine months.

It is a study in a most important field which affects the lives of a great many people, and I agree with the hon. member that this is an important matter. But it affects the whole economy. It goes well beyond just the landlord and the tenant. The question of implementing the recommendations contained in the report of the Ontario Law Reform Commission could well have a very severe effect on the production of housing.

There were certain types of control recommended, for instance, and the review board and some of the recommendations went slightly beyond review. Our experiences of rent control, if the hon. member recalls, were in the last war and had the effect of stifling the production of housing.

One of the things that one must weigh, if one is to have a responsible approach to policy, is to see whether the legislation you bring in is, in the long run, going to be good or evil in its effect. I do not for a moment suggest that I would accept every recommendation of the Ontario Law Reform Commission without study, without consideration from the government point of view, from the political point of view, from the economic point of view, to see what effect it may bring.

And I think it is reasonable and proper for the government—and not this Minister alone; and I am not trying to shuffle any responsibility on to any other colleague—to take that length of time.

You may have your opinion, but I have mine. And if you were standing in the position of responsibility perhaps you would be more responsible. You have got to be more responsible.

It is reasonable and proper for a government to take some time to see the effect of legislation which is going to be one we trust, in effect, for a long period of time.

Mr. Deans: If I may ask the Minister. The Minister has indicated—

Hon. Mr. Wishart: I have not finished.

Mr. Deans: The Minister, in dealing with the law reform commission, is giving the impression that what he saw in the law reform commission he was seeing for the first time. This was not the case at all. These matters, having been brought to your attention on a continuous basis for at least three years—

Mr. Lewis: That was not an original document.

Mr. Deans: This document, and I tried to make that point, is simply a compilation of the things which we have been saying in this house for three years.

Hon. Mr. Wishart: Mr. Chairman, I yielded for some serious argument, I thought. But simply for this hon. member to get up and politically say that what the law reform commission said is only what this party said—

Mr. Deans: I did not say that. I am talking about the members of this House. I am talking about the responsible members of this House who have come in—and this may well include, I am not sure, I sometimes wonder—some of the members of your own party.

I am talking about the fact that you are talking here today about a document as if you were seeing the contents for the first time. The contents are old. They have been brought to your attention so many times it is unbelievable.

For you to say that the length of time taken by this government to study this document as if it were a new document, is not unreasonable, may well be true. But it is an old document. It is a document that deals with many old problems, and what it indicates to me really, is a decaying of the processes of the Cabinet of the Tory party at this point, if what you say is true.

Hon. Mr. Wishart: Mr. Chairman, I think I indicated I was aware of concern by members of all parties. I think I indicated our own concern in the matter of landlord and tenant by asking for the study to be done by the body particularly designed to give us the benefit of detailed, careful study and research, the Ontario Law Reform Commission.

So, if the hon. member wants to say that the problem is old, perhaps that might have some fact to it. But the report, the study, the recommendations which arose out of that, were received early this year, in effect, and have been studied in the interim. He accuses me of having promised a delegation from Ottawa that legislation would be brought forward, and I would remind him we are still in the same session, which started the beginning of this year. And I have the legislation ready.

Mr. Deans: Why is it not here?

Hon. Mr. Wishart: Why? I am glad the hon. member asked—

Mr. Deans: Why was it not brought in before your estimates?

Hon. Mr. Wishart: I think if we had not spent our time debating some matters which I think are of less importance, perhaps I would have had it before the House.

Mr. Deans: The Attorney General is very quick, I might point out, to tell us that the government orders the business of this House.

Hon. Mr. Wishart: Mr. Chairman, I will have to retain the floor to answer this matter. I could perhaps have produced it if the House had not taken—

Interjections by hon. members.

Mr. Chairman: Order, please!

Hon. Mr. Wishart: Mr. Chairman, I would just point out that when the legislation is introduced and we are still in the same session in which I stated we would have it produced, I think the hon. member will find that a good many of the questions he asks will be answered. Perhaps they will not be answered entirely to his satisfaction, because I detect in some of his comments a reaching beyond anything which I think I could agree with.

For instance, to suggest to me that an ombudsman should have this field of responsibility, I would have to disagree with him immediately and entirely. I do not think if an ombudsman were to be created that he should be charged, or given the responsibility of dealing as a court, with contract matters, and landlord and tenant is contract. Nowhere where an ombudsman has been established does he have such power, that I know of.

Mr. Deans: And I did not suggest it.

Hon. Mr. Wishart: Well, I thought the member did.

Mr. Deans: What I said was I thought this office should have facilities to assist tenants in their problems.

Hon. Mr. Wishart: Well, perhaps that may come about if an ombudsman is created, but we must bear in mind we are dealing with a field of contract law.

Mr. J. Renwick: Property.

Hon. Mr. Wishart: And what the tenants mainly complain about is—they do not deny they have committed themselves to certain legal obligations—they feel that there should be some amelioration of certain conditions under which property is now leased, or has been in the past, leased to two tenants.

To give this business of decision in the matter of contract which permeates our whole life, I think would be etsablishing a kind of ombudsman that was never thought of when that official was considered. I just could not conceive of that.

Mr. Deans: The fact that it was not thought of when it was considered does not make it wrong.

Hon. Mr. Wishart: But in any event, Mr. Chairman, to perhaps satisfy the hon. member, let me repeat that the legislation has been prepared. We have still some consideration to be given to it by my colleagues in Cabinet.

But let me say this, that in the preparation we had a great many briefs from both individual landlords and tenants, from landlord and tenant associations, from builders, from construction bodies—a great many briefs, a great many submissions. We tried to see, hear, digest and consider all those submissions, so that when we came forth with this legislation, it would be the best we felt we could produce in all the circumstances.

Mr. R. Gisborn (Hamilton East): Easy to tell where the weight lies.

Mr. Lewis: We know where it lies: "Arthur Wishart" in defence of property. The Attorney General smiles—that is his Achilles heel: property. It really worries him, does it not?

Hon. Mr. Wishart: No, it does not worry me.

Mr. Lewis: Never mind property relationships; what about human relationships?

Mr. Chairman: Let us get back to the estimates.

Hon. Mr. Wishart: I think it will be time for the hon. member to debate the question when he sees the legislation. It will be brought forward shortly.

Mr. Singer: Mr. Chairman, I had not originally intended to talk about landlord and tenant, but now that the subject is up, I find myself in agreement with the remarks of the hon. member for Wentworth.

You look at the order paper today and there is not even a notice of motion standing in the name of the Attorney General saying that he intends to bring in a landlord and tenant bill. There were rumours around the corridors that the bill might have been introduced before we rose at the end of June this year. There have been rumours around the corridors again that the Act was going to be introduced almost any minute.

Now, one must conclude, unfortunately, Mr. Chairman, that the government has not made up its mind. The Attorney General has said, or it has been common knowledge for quite some considerable time, that a bill has been drafted. It is obvious now, Mr. Chairman, that the drafting of the bill, which I understood took form much along the line of the recommendations of the law reform commission, has not met with Cabinet approval.

It is very interesting, Mr. Chairman. When we were discussing, earlier in this vote, the opportunity of listening to representations from members of the public over and beyond what the law reform commission was able to do, the Attorney General's reply was, "Was it not enough that the law reform commission did it?" Now, he goes one step further.

The law reform commission brings in their report—and I would say, in my opinion at least, it is a good report—they heard all sorts of representations, but that was not enough. Now the Cabinet, in secret, is receiving additional representations. Certainly it is. And the members of the Legislature are being denied the opportunity of listening to those representations in order to really be able to know what the additional concerns are which the law reform commission was unable to come to grips with.

Is this another one of the mysterious things, Mr. Chairman, that goes on in government? First we have public hearings and then we have private hearings in Cabinet. And—

Hon. A. F. Lawrence (Minister of Mines): You have no right to know.

Mr. Singer: —and we have no right to know, using the words of the Minister of Mines. Surely we have a right to know and surely we have a right to know why we have not

got before this House at this time landlord and tenant legislation.

The only reason for activity in this field at all, Mr. Chairman, was as a result of my remarks in relation to the Ontario Housing lease. When the government emerged with egg on its face from one end of Canada to the other, when they did not recognize their own lease and how bad it was, then they felt called upon to do something and then they commissioned the law reform commission to bring in a report.

But here we are, on October 20, without anything even being on the order paper. There is no intention, apparently, on the part of the government, to make this an item of high priority. One must conclude, Mr. Chairman, that the government really is trying to push this off just as long as it possibly can.

It is running into opposition from certain people who have made private representations to Cabinet, which we are unlikely to hear about. Those representations, apparently, are being considered much more seriously than the representations that the law reform commission was able to receive and probably much more seriously than any representations that will, or might, in some time in the distant future, come before the standing committee on legal bills, when and if that bill gets to the standing committee.

I say this is wrong, Mr. Chairman, I say this is very wrong. When we go through this kind of a process, surely there is an obligation on government to take some action and not to start another set of hearings privately and say: "Well, we are worried about them. We have a bill drafted and we are going to have to reconsider because we have been receiving representations."

If the Attorney General is worried about additional representations, let him stand up and tell us what they are and why they were not made to the law reform commission. If they were made to the law reform commission, why did the law reform commission see fit to reject them?

That, I say, sir, is the Attorney General's responsibility, and he is not discharging it because here, on October 20, there is no note on this order paper, not a mention, that there is even a government thought of introducing a bill relating to landlord and tenant. I say that is a disgraceful way to handle the public's business.

Now, Mr. Chairman, I wanted to deal with another subject. I want to deal with the question of—

Hon. Mr. Wishart: Mr. Chairman, I wonder if the hon. member would permit me, before we leave that subject, just to say a word about the hon. member's remarks about the Cabinet meeting in secrecy, and hearing delegations in secret. You would think, to hear him speak, this was a crime. He knows full well that that is the system of democratic, responsible, parliamentary government under which we operate, and have operated for years from the beginning of this country—a tradition that has been carried down from the British tradition. Cabinet solidarity, Cabinet secrecy, joint responsibility for policy, as I mentioned a moment ago.

Let me remind him that the Cabinet has had delegations from labour, particularly with reference to the Rand report. We have delegations every year—one or two or three delegations of labour representatives. We have delegations from farmers, two organizations at least, and we hear them and see them. We have delegations from municipal people, mayors and reeves. We have delegations from chambers of commerce, we hear them in Cabinet. I suppose if you want to say so, that is secrecy, but we meet delegations all the time, on all important subjects on which we propose to legislate, or on which we have legislation pending. There is nothing out of the way about this and I am sure I do not need to tell the hon. member this is the parliamentary system, and I think it will continue for a time.

Further, he says members of this House are denied the right of hearing delegations. There is no denial, and I am sure many members of this House have heard various delegations. Some of them are on the steps of this House. I do not know whether the hon. member went there to hear them or not.

Mr. Deans: You were not there to hear them.

Hon. Mr. Wishart: No, but I gave them my opinions before they arrived—

Mr. Deans: They did not like them, then.

Hon. Mr. Wishart: —in writing, in black and white.

Mr. Lewis: You sent your sales manager but you would not go yourself.

Hon. Mr. Wishart: I wrote and gave my opinions in black and white. They had them, and I told them there would not be 5,000 there and they did not need to come, actually, because the legislation was ready to be introduced.

Mr. Deans: Why is it not here?

Hon. Mr. Wishart: You will get it shortly. No, I just want to say there is nothing out of the way in the way we are proceeding.

Mr. Lawlor: You made a tactical error; you should have brought it in before.

Hon. Mr. Wishart: You can hear any number of delegations and you can get all points of view, there are lots of them. And I am sure they have represented themselves to various members of this House, on all sides of the House since the report was received.

Mr. Singer: Well, Mr. Chairman, the Attorney General is comparing apples to oranges, as he usually does.

What I was trying to get at earlier in this vote was the method of establishing a system whereby once the law reform commission had completed its studies and made a report, there would be an opportunity given to members of the Legislature, in advance of the introduction of legislation, to hear whatever further representations there were and to pass on to the Attorney General, for better or for worse, the end result of all of those deliberations. And he said, Mr. Chairman, there was no necessity, because there were public hearings held by the law reform commission and that was enough.

What has happened here is not representations about something which is brand new. These are representations about a subject that has worried an awful lot of people in the province of Ontario, that has bothered people who live in our metropolitan areas, that has done grave injustice to many thousands of people who live in our metropolitan areas.

There has been enough talk about this in this House over the last half dozen years for people to know what the issues are. So, as I say, being sparked by some of that debate that took place here in this House, and emerging with egg on their faces when they did not even know what was in their own Ontario housing lease, the government finally moved and authorized the law reform commission to make a study and to bring in a report. Then, using the Attorney General's words of the other day, the law reform commission held public hearings, and the Attorney General said: "Surely that is enough of the public hearings. There is no reason to insist a committee, an all-party committee of the Legislature, have public hearings, too. No, far rather have the Cabinet or certain members of it receive additional representations in private."

I do not think that is democratic at all. Nobody is suggesting, Mr. Chairman, that the Cabinet is not entitled to, and will not continue to have, private deliberations. But when you have gone through all this process of study, when you have had the law reform commission holding its public hearings, when the Attorney General has said months ago that he has a bill ready to produce, when there is no notice of it on the order paper, when he admits to us this afternoon that some of his Cabinet colleagues are not quite sure yet whether they agree with it all, I think that we are entitled to know what additional representations have been made that have changed the opinions that led to the drafting of the bill.

Hon. Mr. Wishart: On a point of order, Mr. Chairman, I will not have the hon. member put words in my mouth. I did not say that some of my Cabinet colleagues were not sure of the bill. I simply said I have further consideration to take place in Cabinet. That is a very different thing from saying there is a difference of opinion, and I want the hon. member not to be so—

Mr. Singer: Well, the Minister can use whatever words he wants to, Mr. Chairman. In my opinion it is six of one and half a dozen of the other. The fact is somebody has been doing some second thinking on it and that a bill apparently drafted substantially embracing the recommendations of the law reform commission is not yet ready to come before this House. There has been no satisfactory answer as to why that time has not yet arrived. And that is what we are trying to get at this afternoon and that is what we have not got.

Mr. Lewis: There is a reason, Mr. Chairman.

Mr. Singer: I want to get into another subject, but if you want to go into this a little more, go ahead.

Mr. Lewis: Well, if my especially good friend and close colleague from Downsview will allow me, for a moment, Mr. Chairman. I would like to ask the Attorney General, through you, sir, because I think it is of some importance, to tell the House and to reveal to his colleagues across the Chamber, which groups appeared before the Cabinet committee subsequent to the law reform commission draft law.

Hon. Mr. Wishart: I received quite a number of these groups myself. I would be

glad to take my file and send the hon. members a list of these groups so they can all see them, but I think some of them have already been before various parties, or members of the parties. I will get the list out. There are quite a number of them.

Mr. Lewis: Mr. Chairman, the Attorney General is speaking of those groups that—dare I use the word?—"lobbied" him, subsequent to the tabling of the report in January, 1969.

Hon. Mr. Wishart: I will not agree with the word "lobbied". I receive briefs on all subjects, sometimes two and three a day, but I never considered that I was being lobbied. I consider them very useful. I saw a number of people, a number of associations, a number of groups, tenants and landlords, and I will try to get the list collated and let the hon. member have them.

Mr. Deans: The problem appears to be that the Minister does not think that this matter is of any great urgency.

Hon. Mr. Wishart: Oh yes I do.

Mr. Deans: But you cannot possibly, sir. How can you say you consider it to be of urgency when for three years you have had these things brought to your attention and still the bill has not come to the House? It is obvious that you do not consider 40 per cent of the population of any importance at all. That is becoming increasingly obvious every day.

Hon. Mr. Wishart: Perhaps if I can get through my estimates without too much further time, I would have some time to devote to the bill. But I am trying to point out again, that this House sat through February, March, April, May, June—that is five months—and it has been sitting through September and part of October—less than seven months—and it is during that time that we have had the report.

Mr. Deans: Plus the three previous years.

Mr. Lewis: Mr. Chairman, I would like to tie this up. May I ask the Attorney General—

Mr. Chairman: Order, please. May the Chairman point out we are not really discussing The Landlord and Tenant Act today.

Mr. Lewis: We are talking about the law reform commission, Mr. Chairman—the law reform commission, whose chief work was undoubtedly the production of this extraordinary document on which the Minister will some day base legislation. Can I ask the Minister, again in the best club atmosphere that can be evoked, where is the legislation?

Hon. Mr. Wishart: Physically, it is in my office.

Mr. Lewis: Right, and it is, in fact, drafted clause by clause throughout?

Hon. Mr. Wishart: It is, in fact.

Mr. Lewis: It is in fact drafted? Right. And has it gone through Cabinet? I do not want to know what your colleagues said about it, I would just like to know if it was presented at Cabinet, as yet?

An hon. member: That has really nothing to do with you.

Mr. Lewis: Oh yes, it has.

Hon. Mr. Wishart: Mr. Chairman, I am not permitted, actually, by my oath to reveal what goes on in Cabinet, but I think the hon. member, as he says, is speaking in an atmosphere of frankness and sincerity—

An hon. member: Do not believe it.

Hon. Mr. Wishart: The matter is on the Cabinet agenda; we have not concluded it yet.

Mr. Deans: It is just not that important.

Mrs. M. Renwick (Scarborough Centre): Mr. Chairman, I would like to ask the Minister if he received a brief from the borough of Scarborough seeking, much to their reluctance, law reform in The Landlord and Tenant Act?

Hon. Mr. Wishart: I cannot be sure. I am quite certain I received a brief. I do not think I met with Scarborough officials.

Mrs. M. Renwick: That brief, Mr. Chairman, would have been in the month of September, so it is fairly recent. Does the Minister not recall that this is quite a major decision for a borough like Scarborough to make, that they would have to ask for law reform in that area?

Hon. A. F. Lawrence: Would you say that is lobbying?

Mrs. M. Renwick: It is pushing the government, that is all.

Hon. Mr. Wishart: Mr. Chairman, I have been, I think, a little lenient: I have not appealed to you, sir. We are really not discussing The Landlord and Tenant Act here, but I know there is concern, and I have concern myself.

I received from what I would think was a list of municipalities so long—perhaps 15 or 20 to two dozen of them—resolutions supporting resolutions. Particularly I recall Windsor, and I think Scarborough was one of them; possibly a brief came in from Scarborough. It is hard to stand here and be absolutely definite that I got one from Scarborough last month. I think I did.

Mrs. M. Renwick: Mr. Chairman, because of the nature of the problem and the thousands of people it affects, I would ask the Minister if he would not simply provide the member for Scarborough West with the information of what presentations have been before the Cabinet, or before the law reform commission for their study. However, I would also ask, Mr. Chairman, that the lists of people whose views have been considered in any way, be tabled, so that all of us might have access to those people who are going to this government, the only place they can go, Mr. Chairman, for law reform. They cannot come to us for it, they go to this Minister and they are not getting it and I think we have a right to know who those people are that are being failed at this time.

Hon. Mr. Wishart: I do not think I shall undertake to table such a list, but I will see that the members get that information which I said I would give.

Mr. Lewis: On a point of order, Mr. Chairman. I think, as I understand it, the Minister has said two things. At one stage he indicated to the House that the legislation was not before the House, because of the time that had been occupied on other things. At a second stage he indicated that it was on the Cabinet agenda but that certain parts of it had not yet been concluded.

Hon. Mr. Wishart: No, I did not say, "certain parts," I said that consideration of it had not yet been concluded.

Mr. Lewis: Consideration has not yet been concluded which means, then, as I listen to it, that it is the conclusion of consideration by Cabinet, upon which we wait. Now I want to take this further. Am I to assume, Mr. Chairman, that one of them has a difference of opinion in Cabinet? There are those, who, like the Minister of Mines, believe that—

Mr. Reilly: On a point of order, Mr. Chairman, I am intensely interested in The Landlord and Tenant Act and if it is your intention to discuss it at this time I would like to know more of the details about it, but surely this is not properly before us at this time under the estimates.

Mr. Lewis: I think my point of order has to be completed before I yield the floor.

An hon. member: I do not think it is a point of order.

Mr. Lewis: That may be, but it has not been ruled out yet. I would, therefore, like to complete it.

Hon. Mr. Wishart: I indicated to you, Mr. Chairman, a moment ago that I did feel that this was perhaps out of order, and I feel that way, but I did not want to deny any answers to members whose interest and concern is serious.

I would say that one reason for the delay is that while the Minister whose estimates are before the House is engaged with his estimates, he finds it very difficult to give his attention to other matters.

Mr. Singer: Mr. Chairman, let me just conclude this particular phase by saying that, notwithstanding the great pressures that the members of the Opposition bring to bear on the Cabinet, that it would take just a few moments of someone's time to indicate your intention by drafting and handing to the clerk a notice of intention to produce a bill. That would take just two or three minutes and if there are not sufficient facilities in the Attorney General's office I would be glad to draft it myself for the Attorney General if he wants it done.

Hon. Mr. Wishart: The notice will be in good time, Mr. Chairman. I think it requires two days, under the rules of the House.

Mr. Singer: Mr. Chairman, I wanted to deal with another subject now.

I wanted to deal with certain studies and the lack of them, and certainly the lack of decision, in relation to the age of majority. There has been a great deal of discussion about lowering the voting age and that is only one aspect of the whole problem of dealing with the age of majority. There have been various pronouncements about it. There was a committee headed by the hon. member for Kingston and the Islands (Mr. Apps) that

suggested that the voting age be reduced to 19. Presently the select committee on election laws is considering the matter and certainly some of us on that committee believe that a recommendation should be made reducing the voting age to 18.

I think the Premier (Mr. Robarts) said something along these lines not too long ago and certainly there are mumbles along the same line up in Ottawa, but I think the problem is much greater than just determining what the voting age is and I think the time has come that there should be some government opinion on readjusting the whole question of the age of majority.

Hon. J. A. C. Auld (Minister of Tourism and Information): Who was mumbling in Ottawa?

Mr. Singer: A couple of Conservative backbenchers, I think.

Interjections by hon. members.

Mr. Singer: Mr. Chairman, among other things that are of substantial concern are the ability to enter into a contract and the responsibility of parents for a child—should it be 16 or 18; the right to marry; the age at which one can be called on to enter into military service; the driving age; the drinking age; and a whole long list of other things.

I had the privilege, along with some members of this House—and I do not know whether they heard the whole of the remarks of listening to Lord Gardiner, the Lord Chancellor of the United Kingdom, who dwelt briefly on this very problem and had some comments to make about how they were dealing with it in the United Kingdom.

I think the occasion was when the Law Society of Upper Canada was granting the degree of Doctor of Laws *honoris causa* to Lord Gardiner. Somewhere along the line, at some time, I would like to know why the Law Society of Upper Canada should have the right to grant any degree other than that of Barrister at Law. It may be that the Attorney General will have some opinion on that. But I think it gets a little silly when the law society grants degrees of Doctor of Laws to a variety of people who should be honoured. I would think the proper place to have those persons honoured would be in the universities which have a degree-granting history and so on. The law society should grant the degree of Barrister at Law, and that is it.

What he said was this:

> We in the United Kingdom have had a commission sitting for well over two years studying this. They have brought in a report to us, to the government of the United Kingdom, and we are about to act on it and substantially we believe, as a result of their report, that the age of majority right across the board, should be reduced to the age of 18.

In the United Kingdom there is already legislation lowering the voting age for the next general election to the age of 18, but they are going to do it, as I understand his remarks, right across the broad field of contract and all these other things that we were talking about.

He said that in studying these matters, they had brought in teachers and social workers and so on. The general reports that came to their law reform commission and to government were, in the opinion of all these people who should know, that younger people today are being better educated and are better able to cope with the problems of the world at the age of 18 than previously they were. Acting on this general type of recommendation, the government had apparently decided to embark upon this particular kind of reform legislation.

Interestingly enough he told us that they had begun to search—he had asked that a search be made—as to how anyone arrived at the age of 21 as the magic age of majority, and they had an awful job trying to find out how this was done. There was nothing apparently readily available within the libraries of Parliament at Westminster. They had to turn a university professor loose and it took an awful lot of research until eventually they got back to the 12th century to determine where the age of majority had originally come from.

Apparently at that time, when society in the United Kingdom, or in England, became a bit more organized, it became important, first for the landowners to make sure that their contracts with the young serfs were good and they could hold these serfs indentured for an indefinite period. Consequently one age of majority of the sons of serfs was 15. That allowed them to enter into a contract of indenture with the landowners and to be held to work on the farms for an inedefinite period. And then the gradation carried on from there.

Insofar as merchants' sons were concerned, this was slightly variable; they came to the conclusion that the age of majority for a merchant's son was an age when it was determined he could correctly measure an ell of cloth, and that was his age of majority.

Then there was another group in the community, the knights, the landed gentry. Coincidentally, this appeared to be the time in English history when armour was at its heaviest in construction; it had been lighter but got up to this point of being very heavy in construction—in subsequent years it got lighter again. At the time these decisions were being made, armour had reached its heaviest stage in construction—and, for a young man to sit on a horse in the heavy armour and to carry a lance, they came to the conclusion he should be at least 21 and have reached that stage of physical development. That is the great intelligence that lies behind the fixing of the age of majority at 21.

Subsequently, when they came to re-examine all of this, rather than equate everything to the serf's son or the merchant's son, they equated it to the knight's son, and since that time we have had the age of majority fixed at 21. And this is the thing that we hear these great speeches about.

As a matter of fact, I had one here—someone gave me a four-page letter saying, "At 21, people are more responsible and it has always been this way," and so on. But I say this, sir, I think the time has come when we should recognize that the situation has changed, that the time has come when, if people are old enough to get married and start producing families, certainly they are old enough to enter into contracts in their own right. They are old enough, perhaps, to go into a bar and have a drink. They are old enough to do all these other things to which we seem to have attached this magic age of 21—to which we attach this great and undue importance.

So, Mr. Chairman, I would like to know from the Attorney General, first of all, what is the last word from the law reform commission insofar as the age of majority is concerned? And, with or without a last word, does the Attorney General or the government of Ontario have any great views about changing the age and making it more adaptable to the conditions and times in which we live?

Hon. Mr. Wishart: Mr. Chairman, surprising as it may seem, this is one of the projects which our law reform commission has been working on. We have had a research project on the age of majority.

The research assistant on that subject was Mrs. Anna Stephenson, a barrister and solicitor. The research report has been received by the law reform commission, it has been considered by the commission, and it reports to me that it is being prepared for submission to the Attorney General in 1969. So I should have it very, very soon. We have been working on the subject.

Mr. Chairman: On vote 204; the member for Kitchener.

Mr. J. R. Breithaupt (Kitchener): Mr. Chairman, I am wondering if the Attorney General can enlighten me on one area especially with respect to the research in the institutions involved in the administration of justice.

I put this point to him because I believe, under the present situation that we have in Ontario, and especially with respect to Waterloo county, justice is being actively denied to many persons in my county.

The reason I say this, sir, is that on our Supreme Court list for the three weeks commencing September 22, the judges assigned to that assize were able to complete the following items: one rape case; one attempted murder, which eventually became a plea to wounding with intent; and seven uncontested divorce actions.

Now this meant there were some cases put over. The cases were as follows: 18 jury actions, not reached; 190 undefended divorce actions, not reached; and 54 others—motor vehicle, contract, and various other Supreme Court actions. A total, sir, of 262 cases put over. And to that, for the four weeks' sitting commencing November 3, have already been added 36 more divorce actions and 17 other general actions.

I think, sir, that the result of this has been that the trying and resolution of Supreme Court actions, at least in Waterloo county, has bogged down. It has bogged down to the point that phone calls that I receive, either as a solicitor or as the member of the Legislature for Kitchener, are from persons who say, "I have paid my lawyer's fees, I am told"—especially in the undefended divorce situation—"that my case may be heard next year or the year after." If it is a contested divorce action, heaven help you; you are lucky if it is heard in three years. I have three cases of my own put over off several lists.

I realize that this situation is not unique to my county. It simply shows that Waterloo county has grown in size so that it now equates its volume of work with counties such as are represented in Ottawa or London or Hamilton. I put it to you, sir, that so far as research into some of the institutions involved, consideration should be given immediately and may well have been.

I would like to hear the comments of the Attorney General as to the changing of the administration in this area for undefended divorce actions to the burden of the county court. It seems to me that about all a judge is being called upon to do in discussing an undefended divorce action is to sum up a simple equation, "one plus two plus three equals" and the judge writes in the figure "6" and that is the end of the action. Surely the county court can do this just as well. Indeed, I suggest that anyone who has achieved the distinction of a commissioner for oaths could probably do it and come up with the same result.

For contested divorce actions, yes, I think this burden should remain with the Supreme Court judges. But unless some change is made in the study of the change in these institutions and some change further is made in shifting this burden to the level where it can be heard more readily and more quickly, we are delaying justice. And, sir, you well know the maxim, "Justice delayed is justice denied".

I would appreciate having the Attorney General's comments, not only as they affect my county, which is bad enough, but as they affect any proposals he may have to change this burden of jurisdiction so that these undefended divorce actions especially can be cleaned up.

Hon. Mr. Wishart: Mr. Chairman, I am very glad to discuss this matter, which has given us a good deal of concern over some period of time.

I think the hon. member is aware that Mr. McRuer, in his first volume on civil rights, dealt very extensively with how our courts could function more effectively. For some of the faults which we found with the administration of justice in the area of delay and in this area of jurisdiction, he made certain recommendations.

We addressed ourselves to those quite promptly and we asked for and obtained from the judges of the Supreme Court of Ontario their views. We asked for and obtained from the judges of the county court, the county court judges' association, its views. They made their submissions on what they felt might be accomplished.

And then, the hon. member, I am sure, and all members will be interested to know that this year we sent out a task force. It was under the direction of the Deputy Minister, the Deputy Attorney General, the assistant Deputy Ministers. Then, with the addition of Messrs. R. I. Cartwright, E. M. Pollock, S. Macaulay and E. T. Campbell, all of whom are members of our Crown law office, they undertook the preparation of a task force of 20 law students. These were appointed for the summer months to implement a programme for assembling of the information which we required to see how the courts were working—the case loads, the accomplishments of the judges in all the various courts, the time required for cases, type of cases, backlog of cases, the time taken to dispose of certain classes of cases. A very great compendium of information for which we prepared the forms and supplied them to our task force. We sent them out across the whole province, and to every jurisdiction within the province, to assemble this information in order that we might be able to meet and ameliorate and improve the situation which exists.

If I might be permitted, I would like to read into the record the direction I gave. This letter is to the judges dated July 22 this year and it is headed, giving the judge's name:

> Dear Judge —
>
> Re: Administration of Justice.
>
> As you are probably already aware, I have recently appointed a committee of senior officials of my department to conduct a study of the administration of civil and criminal justice in the province in order that they may advise me respecting recommendations for improvement. In order to provide this study with a sound factual basis, the committee has already undertaken a very comprehensive analysis of the activities of the supreme and county courts in both civil and criminal matters. The committee has also prepared a form of information sheet on which pertinent data relating to the provincial courts, criminal division, can be collected, and I enclose herewith copies, together with instructions for completion for the information of yourself and your clerk.

This was primarily directed to the provincial judges.

> As you will observe, the form has been designed to very closely parallel the form of docket presently in use in your court so that portions common to both forms can be completed simultaneously prior to the commencement of the court. Although an attempt has been made to reduce the "in-court" involvement of the clerk in the completion of this form to a bare minimum, we anticipate that some slight delays may be encountered at the initial stages at least.

But I am certain that you will agree that the improvements that may result from these extra efforts will greatly outweigh any temporary inconvenience that may be caused.

Thanking you in advance for your co-operation and assistance, I remain—

That task force has been out working, as I say, into every area of the province.

The information has been received, it has been put on tapes so that it can be fed into the computer, to give us the answers we need to make the reforms we will then see necessary.

I would just now like to make some very brief comments on the information with respect to the county of Waterloo, and I noted the cases which were not heard. I think in the matter of the divorce cases which were held over, I wonder if the hon. member has seen fit to report that to the registrar of the Supreme Court.

Mr. Breithaupt: Well, sir, if I may. I took this information from the court list when I was at the courthouse this morning on other business. I took it from a return which I believe had been submitted to Mr. Gordon Beddis. I might say, sir, Mr. John A. Seamark, our registrar, and Mr. Beddis are more than aware of this. Your deputy, Mr. Dick, has been most kind in hearing me on several occasions as to the specific problem in my county.

I do not know whether it is as serious a problem elsewhere but it would appear to a point that, perhaps because of our hospitality, the more senior judges enjoy coming to the county. As such, since they have that preference and they perhaps prefer to take a little more time on some of their matters, we do not get through our lists as quickly as we might otherwise do.

It appears to be a matter, first of all, of extended lists, but also a matter, which is perhaps common in other of the more quickly growing parts of the province, where a divorce action may not be too important for many cases. If this is the only maintenance source for a wife, and she does not fit into the category which allows a family court order to be made, it is a most important personal problem.

Hon. Mr. Wishart: What I was going to say was that when we learn of these situations, we are able—and have done so in a number of cases—provide special sittings to dispose of particular cases of civil list and divorce cases which are undefended and which can be disposed of in a considerable number in a day by a judge.

The hon. member used a figure, I think, of 54 or 52 motor vehicle accident cases.

Mr. Breithaupt: No. It was simply 54 other cases including motor vehicle, contract, and other general non-jury Supreme Court matters.

Hon. Mr. Wishart: There are, I am sure the hon. member knows, and we have had this matter expressed before in other years, and I am sure it is within his experience—it certainly is within mine, and I think within the experience of most lawyers—a great many cases adjourned which would never come to court, under the best of conditions, even if the judge said: "I am ready to hear them all today". There would still probably be 54 that would go over to the next court.

This was tried by the Chief Justice just a few years ago—two years ago it was, or was it longer? He found a list of some hundreds of cases on his court that were not being heard. He made a peremptory list and said: "I want them here". And a very small percentage only went to trial.

I am not trying to discount or make light of the situation. We can move to correct it. That information which the hon. member has made available—we will now follow that. I think, though, about five per cent of motor vehicle accident cases ever get to trial.

Mr. Breithaupt: I was not particularly worried about these 54 cases because, in a county of a quarter of a million people, this is not a particularly large number. While these may not go to trial, they may be solved in some other fashion. But, of course, the 190 undefended divorce actions must go on trial.

It is a case of saying either: "We will give you more judges for a lengthy period of time, if available". Or it is a case of saying: "That we may consider some changes in the administration of justice and in our institutions which will pass this burden on to the county court in the undefended situation".

Hon. Mr. Wishart: We agree with that. I agree with that. Perhaps you will recall in the estimates last year in the debate in the House, particularly while the estimates were being discussed, there was the suggestion that the county court might take the jurisdiction in divorce.

We felt at that time, in the light of the new divorce law, we might wait a year to

get a body of jurisdiction, and I think we have now reached the stage where we can consider very seriously lifting divorce jurisdiction. It has even been suggested that the family court judges of our provincial court might very well take certain matters of adoption and other matters which are still dealt with by Supreme Court judges.

I think we have had the year's experience. We have had discussions with both benches, the Supreme Court and the county court. We now have got factual information to see the workload that is coming out, collated and in computerized form. So I think we will be able to assure the hon. member that before we discuss these estimates again, certainly we will have some worthwhile improvements to exhibit.

Mr. B. Newman (Windsor-Walkerville): Mr. Chairman, while we are on the same topic, I would like to bring to the attention of the Attorney General the acute situation in my own community as far as Crown attorneys are concerned. There are cases that have been postponed now for well over a year. In fact, I have a report of one that is over two years old that still has not been heard, and the prime reason is the lack of Crown attorneys.

Windsor has only one full-time Crown attorney, one full-time assistant Crown attorney and five part-time assistant Crown attorneys. Unless, Mr. Minister, you come along and provide more full-time Crown attorneys, you are going to have the comment registered in there, that "Justice deferred is justice denied."

Now, the president of the Essex County Bar Association is most critical of your department in its delay in appointing more Crown attorneys.

Mr. Lawlor: Surely this is the next vote.

Mr. B. Newman: It may be the next vote, Mr. Minister, but now that I have gone this far, I would be better off to complete my comments, then I will not take it up later.

He makes mention that quite often a Crown attorney is provided with a dossier on the prosecution just 15 minutes before it is to be heard in court. That, Mr. Chairman, definitely, is not, being fair with the Crown attorney who is being used in the case.

I could make mention of specific cases, but here we have a case that has waited for over a year to come to trial because of congestion in the courts. We have another case over two years—

Hon. Mr. Wishart: Mr. Chairman, I wonder if I could find out; is the hon. member talking about criminal cases? Are they criminal prosecutions?

Mr. B. Newman: I am not a lawyer so I do not know whether it is criminal or otherwise.

Hon. Mr. Wishart: All I can say is if they are criminal prosecutions that relate to Crown attorneys, while I have no objection to answering now I think we should stick to the votes. The next vote is criminal prosecutions.

If it is civil cases that he is talking about, civil matters, many of the remarks I made in reply to the hon. member for Kitchener are applicable. I mean there are many cases—many, many cases. There were 2,400 cases on the county court list for the county of York—on the list for trial. When we offered dates and said they must go on, there were only 600 of the whole 2,400 that were ready to go ahead, or would go ahead. This is standard experience. His Hon. Judge Waisberg attempted to clear this list and that was the situation we found.

Mr. Lawlor: Yes, but that is under the present dispensation.

Hon. Mr. Wishart: All I am saying to the hon. member is that if he is talking about criminal prosecution, and he seems to be relating it to Crown attorneys, I would be glad to talk to him if he will leave it until the next vote.

Mr. B. Newman: The thing is, though, when you have an individual to be brought up in court in February, 1968, and the trial is postponed and eventually it is not brought up, the Crown comes along and asks that it be withdrawn, simply because the key witness has gone out of town, and cannot be waiting around for a whole year. Then the case is dismissed.

Hon. Mr. Wishart: I am going to ask the hon. member—I do not want to leave this—I want the hon. member to give me that case, give me the name of the case, and I will pursue that and see just where the fault lies, because I do not want to leave the impression here—it may be the other side as far as I know. It may be the defence.

Mr. B. Newman: Mr. Chairman, may I then—

Hon. Mr. Wishart: Let me say this. Just give me the case and I will get the facts and then I will at least report to the hon. member, and to the House if necessary.

Mr. B. Newman: Mr. Chairman, may I simply read a small paragraph?

> The trial had been called off at least twice and when the time came to set another trial date Tuesday, the Crown asked that the charge be dropped. The shoplifting charge dated back to February, 1968, and was dropped since a key witness had moved out of town and could not be located.

Hon. Mr. Wishart: Well, what would you do? Keep the man on tenterhooks?

Mr. B. Newman: Does the Minister not think that it should have been held a lot earlier, rather than kept on and on?

Hon. Mr. Wishart: Not if a key witness could not be found. A reasonable time has to be spent or the public would be critical.

Mr. B. Newman: Well, is a reasonable time, one year?

Hon. Mr. Wishart: Let me finish.

If you have a criminal prosecution—if this is what it was—and someone has done what is alleged to be a wrong and is brought before the court, there is a duty and a responsibility upon the Crown to make the best effort to bring that person to justice.

Now if a key witness disappears one does not just say: "Well you can go free." That could become a scandal, that could become a pattern. So some time is taken, the case is remanded, and an effort is made to find the witness.

Apparently this case came up twice over a year, and they still could not find the witness and then the Crown said: "We cannot find our witness, he has disappeared." I think, in fairness to the accused, they say: "We are prepared to drop the case, because how long do you keep this man under the shadow of prosecution?"

You have to have some reason and common sense in these things but you do not dispose of the case on the first round, if you cannot find your witness.

I hope the hon. member will realize that there is a matter of some room for judgment as to the time to be taken before the case is disposed of one way or another.

Mr. B. Newman: Mr. Chairman, here is another case then. I will read the clipping: "Judge Gordon R. Stewart also said that Hill's trial for assaulting a police officer—"

Mr. Chairman: May I just intervene at this moment. It seems to me these discussions are totally out of order. They have nothing to do with law research, law reform. Mention has been made of criminal prosecutions. Surely this would properly come under the next vote.

Mr. B. Newman: I will bring it up again, then. I would have been all through within a half a minute. It matters not to me. It will just repeat.

Mr. Chairman: I think the hon. member should not repeat what has been said. He can bring the matter up and finish it off in the next vote. We want to stick with this one particular vote, vote 204. The hon. member for Lakeshore.

Mr. Lawlor: Mr. Chairman, after three days of errant debate may I wryly comment that I intend to bring it back to the vote.

Looking at the figures—I trust this will expedite our future proceedings—the law reform commission in 1967-68 requisitioned $213,000 and actually spent $188,600. In 1969, it asked for $190,000. Again I would ask whether the Attorney General has in front of him now, or could give it to me later, what is the actual expenditure—because this year the Minister is asking for approximately a ten per cent increase, an 8.7 per cent increase. As a general rule in estimates, they all seem to go up about ten per cent per estimate—the whole department has gone up about that measure.

If the working people in this province got ten per cent advance per annum I suppose you would not have any strikes. But, in any event, whatever the justification, there is $224,000 being asked for this year. Does the Attorney General know what was actually spent in the year ending March 31, 1969?

Hon. Mr. Wishart: Mr. Chairman, my figures show that, under the requirement for the study of the law of evidence, we have an increase from 16.5 to 20 in one item. For the compensation for injuries arising from the exercise of statutory authority, we have nothing in our estimates for 1968-69, and our estimate for this year is $6,000.

In the motor vehicle accident compensation we have nothing for either of the previous two years, that is $6,500. Then there are the

usual increments in salaries, I think that generally accounts for the difference of $34,000, which is mainly for the projects that we are carrying on.

Mr. Lawlor: My question was directed also, Mr. Chairman, not only to the increase over or against the previous year, but what was the actual amount expended in the last fiscal year?

Hon. Mr. Wishart: I am sorry, I do not, as the Minister, keep those figures. I would have to get that from the auditor. But I can get it, and I will get it for the hon. member.

Mr. Lawlor: Thank you very much. Another question.

The hon. member for Downsview has made submissions that the law reform commission should be placed on a permanent status, that is that the members thereof ought to be permanently appointed. For the moment I am simply interested in seeing what the cost of the existing commission, as such, is. That is what are the salaries being paid for various members of the commission?

Hon. Mr. Wishart: I can give the hon. member that, I believe. As to tenure, I would like to point out that perhaps there is merit in what the hon. member for Downsview suggested. My belief is, I think I am right, that these members are appointed at pleasure, and therefore could be changed as the Lieutenant-Governor-in-Council might see fit. I would also mention that since they were appointed in 1964, I believe, they have a fair security of tenure; they have been serving for some five years or thereabouts. But I think perhaps the appointment at pleasure is a good arrangement. You could make an argument for three years; in some commissions they have a staggered arrangement whereby when some experienced members move on after the term, others come in. And this is done in elective bodies as well.

The appointment at pleasure gives the freedom to remove somebody if it is found their services are not measuring up to what is expected or something of that sort. And it enables freedom of action in the composition of the commission. I think perhaps there is some merit in the suggestion that has been made and I would take it under consideration and report it to my colleagues.

But we have had a fair security of tenure since most of the members have been there for five years now. Mr. McRuer was, of course, the chairman originally, and after serving for some two years, in that capacity, he became vice-chairman and a member and retained his membership and this he still retains.

As to the cost of the commission: Mr. Chairman, the chairman of the commission is Mr. Alan Leo formerly of Osgoode Hall. His salary is $24,000. The counsel is Professor Goss. His salary is $21,211 and I believe that is the maximum to which he is entitled under present classification. The secretary of the commission is in the salary range $7,266 to $8,505. There are two research assistants—

Mr. Singer: Is the secretary a lawyer?

Hon. Mr. Wishart: No, that is Miss Chute. I think she is known to the hon. member.

There are two research assistants who are permanently with the commission; their salaries are in the range of $7,592-$9,522 and there are four secretaries, whose salaries are in the range of $5,114 to $6,705. This makes a total staff of nine, including the officials I have named.

Mr. Lawlor: What, Mr. Minister, are the part-time members of the commission paid?

Hon. Mr. Wishart: The part-time members of the commission are paid $6,000 per year.

Mr. Lawlor: I am not taking exception, but I am just pointing out to the House that in the previous public accounts, terminating March 31, 1967, the salary for the chairman at that time was $17,250. In the past couple of years, although it has jumped considerably, he has done a very meritorious piece of work.

Hon. Mr. Wishart: It is up now to its maximum of $24,000. The other four members are paid an annual retainer fee of $6,000 each and those members are the hon. R. A. Bell, QC; W. G. Grey, QC; the hon. J. C. McRuer, LL.D; and W. R. Poole, QC.

Mr. Lawlor: Do any of these individuals, apart from the hon. J. C. McRuer, do other work for the government in any direct way?

Hon. Mr. Wishart: Not that I know of, and I think I can answer no.

Mr. Lawlor: Very well.

If I may make a few remarks under this head, I don't intend to make this a matter of rabid intent. I would think it a mistake at this time in our history to think of enlarging the commission. I find the amount of work that has proceeded out of that commission, with salaries of $4,000 or $6,000 a year for the part-time members, to be something in the form of an inundation, personally.

Trying to survey the work done under the family law alone is a monumental task. I think they have proceeded with due alacrity in a number of fields. And they have a number of things underway at the present time which are pivotal to our future development at law. As long as the commission continues to work at that degree of both acumen and alacrity, I see no reason in the world why we should consider making a permanent stop. Extra cost will be unquestionably involved for people of first-rate merit, perusing and surveying the law. We are squeezing out of them, if I may put it this way, a sufficient volume of work to justify the types of salaries we are paying. More than sufficient. Therefore, so far as I am concerned, I would think it would be a mistake to move into that area.

Hon. Mr. Wishart: I wonder if I could be clear. Is the hon. member dealing with a suggestion that has been made? Did someone put forward that proposal?

Mr. Lawlor: Yes, I understood that the member for Downsview wanted a full-time staff; he wanted full-time people, five permanent members working full-time on law reform.

Hon. Mr. Wishart: Well, I shall reply to that.

Mr. Lawlor: In a few years time, there may be great merit in this contention. At the moment, I suggest there is not. Simply because of the pressure of materal which I personally cannot keep up with.

Mr. Singer: Just because you are a slow reader.

Mr. Lawlor: I am sure the member for Downsview cannot keep up with it either. In the course of this little brief talk, I am going to indicate to you fields in which I think that the other work might be initiated and done, for whatever setup they feel it deserves. There are a number of fields. I have been intimidated by members of this House and the press not to unduly usurp the prerogatives of the members, by saying what we considered to be important things as succinctly as may be.

Mr. Singer: Who intimidates you?

Mr. Lawlor: I shall, under the circumstances cut back through all these estimates for the range and depth and penetration of my remarks, in order to meet certain time tables.

Nevertheless, something must be said as to the continuing work of the law reform commission as it stands, and the work it has just completed. Also, its annual report. Under this head, I would remind the members of the House that the law reform commission of Ontario is rather different from that in Great Britain insofar as it has the power to initiate its own projects. It has taken full advantage of this, and any cutback or any thought that that might be called into question would be a really backward step. As a matter of fact, I am of the opinion that the British are moving the opposite way to free their law reform commission to take up orders of investigation on its own initiative.

With that in mind, there are two areas which have just been completed, called "referred matters". These are matters which have been referred by The Attorney General's Department in the past year. They are: The basis for expropriation, and compensation. I will not say any more. We gave it a very thorough debate, except for this: that the tribunal we set up, as I understand the situation, has not yet been appointed, and that you are still working through the auspices of the municipal board. I would think that is a very questionable situation.

Hon. Mr. Wishart: I would like to speak on that briefly. It is a fact that the land compensation board has not been appointed. I have listed in my file—and I have made my colleagues aware of—a number of persons who might be qualified and whose names are being considered. But, in the light of the fact that The Expropriation Act is getting underway and that it does provide for the Ontario Municipal Board to carry on the work as it did before until the land compensation board is appointed, we have found that the burden of work which has come forward has not overburdened the Ontario Municipal Board.

But I do think we are looking forward to the establishment of that land compensation board, and I have been using the time to survey the possibilities. I think that the hon. member will agree, as Mr. McRuer pointed out, that the chairman of that board should be a very capable person with legal training. He mentioned a salary equivalent to that of a Supreme Court judge. And the vice-chairman, also should be a lawyer of very great capabilities. So these are not easy people to find all of a sudden. I could perhaps go out and start advertising, but that is not the way we approach it. I think we will get to the composition of that board before too long. In the meantime the work is not suffering.

Mr. Lawlor: It is just that Mr. Kennedy, the chairman of the board, in a parliamentary committee, or legislative committee rather, last spring, indicated to us that he felt this was an oncoming burden, which would require the expansion of his department because, particularly with respect to solicitors, they were not prepared for this particular wait.

However, though the Attorney General says that it is not onerous as yet, I would keep a close eye on that situation nevertheless, because it may cut into their legitimate other work.

Hon. Mr. Wishart: I have had conversations with Mr. Kennedy, not too frequently, but he has not indicated to me that he has been overburdened yet, and we certainly will not see him in that situation, because we are practically ready, I think, to move to the composition of the board.

Mr. Lawlor: The other area that has been brought to your attention this afternoon, is The Landlord and Tenant Act. May I just add a footnote to that? While you may have your own reservations on the economic philosophy involved in the institution of tribunals or rental review boards, there is nevertheless, I think you will have to agree with me, a great swathe of law running from eviction—that is from the far end—to the nature of distress. And if you felt, Mr. Attorney General, that the economic implications were outside, or you did not wish to consider them, that it was a substance of law, you could bring in a bill, I suggest, altering the substance of law, leaving these other matters to one side for the time being. In any event, I will not thrash at you on this score. You are going to bring it in in a capsule form now, and I would anticipate, before this legislative session ends that alleviation would be granted to the people—or as my colleagues point out, to but one third of the people of the province. One way or another it is invidious. It does not matter in their income bracket—incidentally, you know that well too —just how bereft of rights tenants are.

The projects initiated by the commission, on its own hook, were seven in number—actually eight, because they completed one of them—and that is the age of majority in the report, which is a very thorough report.

The first one is the limitation of actions, and there they say that the law was a jungle of archaisms of all kinds, that no one could interpret the statute on the nice points as to just what category a particular case would fall in, when the rights to sue or to take proceedings under that aspect of law ran out. Therefore they have given it a very thorough review, and I would hope that legislation would be forthcoming. I feel that I can personally abide the coming into being of legislation—even to begin to outline it, although I have numerous notes, as to how they have broken it down, into the various categories with far greater rationality than is yet obtained.

I will jump over The Sandwich-Windsor Railway Act; The Divorce Act under (c) 187 has been completed and that is the area where some recommendations were forthcoming about the county court judges acting in divorce proceedings, and a redivision of the courts. I would think that would be in the works for this Legislature to begin dealing with in the following session of this Parliament, and would press you in this regard because of the load that is in the backlogs and the pile-ups, the log-jams, that are occurring in our courts as has been indicated by my friend from Kitchener.

By the way, arising out of that particular conversation, is this condition pervasive throughout the province? I mean, are there many centres where the same conditions prevail as he indicated for his bailiwick?

Hon. Mr. Wishart: We have noticed an increase of divorce cases generally in all large cities. But these are cases which can be disposed of.

Mr. Lawlor: But not a pile-up of criminal cases?

Hon. Mr. Wishart: No. There is not a great backlog in other types of cases. Now the divorce cases can be quickly disposed of. We can address ourselves to that—if the situation becomes such that we should move.

Mr. Lawlor: Mr. Chairman, what is the Attorney General's proposal? What has he in mind arising out of The Uniform Wills Act? The review of the law in this regard ranges —much as some members of this Legislature, who incidentally are lawyers, hate the use of technical terms, I do not know any way of avoiding it—lapse to redemption?

Hon. Mr. Wishart: Well, Mr. Chairman, I tabled The Uniform Wills Act, which was a report of the Ontario Law Reform Commission, in the hope that we would get some comment and some material on it. I have not heard anything from my colleagues in the Legislature, including the hon. member who just sat down. But we have got very little, I may say, from the bar outside, or from the

public or anyone; there seems to be little interest.

What comment I have I think I would say would be generally favourable to the report. But there has been very little feedback after the tabling of that report in this Legislature.

Mr. Lawlor: Well, the next item one could take a good deal of time on, is privacy. I would not dream of taking a few minutes of the House in order to outline the perceptive remarks made by Ryan on privacy that would pass—

Hon. Mr. Wishart: I thought the hon. member dealt with that at great length.

Mr. Lawlor: My sarcasm is going right by the hon. Minister. Really. However, the member for Peel South (Mr. Kennedy) has introduced a private bill on privacy, and we will deal with it a bit more at that particular time. But it is a subject of consuming interest which has not even begun to be turned up to the surface.

The Insurance Act and the rights of commutation thereunder is such a highly technical subject and when we see the bill we will deal with it at that time. But another area which your law reform commission has gone into is the sale of new houses and the doctrine of *caveat emptor*, which simply means let the buyer beware. Wisely, I thought, the law reform commission restricted itself to new houses, although the law again was touching on landlord and tenant in the letting of rooms, except those rooms which are furnished, and in the area of selling older houses. The law is a relic of barbarism all the way through it; the landlord or the owners have no responsibility for the repair, for the maintenance, and may not even have to warn of defects of which they are aware—much less hidden defects—and make this the responsibility of anybody moving into these dwellings.

Certainly lawyers searching titles have no way to say whether the boll-weevils have got into the lower planking; or whether even when an owner pawning his wares in the market does not—although thoroughly aware of defective conditions of his furnace or something—make disclosure. We are going to have to move into this in modern conditions; we can no longer hold sacrosanct the right of property to the extent that it is presently embodied in the laws of this province.

As I say, the only other matter that was dealt with and brought to a head under these terms was the business of the age of majority.

This age, set almost all along the line as the crucial time in which everything from contractual rights to the capacity of the whole property, to the making of wills, to—not the right to vote, they can cover that particular area—was 18. With modern conditions I think 18 is sensible. I would ask the Attorney General to seize this rather mootish bull by the horns. It is a question of high discretion this sort of thing, but you know the problems that lawyers constantly run into surrounding this age of majority where some contracts may be repudiated, but are in effect until they are repudiated. There are other forms of contracts having to do with necessaries, and there are problems nowadays.

Does a kid buying a Jaguar buy a necessity? In certain circumstances he does. What is necessary any more? With all the money that is rolling around in some cases, it is difficult to determine what are the needs of these people. Some of them are out working, earning good salaries, etc., and they still can call for recission of contracts which they have legitimately entered into, but which may be outside the law as presently stated.

With the proposed changes incorporated, a great many of these problems would be obviated. They would also obviate the business of consents of all kinds, or at least these would be rationalized for purposes of marriage and the role of the parent in this regard. And so would the business of enticement—of course we are getting to criminal law now, over which you do not have such control. But in any event, this is an area where I would like to see the law change rather rapidly, to bring it into harmony with current conditions.

There are six projects in process. Let us come first to the family law one, that munificent pile of books and plethora of paper that one goes through. I said some rather unkind things last year about some of the areas to be covered, particularly in its comparative law volumes. They are almost anthropological in intent. I can see Ruth Benedict behind the scenes and saying, "What is the law of marriage rights" in some place like the Travian islands.

This is the kind of esoteric research and virtual irrelevancy that creeps into this report. And then I wonder, too, as to the technical orientations some area of that report has taken. I spoke of them last year. The way they set up the husband-wife unit and the possibilities of both the division of spoils prior to coming into the marriage; the division at the time of the break-up of the marriage, either by separation, divorce or death, and

trying to work out some Einsteinian mathematical formula, which I do not think has been latched onto in the profession. I think they think that is an academic caprice and that the boys up at the hall, at the ivy, are gyrating to their own music, but it is a tune that nobody else has been hearing, and I would ask that in that particular area—I suppose that in the 13 volumes it has reached surcease—I would hope that the review of that work by the law reform commission would be far more concrete and directed to the real problems in the family law area.

In all those bargains, you know, I do not see a great deal being said about the role of the official guardian, as to what his function, purpose or what not, might be. It is my feeling in this particular regard that in uncontested divorce actions, or anywhere where children are involved, that the children must have an advocate in court, specifically representing the interests of those children, quite apart from the squabbling husband and wife. The judge is supposed to perform that function but he is caught between the fires of invective, and he can hardly sit upright on his bench, because the fuming grows so heated. Therefore, who is looking after the children, who does make the fundamental investigations?

I am of the opinion that the present situation is fairly routine that is submitted to the official guardian of this province; in the divorce proceedings where he knows that children are involved, there appears to be no particular problem if the children are allocated either to one parent or the other and proper maintenance is provided. But he does not go out of his way, really, to look into the issue very deeply and the chief victims of the divorce, or any other action, are the children, initially and throughout; and they are not given the surrounding conditions, the protection that is necessary for their interests and future life. I would ask that the Attorney General take the role of the official guardian more deeply into consideration.

I know it is going to cost more money, but your cost of money in terms of juvenile delinquency and wrecked lives and neurotic kids is equally as great, or greater than what is coming about at the present time.

The law-of-property project seems to go on—I do not know whether it is apace. Not too much is actually emanating from that source. I will be recommending under this head—I suspect it is under this head, and I think there is something in the wind on it—that some activity take place, actually. In the law of trust, as it is operative in Ontario, substantial areas of that law have been ruled out.

I do not think we deal with the estates tail type of thing that is involved in the British law of trust; nor do I think they any longer do. But there are wide areas of trust that uses upon uses, and springing and shifting uses, and various types of trust of this kind to deal with executory and future interest, which could easily undergo severe scrutiny and review. Not only to simplify the law, but to again root out and slough off all those archaisms which are presented and of which we lawyers are so proud.

If you were to throw a springing use at a judge some afternoon, you know, he is liable to reel back on his haunches. He has not seen such a springing use for a long time. So, in that particular area, there is a lot of work to be done.

I mentioned the age of majority, which has not been completed. Then there is the work that is going on with the law of evidence, particularly with respect to the use of certificates of conviction to be used in civil and other criminal matters.

I would like to know, really, where is this particular work with regard to the law of evidence. I would think it would extend a good deal further, you know. This would be a true statement—for administrative tribunals—and in the numerous bills coming forward now, the obviation is the getting rid of the hearsay rule.

This hearsay rule, as you well know, in court operates as a two-edged sword. It curbs and restricts the court in its investigation into the truth of an incident as much as it protects. And while it has grown up under certain conditions where people were not as well informed or meticulous as they are these days, then the rule should be subject to severe scrutiny—as much of the law of evidence should.

Could the Attorney General indicate to me, Mr. Chairman, what work is presently going forward in this field?

Hon. Mr. Wishart: All I can say, Mr. Chairman, is that this project is going forward, and they are working steadily at it. My notes indicate research proceeded in this project steadily in the year 1968-69. It is anticipated it will become a joint venture with the federal administration in 1969-70. So I would imagine—I am quite confident, in fact—that the points which the hon. member has raised will be studied. No study of this

nature would be complete without recommendation on these very points.

I do not want to raise or lengthen the discussion, but I was interested in the hon. member's remarks about the protection of children and that they should have some advocate in court, more effective than we have now, particularly in divorce matters. I think this is certainly something to think about. But we have the official guardian who must be notified, and who makes an investigation—the children's aid society, usually—and makes representation as he sees fit. The judge, it seems to me in my own experience, is always very careful.

This is one of the things I have concern about in shifting divorce jurisdiction. The judge has always been very concerned about the welfare of the children—who has custody, what rights of access, what arrangements are to be made for their maintenance and so on. I would like to see something more firm and more certain, but the hon. member suggests that you take it away from the official guardian. I am not sure that some young lawyer going in from the community would do a better job. He said he would activate the official guardian, being more concerned. I like the thought but I was thinking, how do I do it?

I do not want to get into a long discussion of ideas, but I would be glad to talk to the hon. member about this some time.

Mr. Lawlor: I have not thought this through either. All I know is that some of the profession claim, and my experience is, that children are adequately protected.

The difficulty is, you see, the official guardian gives a written report to the judge, which he peruses, but he does not necessarily appear in the court room. Most cases will go through with fair ease.

On the other hand, right in that court and as the thing develops, and so on, the clash between husband and wife grows splenetic. The children's whole futures are deeply involved. I would think that the one way you might work it out, if either one or the other of the lawyers acting in the case felt that in any way the children's interests were likely to come into question in a way that would detrimentally affect them, he might inform the official guardian and ask him to have someone in attendance specifically in this regard.

The kind of reports that come through from the children's aid—they do their best, but by no means can the subterranean depths of a quarrel between a husband and wife which fuses up sometimes in a court room, much to the hurt of the children, cannot be given sufficient cognizance in the way it is being done at the moment.

Anyhow, I think that quite a number of lawyers are working on it and some of the people connected with the family law project from the Ontario Bar Association are deeply concerned in this matter. Some way or other, I think we should get into consultation with them and get their thoughts in this regard as to what role the official guardian might be thought to play that would be more effective than is presently the case.

The other area in which work is going on is in innocent misrepresentation of the law of contracts—all to the good. I shall come back to that in just a minute.

The compensation for injuries arising out of the exercise of statutory authority. This is the next big step I would suspect that the law will evolve to, or which the Attorney General may latch on to. I mean, he has moved into the area for the compensation of victims of crimes. Now there is this area for the compensation for injuries arising out of exercise of a statutory authority. That is one branch and a corollary to the already established principle.

I shall go on to suggest, and I may as well anticipate myself, that an area in which the law reform commission could very well be involved is the whole area of "good Samaritan" legislation. Their business, which strikes the new law student or the man in the street as one of the more horrendous aspects of our law, is the callousness with which it regards those who assist others. Not just in cases of crime, but, for example, if a man walks by a waterway, and if someone is drowning and he can swim, he is under no obligation whatsoever to effect a rescue.

If we are going to become more humane, we must remedy that failure of law to make him in some way punishable in not going to the aid of the victim or someone who is in grave danger of losing his life or suffering grave personal injuries. I think it is a hiatus in the law and it is a callous piece of business. At least, it should be placed under study by the law reform commission, and I would ask the Attorney General to take that under advisement.

The last area is compensation for victims of motor vehicle accidents which is, as I understand it, is fairly well under way. This

particular item we will abide the next law commission report to see; I will go and interrogate it to a greater extent than at the present time.

I would like to finish by 5.00 o'clock so I will just run over briefly the nostrums emanating from law which I think should be done by the law reform commission as part of their work in the future. They may take it over to see if there is any merit in it.

I would like a review of the law of uniform contract, that is the standardized contract form which at the initiation of my speech I indicated was the ongoing direction of the law. I would refer to Professor Freedman's work on the change of the social structure in Great Britain, which is equally applicable here, touching contracts of adhesion. See what goes on with respect to both evidence and as to the binding power of these contracts, and as to the niceties about them.

Another area, I just mentioned is the "good Samaritan" legislation. I would like to see—and no doubt they are doing it under the property law, although it is not indicated in the report—the area of law touching invitees, licensees and trespassers. That is a quagmire of legal niceties and on occasion loopholes for those who cannot fit into a slot. This area of property law as to injury to such people by negligence or otherwise and the various degrees and kinds of fault arising out of treatment of these categories could be reviewed at least, given an opinion, an updated opinion, as to their validity. Their effectiveness in contemporary life could be presented.

The whole doctrine of consideration on surprise—that is an old chestnut, consideration—might in terms of a review of the law of contract, be given some consideration.

I would ask the law reform commission to think about working over the area of tax, all the tax legislation of the province, so that you can take a look at the bushes and brambles they have erected there, with an eye to clearing that out and to designing language and clarity so that people will know what taxes are in effect and in force and which are not. That is an area of law which invariably leads to entanglement. I think it is done of deliberation, because you can catch somebody to pay a tax if the language is sufficiently obtuse, vague or inaccurate or the paragraph is sufficiently long.

The seventh area in which I think work might be done is the area of the pruning out and the revision of the municipal law of the province. It seems to me that when you look at The Municipal Act, the accretions—the barnacles and the various forms of dead sea life that accumulate around the municipal law of the province—that a good deal of work and recommendations towards its improvement could be very well forthcoming.

The area of quasi contract and unjust enrichment, a most rich and virtuous area in our present law, which is of fairly recent vintage, particularly the unjust enrichment. That again could be brought under the contract bit.

Mr. Singer: With all that programme, you need ten full-time commissioners.

Mr. Lawlor: Now that they have finished the family law, they can go to work.

Finally, the law of trust, which I mentioned previously, I consider to be a particularly tangled area which, for the purposes of being able to free our minds for more important things, could be hung up.

Hon. Mr. Wishart: Mr. Chairman, I notice the hon. member looking up at the clock and I thought he was looking up to determine whether he could leave a moment for the passing of this vote, but I find him looking up to see how much longer he could have to talk.

Mr. Chairman: Is vote 204 agreed?

Mr. J. Renwick: Mr. Chairman, I have some very brief remarks that I would like to make at 8 o'clock, if that makes sense.

Hon. R. S. Welch (Provincial Secretary) moves that the committee of supply rise and report certain resolutions and ask for leave to sit again.

Motion agreed to.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report certain resolutions and asks for leave to sit again.

Report agreed to.

The House resumed, Mr. Speaker in the chair.

NOTICE OF MOTION No. 38

Clerk of the House: Notice of motion No. 38, by Mr. Kennedy.

RESOLUTION: That all statutes of the province permitting the government or its agencies or private persons to enter upon private property, be made uniform.

Mr. R. D. Kennedy (Peel South): I move, seconded by Mr. Hodgson, resolution No. 38 standing in my name which has just been read. Mr. Speaker, The Conservation Authorities Act, 1968 permits, for the purposes of accomplishing its object—

Mr. R. Gisborn (Hamilton East): Mr. Speaker, on a point of order. Are we dealing with the bill that was agreed upon last week between the Whips as being the one on the docket for today's private members' hour?

Mr. Speaker: On the point of order, my notice says resolution No. 38, Mr. Kennedy, and I have a list of speakers.

Hon. R. S. Welch (Provincial Secretary): The member for Lakeshore (Mr. Lawlor) is on the list—

Mr. Speaker: The hon. member may continue.

Mr. Kennedy: This Act permits, for the purposes of accomplishing its object, an authority, for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits, as the authority deems necessary. There are no conditions of entry, no restoration terms provided for, or damage liability. And there are some 30 conservation authorities in Ontario, as I understand it.

The city of Ottawa brought forward private Bill Pr 1. This 1968 bill was rejected. They asked for a rental reference board. This board was to have unconditional powers of entry, no identification, could come any time, day or night, presumably to any premises.

Mr. Speaker, at the outset I would emphasize that this resolution is not intended to wander into the very large and complex field of personal privacy, but I will state though that it was through an examination of some of these right of entry clauses, that led me to the moving of the personal privacy bill, 207. But this resolution is intended to isolate for examination, one area of the problem, the right of entry to private property. Under the statutes of Ontario it is by a multitude of inspectors and agencies. And I would further, a little later, like to make reference to this as it applies to municipal measures. And finally I have a recommendation that I would like to introduce to the House.

A few of the Ontario Act are as follows: The Surveys Act, the aforementioned Conservation Act, The Energy Act, The Planning Act, The Pesticides Act, The Public Health Act, The Fire Marshal's Act, The Mining Act, The Day Nurseries Act and I suppose there are many others—I did not examine every statute the province has, that involves entry.

The difficulty in dealing with them, Mr. Speaker, as I see it, is twofold. First, the subject matter and purpose of the various Acts is widely divergent. They deal with everything from child welfare to land surveying and even moving earth. This naturally makes uniformity in entry rights, a difficult thing to enact. The second problem arises from the lack of case law in the area. I was not able to find one case reported which dealt with any of the Ontario Acts in question, so, if there have been difficulties in the administration of the Act, they do not appear to have reached the courtrooms.

In effect, Mr. Speaker, there is little detailed information concerning the practical application of the statutes. I would like to think that possibly this is a great testimonial to the high calibre of those persons or agencies responsible in the exercise of their powers.

I do not think anyone questions the good intention of government or its officials—maybe the Opposition does, but I think publicly it is accepted that the government wants to do the right thing by the people. Nevertheless, it is wise to guard against any possible abuses which might take place.

I would like to quote the American jurist, Mr. Justice Brandeis, and I believe he included this in the Ryan report. Anyway, he summarized the situation I think, quite nicely. It was the case of Olmstead vs. The U.S. in the United States supreme court:

> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men, born to freedom, are naturally alert to repeal invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

While the judge made this statement in relation to the issue of wire-tapping particularly, I think it is relevant to all fields of government activity.

I checked McRuer and I could not find any direct reference to "right of entry". He did say that it is recognized that procedural safeguards are essential to insure the fair exercise of statutory powers, but he does make reference to searches for criminal actions and this sort of thing.

I mentioned there may not be any court cases with respect to Ontario law, but I know of a couple of inspectors, Mr. Speaker—I do not know whether they were behind in their work, but they had to go and visit a home and inspect it for the purpose of a mortgage draw. They knocked on the door of this home at 9:00 o'clock on a Sunday morning; in fact, I am not sure they even knocked. They went in and did their inspection, much to the inconvenience and embarrassment of the family, but when money is involved, specifically, this mortgage draw, the family was not about to bar them entry so they endured the intrusion into their home and everything ended well. I think, however, it was, at least, a little presumptious and officious for them to do this.

Someone told me, possibly a month ago, of an open line radio programme about people who phoned in and they were quite upset over a municipal official who had intruded into their home for inspection purposes under some local bylaw.

These things do not get into the court, but people are annoyed and upset, but how do you sue and get a lawyer, or legal people who would know of this, it is not just anything that comes before the courts.

In the U.S. they did have a couple of cases that are rather interesting. There was one, Camara vs. San Francisco and another was See vs. City of Seattle, and this had to do with refusing local inspectors the right to go in and inspect the standards of buildings. This went to the Supreme Court and they ruled that, in cases of refusal of entry, it would be necessary for these jurisdictions to obtain warrants. But I want to return for a minute to the Ontario statutes.

In some of our laws these rights of entry, I would say, are excellent. I do not know how they can be improved. Some are not too bad, and others should be improved, through amendment.

I was not able, as I say, to analyze them all, but I drew these nine or ten, as I stated earlier, and I did single out The Conservation Act. It said that they can just go in and sink test holes and trial pits.

I do not know what a trial pit is, how big it is, whether it is as big as this Chamber, or just a shovelful of earth, or what, but there is no condition of restoration or allowance for damage. There is no condition that the parties involved should approach the people and say that they are going to do this.

There is no identification, no reference to coming at reasonable hours. I think most government people do come at reasonable hours. Perhaps the 37½-hour week is enjoyed by some of our work force!

But what does the aggrieved party do? Again, it is a difficult thing to do, and I think if the state causes inconvenience and damage, the state should, and it probably would, pay appropriate compensation. But why not recite this and recognize this in the Act? I think as it stands, with the full force of the law, there could be quite a flagrant invasion of the right of entry.

Now The Pesticides Act. This says an inspector may enter and inspect any premises and vehicle and take samples of substances used for extermination, soil or water, or food for man or animal. It further relates that no person shall obstruct or delay him in the exercise of his powers or in the performance of his duties. Though we reason it is in the public interest that he should be free to carry out his duties, I do not see why this section could not spell out, so that the people would know, proper identification and reasonable hours. Here an emergency could develop, and this should be stated—that, in an emergency, they have powers beyond the reasonable hours if some urgency arises.

The Surveys Act permits a surveyor to go on land under no conditions whatsoever. It does state that if he goes in a building, or damages a building he is responsible to restore the damages. This is not too bad, but, again, maybe the surveyor delegates some individual to do his duties, and this gives him the power as well to go in.

I will not mention The Fire Marshal's Act, and I do not intend a pun to say that if a fireman came in your door he would be warmly welcomed. There would be no ceremony here. But what the fire marshal's office does, of course, is inspect buildings, and they have a pretty good clause in my view that states "will identify themselves" and so on.

Now if I have thrown a few criticisms for some departments having inadequate clauses, I think a bouquet would have to go to The Department of Social and Family Services, and I quote theirs:

> The Minister may designate any employee of The Department of Social and Family Services as a provincial supervisor, who may, at all reasonable times and upon producing proper identification, enter any day nursery, or any premises that he on reasonable and probable grounds believes is being used as a day nursery, and inspect the facilities and the books, enrolment records and other records.

This to me seems a very reasonable approach if we are going to conduct these duties which are in the public interests and must be carried out.

The Planning Act is a pretty good one. Section 30 again called for reasonable hours and proper identification.

Possibly The Planning Act could have added to it, I digress to say The Planning Act permits bylaws to be enacted by any municipality, maybe this should include the need for a warrant if an inspector is refused entry. I do not know whether you would get any call for warrants. Why not put it in? It could slightly reinforce the concept—I do not know if it is still believed by many people, it is historical anyway—your home is your castle.

I mentioned the city of Ottawa where this bill that was rejected did not come into law. They had unconditional rights of entry. But the fact that it is written in there, I think is cause to alert us to an awareness of this problem, Mr. Speaker.

The other thing, of course, is persons masquerading as inspectors and so on, and gaining unlawful entry for illegal purposes. I do not know what you can do about this if they are adequately disguised, and obviously this can happen. Perhaps the public should know that these people are identified and should demand identification in their own self interest. Most Acts should recite reasonable hours, depending on the circumstances.

From what I have said there is a need for review. I think it is demonstrated and I suggest this recommendation—that a committee representing various departments be set up under the Attorney General to examine this problem with a view to ensuring the adequacy of the right of entry provisions on the one hand, and welfare of the individual on the other, creating as much standardization as possible under the many and varied purposes for which entry is needed.

There are other ways this might be handled. Each department could re-examine their rights of entry clauses, and perhaps improve them where necessary, but maybe it is because they are all doing this individually that we have the problem. I do not know about the practicality of an entirely new Act—that is, a blanket one that tries to touch all the bases, but I think the former, the original suggestion is the best.

These findings, any recommendations that we came up with, could be made available to municipalities, and I am not suggesting that we say this must be, but I know that they have problems. I know one municipality where they have no right of entry; their bylaw on this is silent, there is nothing. It is a reasonable statement that the rights of entry clauses are a bit incomplete and there are imperfections, and they should be tidied up. Is it one of these imperceptible erosions of human rights that take place so slowly that we hardly notice them?

Mr. Speaker, we should ensure the public interest but the statutes could be, a little less state-oriented, and more people-oriented.

Mr. Speaker: The hon. member for Dovercourt.

Mr. D. M. De Monte (Dovercourt): Mr. Speaker, when I looked at this resolution it came to my mind that instead of concentrating on making the right of entry uniform, I thought perhaps that I should discuss the fact that every right of free entry is an infringement and a shrinking of the private rights and the rights to privacy of the citizens of this province.

There is no doubt, Mr. Speaker, that the rights of entry set out in most of the statutes —and there are a multitude of statutes in this province that give police, public authorities, air pollution control officers, child welfare officers, and a multitude of other persons, the right to enter upon a person's premises for the purposes of inspection and for other purposes. There is no doubt that this right of re-entry should be made uniform. But let us never forget that every time we give someone the right of entry, we are shrinking the right of the citizens of Ontario. This is a further shrinking of the human right, the right to privacy.

We have had a great discussion both in this Chamber and outside, and particularly in the chamber at Ottawa, about the right of a person to be protected against eavesdropping.

I think the right of entry is a further one that must be protected, and I suggest that the right of entry, when we put it into a statute, should be jealously guarded. After all, the right of a person to prevent people coming on his private property is an extension of his right to privacy.

It is also interesting to note, Mr. Speaker, that down in the United States, the right of private property, and the right of a citizen to prevent any body from entering his land is guarded by the Constitution.

Our rights have been given to us by the common law of England, but in the United States that right has been enshrined in the Constitution. Any evidence taken on an illegal entry is not even admissible in the courts of law in the United States—that is how jealously the United States guards the privacy and the right to privacy of a citizen.

We, in this Chamber, have given the right of entry to almost any person that requested it. We seem to give it as a matter of course.

I do not think, Mr. Speaker, that we should be so readily willing to give this right. We give it without really any definition. We have to insist on knowing what the person does, to whom we give the right of entry. We do not even, in some Acts, require that that person identify himself. We do not even set down, really, in some Acts, why he has the right to go on private property.

I read from The Ontario Water Resources Commission Act, section 18, subsection 1, and it says:

> The commission and its employees and agents may at any time for its purposes without consent and without compensation enter into the lands or buildings of the province or any municipality or of any person for the purposes of making surveys, examinations, investigations and such.

I feel with the greatest of respect, Mr. Speaker, that that right of entry without compensation and to go in at any time, day or night, is just definitely too wide a power. I agree that this power should not only be made uniform in all the Acts, we should set out the question of identification. We should set out when he can go on, that he should give reasonable notice before going on, and we should set out that there at least should be prior notice.

A man can walk on somebody's land under this Act at three in the morning, and the landowner has no recourse whatsoever if he destroys his fences, if he digs a big hole and destroys the crops, he has no right to compensation.

For these reasons, Mr. Speaker, I would suggest that the law in connection with the right of entry be made uniform, but also that we guard the right of entry very jealously. It is definitely an invasion of a person's private rights.

Mr. P. D. Lawlor (Lakeshore): Mr. Speaker, as you may have gathered from the consternation in these quarters, we had anticipated a rather different subject matter for the private members' hour. In other words, the member for Peel South is much too active a member. He has too much on the order paper. He has Bill 207, a private Act touching on problems of privacy. I thought, standing up on this occasion and at the drop of a hat, so to speak, without any preparation, I would go on and talk about privacy anyhow. Then he could get his Bill 207 over along with his Resolution 38. However, that may not meet with your complete approval.

I think there is little question—while I cannot document the situation in private bills committee, and again in the legal bills—that there has appeared on numerous occasions, particularly I think with municipalities, that they have given unto themselves rights of the invasion of property and of privacy that are extremely arbitrary in extent.

In other words, the inspector, or the searcher, or the one who is going to make seizure of articles is permitted to appear practically any time if he should so choose in order to carry out these tasks, regardless of the rights of the individual inhabiting the property.

These powers have extended themselves, have become even somewhat grotesque—as in the case of the Ontario water resources commission and the conservation authority—without time limitations. I remember that we had on occasion to alter bills which did not make provision that, in the normal course of events, between sunset and sunrise, a person ought to be left alone. That is the old nostrum of the British common law. But with the coming of the electric light, apparently they think that they can come in at two o'clock in the morning.

This is true of the court procedures and process serving too. Perhaps with a little more justification than in the ordinary course of inspectors' duties—because process servers of the courts are often trying to catch people who are evading servers. But in the circumstances connected with the inspection of a wide range of civil matters from paltry, I suppose, to the pounds—in that sort of circumstance, or as a condition of building, or health condition—these things can be done perfectly well. The condition will not alter because it happens to be broad daylight. But that the hours are reasonable in which the inspections are carried out. But our law is again without uniformity in this regard, incoherent, inconsistent. How it should have built up a body of jurisprudence where fundamental human rights—particularly under a

Tory administration, which prides itself on the protection, particularly of property rights—passes my understanding. But there it is.

McRuer has documented it at length, particularly with respect to searches and seizures. And the whole area of property rights will have to be legitimatized, straightened out, given uniformity too. I would think that it would be the task of this House to urge on the government—particularly when you have members of the government themselves who see fit, and who commendably see fit, to bring before this House this very problem of the failure to provide for adequate and reasonable times for governmental and bureaucratic officials to carry out their duties with respect to inspections on the general public—to land in on them at 11 o'clock at night, or very early in the morning because they have the plenary right. They are not restricted at least within the statute that they deal, and to impose themselves to cause inconvenience, and not only that, but to disrupt civil liberties in the process, and the rights of privacy is an onerous thing which we should take very great care not to let happen. And every time we encounter it in legislation as it goes through this House, we should rectify that condition and I would trust that we would get the vote for the member for Peel South, when a Minister arbitrarily dismisses this sort of campaign.

Mr. Speaker: The hon. member whose name appears on my list is not present in these Chambers. Is there another hon member—

Mr. W. Hodgson (York North): Mr. Speaker, I would like to add support to the resolution of the hon. member for Peel South and, of course, to the many departments in his resolution which deal with the right to entry and how they are dealt with. But I would like to refer briefly to The Highway Improvement Act which he failed to deal with.

In chapter 45, section 30 which alludes to erection of snow fence, it gives The Department of Highways all rights of entry onto the property to erect a snow fence. A little further down, in chapter 11, it says that you can collect compensation. But, I would like to allude to my experience, when I served as the reeve of the township of King in the Holland Marsh area.

They have an organism that works in the soil there by the name of nematodes and it was several years before it could be proved whether highway snow fences can be directly responsible for loss of crops in that area. But we do know, that where the snow fence is erected, and it is erected from this time of the year on, that no frost enters the ground where the snow piles up and this adds to the aggravation of this organism. There is many a farmer in the Holland Marsh area who cannot grow carrots in that particular land where snow fence is erected and it is erected along long stretches because it is very level land and therefore it is necessary that they go the whole length of the farm.

Farmers are suffering to a great extent because they cannot grow a particular crop wherever the snow fence is erected. It is very hard for them to prove that it is the snow fence that is the direct cause and there was one case and it ended up in court, with nobody getting anything. So as far as the right to get compensation, there is no right to compensation unless you can prove it—and that is a very hard mission. Another area where I get a lot of complaints on the snow fence, is along Highway 400.

The Department of Highways erect their fence. In the first place, when the highway right of way is bought from the farmers it is fenced, and the fence is given to the farmers. But the snow fence in a great many cases is also erected upon the right of way fence and you could imagine the wind lashing backwards and forwards, through the years, deteriorates the fence to the extent that quite often it breaks down, unknown to the farmer, and in the summer time, the cattle get out on the road and he is responsible if accidents happen.

It also says in that particular Highway Improvement Act that if you touch this fence or molest it in any way, there is a fine up to $50. I think this is another section that our Minister of Highways (Mr. Gomme) might look into and I wish he was here this afternoon to hear that because as I say, I have had many complaints.

Then in chapter 171, section 4, "The Power to Enter," gives very broad powers.

> The Minister or any person authorized by him may, without the consent of the owner, (a) enter upon land and use any land (b) alter in any manner, any nature, or artificial feature of any land, (c) construct and use roads onto or from any land, or, (d) place upon, or remove from any land, any shrubs or structure.

That is a pretty board clause, and I think that it should be drawn to the attention of the Minister of Highways and there should

be a little leeway there for the owner of the land to be able to negotiate, at least, with those authorities and the Minister of Highways before the right of entry can be taken over in such broad terms.

Another thing that has been a beef with me for a good many years, is the right for expropriation. Not all bodies use this as far as road building is concerned, but there are several municipal bodies, county bodies, that expropriate the lands which they are going to use first and then send notice to the owner that their land is being expropriated and then negotiate later.

I think every effort should be made upon the body acquiring the right of way—and I mean every effort—to negotiate prior to expropriation.

Mr. Speaker, these are a few of the things that I would like to bring to the attention of the Legislature that could be looked after and may be improved. Thank you very much.

Mr. Speaker: There is considerable time remaining. Does any other hon. member wish to participate in the discussion on this resolution? If not, perhaps the hon. acting House leader or the House leader will call the next order of business.

Hon. A. F. Lawrence (Minister of Mines): Mr. Speaker, we go back to the 26th order.

Clerk of the House: The 26th order, House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE
(continued)

On vote 204:

Mr. Chairman: Could we have some guidance? Should we carry on with the estimates for a few more moments?

Hon. A. F. Lawrence (Minister of Mines): the difficulty, I think, Mr. Chairman, was that the member for Riverdale (Mr. J. Renwick) indicated he had some items that he wanted to go on with at 8.00 o'clock.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, he regrets he had to go to a dinner date, but he would like to get in on this matter. I suppose I can start off.

Hon. A. F. Lawrence: Was there any other member who wanted to speak, Mr. Chairman, on this particular vote? If not, maybe we could go on to the next vote and come back at 8.00 to this one. Every minute counts, I think.

On vote 205:

Mr. R. F. Nixon (Leader of the Opposition): In the matter of criminal prosecutions, I have something I would like to bring to the attention of the Attorney General, who is without his advisors. I guess that it is a little bit of—not a problem for him, of course—

Hon. A. A. Wishart (Minister of Justice): I think I can manage.

Mr. Nixon: Good, well I think perhaps you can as far as this matter is concerned. I suppose that it has to be considered, in some sense, *sub judice*, if that is the correct phrase, because it deals with the events in the city of Brantford last Thanksgiving day of which the Attorney General and other members of the House may be aware.

There was, what might be called a rumble between two motorcycle gangs resulting in the death of one young man and the severe injury of a second.

This must be serious—it must be recognized as a serious problem by all communities, not just Brantford. This involved young men from Essex county in Windsor—the hon. member will substantiate that—and when you consider the responsibility that lies with both the local police and the provincial police in wading into circumstances like that, you cannot but admire them.

It must be a fairly fearful prospect. But this circumstance did happen, and I wonder what we, in this House, have as our responsibility in response. We cannot just sit back and say this was an isolated event.

A man was shot down in the street. Ostensibly, he and his friends were engaged in burning the motorcycle of another person who was not present. It is a kind of complete disregard for the basic tenets of law and order, the chaos in the community, which we have seen flare up under different circumstances in the United States which must concern us deeply.

Now, the Attorney General carries the main responsibility for the response. I think the police acted well and they acted wisely. The men concerned have been brought before the provincial court—I think most of them have—and are out on bail. What kind of a response can we in this House make? What kind of response can the Attorney General and the police commission make in providing perhaps

special assistance that some communities need on short notice when these things develop?

Hon. Mr. Wishart: Mr. Chairman, I think without question I share the concern of the hon. leader of the Opposition in this matter, which is an extreme form of defiance—an attitude of not wishing to accept authority today, evident in lesser ways in some of our institutions.

All I think I can say, as he says, is that the police acted promptly, acted wisely, I think well. The only thing I think that can be done is that we bring the people who defy the law, and flout the law, and break the law, to justice—and bring them to justice as promptly as possible, and then let our courts deal with them.

I think perhaps it might be reassuring if we say that if extra police are needed in these situations, certainly they will be available.

Perhaps some further assurance might be given in this: that I am aware that our police forces have usually, most frequently, knowledge of the activities these gangs plan to engage in, and quite often are able to anticipate their movements and to be on hand to prevent the type of outbreak that occurred in Brantford. I think also the mass rape case involved one of these motorcycle gangs.

It is very difficult to get evidence in some of these cases for the police to be aware of what is afoot, but they are doing a very thorough job in intelligence work to inform themselves of the proposed activities of these gangs. Certainly all I think I can say is that the police will do their duty; people will be brought to court as we can find and produce the evidence for their conviction and punishment. It is a symptom, an outrageous symptom, if you will, of certain people in this society. I believe we will overcome it, and it will be a thing that will pass before long.

But these people who break the law are certainly no different from any other defiant law breaker. They will get the same treatment. They are mobile, they do act in gangs, and we will adjust our efforts to meet them and see that they do not disturb our society.

Mr. Nixon: Mr. Chairman—not to pursue this unduly because I do not know really what we can accomplish other than recognizing the problem—but I happened to see the group of motorcycles go by on the highway and it must have been about the day before. I am sure it was the same bunch. I saw them in Paris. It is a pretty frightening thing when you see perhaps 50 or 60 people all dressed in black leather and roaring along the highway. They seem to be obeying the traffic laws as much as possible, but the interesting thing is that those people who had direct contact with them, that is, in restaurants and motels and so on, say they were very mannerly and paid their way, and they stood in line whenever it was necessary and they did not go in with some of these attitudes that show a sort of defiance for the community. It was just a circumstance, I guess, that got completely out of hand. And yet our law permits these large groups of people intent on goodness-knows-what to thunder around from one community to the next, and our hands seem to be tied until there is in this case a murder, or as the Attorney General mentioned, many other very serious revolting anti-social, anti-community crimes.

I cannot make any suggestions, but should we not be considering some means of stopping these great hordes of locusts moving from one community to the other intent on breaking the law? You know they say they wanted to go to a motorcycle hill climb. Fine, that is fine. But they were just looking for trouble apparently and one of them got it, two of them got it. Is there an offence associated with this sort of migration from one community to another? I suppose there is not, but maybe there should be.

Mr. Chairman: Does the Minister wish to reply at this time?

Hon. Mr. Wishart: I cannot say more, I think, than I have said: that our police are doing a great deal in ascertaining the intent, at least the movements of these people, where they plan to congregate. You cannot very well make it a crime. I suppose you could pass a law saying not more than three, or not more than five or six, or whatever number you might choose, can move together on motorcycles on our highways. But it seems to me that that would be going a long way and would be resented greatly by many people who use motorcycles in clubs who go about their lawful business. We do have a law, of course, on our streets that at times not more than three can congregate, they become a crowd; if there is any fear that there is an unlawful intent, an unlawful purpose afoot, they can be required to move on. That perhaps has some relevancy, or some comparison, to the type of law that one could conceive. But I do not think it is

possible to pass a law to say that we must assume that there is an unlawful intent just because 40 or 50 motorcyclists go along the road on motorcycles which they have the right to do.

I think our best approach is what the police are doing. By making themselves as fully aware as they can of what these people have in mind and the nature of the congregation that is going to get together, where they are going to be. So that we have ample police there to make sure that there is no unlawful act committed.

Mr. M. Makarchuk (Brantford): Mr. Chairman, if I may just pursue this particular point further, I agree with you that in a sense this is a symptom of our society and I think that it calls for sociologists and social scientists, and I imagine that is not within the realm of the Attorney General.

However, in this particular case, one of the contributing factors to this fatality was the fact that both sides, or shall we say the two opposing groups, had weapons at their disposal and they had a veritable arsenal stored in the building. It was alleged also that the attacking gang had pistols and they were using them. Now this gets down to a matter of gun control and I think this is a field where the Attorney General can bring about, through his department, the introduction of legislation controlling weapons, and I would like to hear his comments on this matter.

Hon. Mr. Wishart: Mr. Chairman, there is gun control, a very strict gun control, of the pistol or revolver type of weapon laid on at the federal level. There are very definite regulations and we, through our provincial police, have the authority to refuse or to grant a license to carry such weapons. I understand, that this law has been amended to make it more restrictive, of very recent date, so that there is now a complete record of those who have these weapons, and the right to carry them is something that is not easily obtained.

I should mention that we sent our chief counsel, Frank Callaghan, down to the prosecution of a number of these cases, where the motorcycle gangs were concerned, and we are appealing certain of the convictions and the sentences which were given.

Mr. Makarchuk: Mr. Chairman, the Minister mentioned, and I agree with him, that there are certain regulations and laws regarding the control of weapons, but they hardly seem to be adequate because in these cases the individuals are still able to get weapons and they still seem to be able to travel about the country carrying these weapons. I wondered whether an increase in the severity of the penalties for carrying weapons would be in order, or whether some type of check or something could be done by the provincial police in these situations. In addition to the hand guns, and so on, there are other weapons—chains, the billys, whatever it is that is the normal accoutrement of these individuals at the time. I think that all these things should be looked into, and possibly some rather severe regulations should be established to prevent the transportation of these particular things around the countryside.

Hon. Mr. Wishart: Well, persons carrying weapons, if they have not a permit, are only carrying them until they are caught. It is the Criminal Code which makes it a crime to carry weapons of this nature without permit, or concealed, and those sections were amended to extend the restrictions further to the type of weapon that could be carried, only under permit. Those permits I can tell you are not granted easily; they are very difficult to obtain, and they have to be for—I have forgotten the exact language of this section, but it is for use in one's trade or occupation, or profession or calling, or for target practice in a proper club. I think those are the criteria, and they are very strictly enforced.

Mr. V. M. Singer (Downsview): Mr. Chairman, since we got into the motorcycle gang story, there was an item that I planned to bring up under the Ontario Provincial Police, but since we are here now I think it should perhaps be mentioned at this point.

There was an incident that happened this summer in Niagara Falls where a motorcycle group had been causing a disturbance, and the police arrived and for the moment it seemed that the members of the motorcycle group were in greater numbers than the members of the police and they were better armed, and the police sort of retreated momentarily until they summoned certain reinforcements. Subsequently substantial numbers of Ontario Provincial Police were present, and greater numbers of the motorcycle gang were present, and a great amount of *bric-à-brac* was hurled, and rocks and chains, and all sorts of things were being used. And the rather tragic thing that happened, it seems to me, was that in due course the Ontario Provincial Police,

one of the law arms of the province of Ontario retreated, left the scene, and the motorcycle gang had won. It escapes all my understanding as to how a police force, particularly the Ontario Provincial Police, should have retreated in the face of what was really an armed insurrection.

The message that seems to have come forward from that kind of an incident, Mr. Chairman, would be that if the toughs in our society assemble in large enough numbers and make enough noise, the civil power is going to retreat. I would think that this invites absolute and utter chaos insofar as he rule of law in this province is concerned.

At the time this happened I issued my comments by way of a press release. The facts I gathered substantially from a series of news stories, and no one saw fit to deny it. I would have thought that if the facts, as I had stated them, Mr. Chairman, were at variance with what actually happened—that someone would have said, "No, this is not what happened."

Granted that the great power of the Toronto press was not brought to bear on this, because this did not happen in Toronto, it happened in the Niagara peninsula. But I think the facts are reasonably irrefutable. There was a great group of disturbers who had assembled in a certain area in the Niagara peninsula. The police came and tried to disperse them. At first instance they were in too small a number to be effective. They withdrew temporarily, and probably with good reason; subsequently they assembled reinforcements. But the numbers of the disturbers apparently increased or were large enough to scare off the police, and in due course the police retreated and nothing happened, and the incident seemed to disappear.

Mr. Chairman, to my mind, there could be nothing that would happen in the province of Ontario that could create in the public mind a greater disrespect to the administration of the rule of law. I have yet to see any comment from the Attorney General, from the commissioner of the Ontario Provincial Police, or from any other responsible official, to explain away this action on the part of the law enforcement authorities of the province of Ontario.

If the facts are true as reported and true as I have commented on them—I say, Mr. Chairman, I have no perosnal knowledge of this, I have only gathered my facts from various newspaper reports—then I think there is a serious breakdown in law and order.

And some of the things that my leader has been referring to and the member for Brantford has been referring to, have been invited by reason of the fact that those responsible for the enforcement of law in this province back away in face of the display of unreasonable force by a bunch of lawless individuals. Surely there could be nothing calculated that would create a more obvious opportunity for anarchy in this province of Ontario.

Mr. Chairman, we have looked at and read about with horror the events that recently happened in the city of Montreal, but we in this province apparently have allowed a group of toughs to challenge all the forces of law and order, and the police have backed away. I have noticed that in light of the comments I made at the time, there has been certain editorial comment, and one editorial went so far as to suggest that:

> Singer perhaps makes a point, but if he had the responsibility to wade in and absorb a beating or whatever consequences would have resulted from challenging these toughs, perhaps he would not have been so free and easy with his comments.

I think the writer of that editorial missed completely the whole point. We in this province believe in the maintenance of law and order and we cannot tolerate for one moment a group of characters in this province who will stand with chains, with rocks, with sticks, perhaps with guns, who will challenge all the laws we have while the police say: "Well, there are too many of them over there and maybe peace would be better preserved by backing away."

I would like to hear some kind of an explanation from the Attorney General of Ontario who must accept the responsibility in this instance, as the chief law officer of the Crown, as to why his people—and they are his people—backed away in the face of a concerted unlawful, anarchical challenge to the authority of the rule of law.

Hon. Mr. Wishart: Well, Mr. Chairman, certainly I do not need to stand up here and say that we believe in law and order and we seek to maintain law and order; I think we have demonstrated that over the years. The hon. member makes much of this particular incident. We have had many situations quite similar to this.

Mr. Singer: Where the police have backed away?

Hon. Mr. Wishart: We have had many instances quite similar to this where the

police have confronted mobs, gangs, at Grand Bend, at Crystal Beach, at Wasaga Beach, at other places, and they have been able to deal with the situation. The police were not scared off here, they did not back away through fear—let me make that clear—there was a great hazard in that situation, there were a great many bystanders who were no part of the gang. Certainly we could have sent out reinforcements to the provincial police—

Mr. Singer: You should have had a duty and responsibility—

Hon. Mr. Wishart: Just a moment. We could have sent out reinforcements and we could have had a confrontation with guns, fighting and bloodshed, and probably many innocent persons injured, possibly killed. I wonder if the hon. member, if he had the responsibility of the senior police officer who was there, not to mention the Attorney General, if he would have said, "Go in with drawn guns and shoot if necessary."

Mr. Singer: Mr. Chairman, on a point of order, I never mentioned drawn guns and I did not mention shooting. I mentioned the breakdown in the enforcement process of law and order in the province of Ontario.

I suggest that one can only come to one conclusion, that if the thugs in our society assemble in sufficient number that the police will be frightened off, and at 8 o'clock I will continue on on this thought. One of the most horrible things that has ever happened in Ontario.

Mr. Chairman: This should really be under the Ontario Provincial Police vote.

It being 6 o'clock, p.m. the House took recess.

Legislature of Ontario Debates

No. 187



ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Monday, October 20, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Monday, October 20, 1969

Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7275

Motion to adjourn, Mr. A. F. Lawrence, agreed to 7308

LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, OCTOBER 20, 1969

The House resumed at 8 o'clock, p.m.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

(continued)

On vote 205:

Mr. Chairman: The Attorney General was replying to the member for Downsview (Mr. Singer).

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, I was replying to the hon. member for Downsview, and at that point he sprang to his feet and I thought he was going to continue.

All I was about to say further was that in criticizing the Ontario Provincial Police for the manner in which they dealt with the situation, I would point out that there was a senior officer present. It was a situation which was very difficult. It is all very well to say you should have had a confrontation.

With regard to the words "the police were scared off" or that they had "backed away"; I repudiate them. It is true that we could have brought in sufficient force, given a period of time, to contend with those lawless young people who were there.

But as I pointed out there were a lot of innocent bystanders about, people had congregated; and to have a confrontation would have been exactly what occurred in Chicago, in other American cities, and not so far back in time in Montreal. You might have had a very desperate situation and I think that if the police had acted in a very forceful way, we would have heard charges of police brutality.

Certainly if there had been bloodshed, certainly if there had been death, certainly if there had been serious injury, certainly if the police had waded in, even with clubs, I am sure you would have heard a great outcry about the police acting in that manner in that situation.

Now having confronted the situation, which they did, and having left it, my understanding is that when they returned the people who had been creating the disturbance had dispersed. The police, I think, were quite wise in handling the matter in the way they did.

The hon. member made one other comment with which I must deal. He said he gave a press conference and gave to the press his comments and that no one took him up, no one commented, no one replied.

I must confess—I think I was away from the country at that time but I do not use that as an excuse—but I certainly think it was not the place of the police or the police authorities to take issue with statements made by a member of the Legislature, particularly a person who holds a position of deputy in his party.

I think for the police to have got into a public discussion, an argumentative situation, with him would have been out of order. I give the police my appreciation of the fact that they did not engage in a discussion in the press nor in public with the hon. member.

He is entitled to his views, he expresses them here very forcibly; but I think, taking all the circumstances into account and bearing in mind the way in which our police forces have dealt with situations of defiance and lawlessness, I do not feel that the criticism is too cogent in this situation. I certainly, as I say, repudiate the words "the police were scared off" or that they had "backed off". They could not have dealt with it in a more direct confrontation without, I think, bringing about a much worse situation than that which confronted them at that time.

Mr. V. M. Singer (Downsview): Mr. Chairman, I am very pleased to listen to the Attorney General's version of this incident. I am very disappointed, actually, that the Attorney General takes this attitude.

Let me start my remarks by reading from my press release dated July 23, when I said this:

> The incident reported in the press to the effect that 60 Ontario Provincial Police

officers withdrew when pelted with beer bottles and pieces of chain by members of a motorcycle gang in Niagara Falls on Sunday and laid no charges, demands an explanation from the Attorney General of Ontario, the chief law enforcement officer of the province.

Surely, merely because a rambunctious mob of considerable size outnumbered the police present, this was not sufficient reason for the OPP to withdraw and take no further action. Mr. Wishart must explain to us immediately why the OPP acted in this unusual fashion, and whether or not he is going to instruct that action be taken against those police officials responsible and against those persons who appear to have broken our laws and escaped any consequences.

I say that that press release speaks for itself, and the Attorney General has condemned himself and the whole process of law enforcement in his reply before 6 o'clock and since 8 o'clock this evening.

First of all, the Attorney General, rather than suggesting that there was anything wrong, has said that the action by the police was justified. I will deal with that in a moment. Second, he has commended whoever might have been in a position to reply for not having replied. Apparently, Mr. Chairman, I present such an awesome figure to the whole spectrum of law enforcement of the province of Ontario that if the Attorney General absents himself from the country, there is no one on the government benches who dare lock horns with me or disagree with any of my opinions.

Mr. S. Lewis (Scarborough West): I might say you present a spectre for the spectrum.

Mr. Singer: I may well thank the member for Scarborough West for adding that thought —I think it has substantial merit.

But it would seem that the Attorney General, insofar as his office is concerned, represents sort of a collective being. Whether or not the hon. gentleman who at this moment occupies that position is in Toronto or the province of Ontario or Timbuktoo, does not mean that the process of law enforcement and the voices of those members who occupy the front benches and speak on behalf of the government, must be stilled until he returns, until he himself returns, to this province to answer or to stifle the criticism that ventures to come from the Opposition benches.

It would seem to me that in his absence there must be someone of some intelligence on those front benches who is authorized to speak on behalf of the Attorney General and to explain to the people of Ontario who can get, and do get, very disturbed or very unhappy in a situation like this.

What really happened? I am not suggesting for a moment, Mr. Chairman, that an individual policeman should enter into an argument with a member of the Legislature, but what I am suggesting and I am trying to say, as forcibly as I can, is that surely there must be at least one Cabinet Minister who occupies the front benches who is prepared to speak on behalf of the government of Ontario in the cause of law and order, in the cause of law enforcement by the police and on behalf of the state, when obvious riot and disobedience of the law begins to take place.

And what happened? We had an unruly mob which gathered in Niagara Falls, or near Niagara Falls, which challenged all the power and the might and the majesty of the law enforcement agencies of the province of Ontario. In due course, 60 Ontario Provincial Policemen assembled, and they looked at the mob and they said, "Oh, oh, we are not going to tackle those fellows. We will back away." And back away they did.

Now what kind of message do you deliver to those people who successfully, on that day, July 20, 1969, challenged the whole process of law enforcement in the province of Ontario? The message is obvious, Mr. Chairman. The message is that if we, the lawbreakers, assemble enough strength, get enough chains —bicycle chains—in our hands, and get enough beer bottles which we can hurl at the police, nothing is going to happen to us. The police are afraid of us. The police are going to back away, and no charges are ever going to be laid. And we are going to get the wishy-washy Attorney General to stand up in the Legislature four months after the date and say: "Surely you cannot blame us, we did not want bloodshed, we did not want another Chicago, we did not want another Montreal."

Well, Mr. Chairman, if that is the voice of the Attorney General of the province of Ontario, the chief law officer, it is an anaemic voice, a pale voice, and it is a voice that causes us to bring into serious question the whole ability of this government to support the laws that we have on the statute books. It is a voice that causes us to question the ability of this Minister of the Crown to carry out the tasks that he is charged with by the constitution of Canada and by the various statutes that exist in this province of Ontario. He is the chief law enforcement

officer of the province of Ontario and he stands up and says: "Did you want us to start shooting off guns and injuring innocent people?" Well, Mr. Chairman, in our wildest dreams no one ever suggested, least of all I, that that kind of action take place.

I can understand that in some of the smaller municipalities in this province, where there are tiny police forces, perhaps manned by older men who do a very good local job, that when suddenly they are visited by a motorcycle gang and maybe there are only two or three or five policemen, that they are not anxious to take on 30 or 40 young toughs who are challenging them. But here is a very different situation.

Here is a situation where face to face confrontation takes place with a gang that may consist of 100, 150 and 200 toughs who are challenging all the might and all the power and all the law enforcement authority of the people of the province of Ontario. In due course 60 Ontario Provincial Police officers assemble in the Niagara Peninsula and they face them face to face. Suddenly the Ontario Provincial Police officers put on their hats and walk away. They turn their backs on the situation; and the Attorney General of the province of Ontario stands up in his place, in this Legislature, on this day, having made no previous explanation at all, and says it was entirely justified.

And what parallel does he draw? He says: "Look what happened in Montreal." Well I suggest to you Mr. Chairman, that he should look at what happened in Montreal, and how the lack of respect for law and order caused what happened in Montreal just the other day, where people ran riot, where there was destruction of property, where there was physical damage caused and where there was no power of the state to intervene. Here in this law abiding province of Ontario, we now let a gang of motorcycle toughs stand off, and I do not care what phrase he used—stand off, frighten off, force off—the law enforcing authority of the people of the province of Ontario.

What message have you conveyed to these fellows. You pick up the paper day after day and you can read what happens in our municipalities, and the record of these people speaks for itself. I am not going to quote the continuing cases of shootings and assaults and rapes and other kinds of law abuses that take place, apparently caused by the same group of people. Here we have a head-on confrontation; and of all people who have a responsibility in the province of Ontario, the Attorney General stands up and says: "Do not blame us, we avoided—" What did you avoid? What did you avoid? The only thing that you avoided, Mr. Chairman, was the enforcement of law and authority in the province of Ontario.

No one of us on the Opposition benches would suggest for a moment that you send the police in with sub-machine guns and have them shoot down innocent citizens. But surely, Mr. Chairman, the people of Ontario deserve, at least, from their government and from the chief law officer of the Crown, the assurance that law and order is going to be maintained. Merely because a group of thugs assemble in sufficient number, the police are not going to back off from that. Surely, Mr. Chairman, the individual policeman in the smaller municipality must believe that he has the support of all the law enforcement authority of the province of Ontario.

And surely, Mr. Chairman, when an incident such as this takes place in the Niagara Peninsula there was an ability to call on various Ontario Provincial Police centres in the immediate vicinity. There is one in London and there is one in Downsview and there is one in Windsor; and those people could have sent in additional provincial policemen to bring order to the situation and to deal with the people who are disobeying the law. Surely that could have been done.

And surely in the cities of Hamilton, London and Toronto, if there was a danger of the situation getting out of hand help would have been asked for; and the cities of Toronto, London and Hamilton could have sent to the Niagara Peninsula, at that time, sufficient number of policemen to bring this situation under control—without using guns, without being brutal, but to assert the power of the state to keep law and order.

And surely, Mr. Chairman, even if the collective ability of the Ontario Provincial Police and the collective ability of all the police forces of the province of Ontario was not sufficient to contain the situation, then surely there should have been someone, even if the Attorney General was out of the country, who would have had the ability to appeal to the military to come in and contain that situation.

Mr. Chairman, we can never allow a group of malefactors in this province to take the law into their own hands and to challenge the police and to force them to back away merely because their numbers are so great that the police are afraid of them.

Now I say, sir, there has never been a darker hour in Ontario's history than this one.

The weak attempt, the feeble attempt, of the Attorney General to explain this away speaks very very badly for government insofar as their concern about the importance of enforcing law and order.

If the laws were bad, if we were arguing about a particular kind of a case, I could understand an explanation concerning the other side of the argument. But here are a group of people who get themselves into the position in the Niagara Peninsula where they are hurling beer bottles at the police, they are hurling pieces of chain at the police, they are causing great chaos in the community; and nobody maintains the peace of the community!

We do not have the Attorney General standing up and saying maybe we made a mistake. The great weakness of this hon. gentleman is that he has no real ability to say, maybe once, we have made a mistake in this province.

I say, sir, that this weak-kneed attitude is one thing that we cannot afford in this province of Ontario. If our laws are wrong, then let us debate them and let us change them. Let us make them better. But if we have laws on the statute books, and if there are a group of people who take it upon themselves to challenge the power of the state—and to do it in this way, to do it with force—then I say, sir, the course is abundantly clear. I say that the Attorney General, in defending these actions by the police, does no credit either to the province or to himself.

Mr. G. Bukator (Niagara Falls): Mr. Chairman, on a point of order!

The city of Niagara Falls has been mentioned on several occasions here and I would like to ask, through you to the Minister, if he would put the record straight; that incident did not happen in Niagara Falls. Credit where credit is due, if you may!

We have done many things, possibly, that we are not too pleased with—and I am not happy with what took place in this particular case—but I want it put on the record, and put on accurately, this did not happen in the city of Niagara Falls.

Mr. Chairman: Vote 205.

Now we strayed away from vote 205 in that last discussion. Let us get back to vote 205, criminal prosecutions.

Mr. R. H. Knight (Port Arthur): I would like to talk about the same subject that was raised by the hon. deputy leader of the Official Opposition.

Mr. Chairman: Is this under vote 205?

Mr. Knight: Well, if the matter of a motorcycle gang and the incident at Niagara Falls is, then that is the subject on which I wish to comment, Mr. Chairman.

Mr. Chairman: We strayed into the field of the OPP activities actually.

Mr. Knight: I merely wanted to add a comment on the matter, Mr. Chairman, that while most of the members in the House concur with the hon. member's concern about the fact that a law enforcement body could be backed off by a motorcycle gang I, for one, am sorry to see it sort of brought back to life in this political forum as a political issue. Because really, I feel that the least said about matters like that the better.

There is no question in my mind that the hon. the Attorney General and the people in his department are probably extremely concerned about what happened; but unfortunately, when it is brought back to life in this manner and goes out to the news media, the word sort of goes out to these motorcycle gangs that this is perhaps the thing to do. "Hurrah for our side, we have succeeded in damaging the image of the police."

I think the more that is said about it and the more it is bandied about in political circles such as this, where it is going to reach the newspapers and get back to the ears of these people, the more it is very damaging to law enforcement and society as a whole.

Mr. Chairman: Does the Minister wish to reply at this time?

Hon. Mr. Wishart: Mr. Chairman, I have already said a good deal on this subject.

I would only say that the language of the hon. member for Downsview is extravagant and exaggerated. He makes a great deal of a situation which was not, in my view, a situation as he describes it. I would have thought—let me make it clear—in regard to calling in the military in such a situation, that would have been the last thing to do. I think it would have held the province up to severe criticism. I would have thought certainly, as I think he is good enough to agree, that to have forced a confrontation, which we could have done with the weapons which the police have, whether they be clubs or whether they be guns, would have brought about a result which we all would have decried in the gravest terms.

Perhaps there is something in the attitude of the hon. member who has just spoken,

who said that discussion here is not for great help at this time.

I think I need only say that in this province I think most people agree, and I am not trying to be self-congratulatory at all, but I do give our police force—all our police forces, but particularly the Ontario provincial police force which was involved in this situation—a great deal of credit for the way in which they do maintain law and order. It was simply a matter of judgment in this situation as to how far the confrontation should be continued. There has been no repetition.

Mr. Singer: No?

Hon. Mr. Wishart: No. Nor is there likely to be without the persons involved—

Mr. Singer: Brantford in October? Grand Bend?

Hon. Mr. Wishart: Listen to my words!

There has been no repetition of this situation which the hon. member described as backing off. There has been no situation of that kind where the police have refrained or backed away from a situation, and there is no likelihood of that occurring.

Mr. Singer: They did it once, why would they not do it again?

Hon. Mr. Wishart: Well, one learns perhaps from—

Mr. Singer: Oh, then they did make a mistake.

Mr. Chairman, may I add just a word to what I have said?

Mr. Chairman: Is this part of the discussion?

Mr. Singer: Well I think so; I think the comments of the hon. member for Port Arthur deserve a reply. I would think that if, like ostriches, we hide our heads in the sand and say it is not nice to speak about the policemen not doing what we expect them to do, that if we talk about it we are going to inform the lawbreakers as to what can happen, then he has missed the complete issue.

I say, sir, that there does not require any great news conference to advise the motorcycle gangs, once this has happened, that if they assemble in sufficient numbers the OPP will back away. You do not have to have it published on the front pages of the paper. They know—and they have carried on in London, and they have carried on in Grand Bend, and they have carried on in—well, I have the papers here. In Brantford where there were: "Nine Held;" "Gang War Ends in Gun Death;" "Nine Charged with Non-Capital Murder;" "One Killed, 22 Arrested."

Do you have to read these papers time after time about the murders and the gang rapes that take place to understand that we do not take a firm enough attitude insofar as this kind of law-breaking is concerned; and to know that there is no respect from this group of people at least insofar as the law enforcement agency of the province of Ontario is concerned?

I say, sir, that the member for Port Arthur should be prepared not to bury his head in the sand and be prepared together with concerned people to stand up in this House and suggest to the Attorney General that we should make no bones about the fact that we will enforce the laws of the province of Ontario, that we will offer no encouragement to gangs or groups who challenge that authority. And I say, sir, this is the responsibility of the Attorney General, and amongst others, the hon. member for Port Arthur.

Mr. Chairman: The member for Scarborough West.

Mr. Lewis: Mr. Chairman, on this matter I guess I am expressing a very personal opinion. Mr. Chairman, through you to the Attorney General, I am not much taken with what has emerged as the Claude Wagner of the Ontario Legislature, I am not overcome by it, I do not find it as persuasive as it might otherwise be when one reverts to the military—God knows, the marines, the green berets, the Mediterranean fleet and every other strategem for containing outbreaks in this province.

I do not think that the Minister needs be overly defensive about what occurred. I think the point is well made that in the instance of motorcycle gangs there are very special problems which have to be contended with. But I do not think the Minister need be overly defensive. There are times in the establishment and the enforcement of law when good judgment must prevail. And this may have been one of those occasions.

There is a tendency, Mr. Chairman, to become pre-occupied with law and order in this society, to indulge in histrionics about law and order in this society, which is as fundamentally undermining of law as the maintenance of it might be.

I, for one, would not wish the province of Ontario to develop this particular obsession. On balance it is a province where law is

maintained, and one need not become either immoderate or extreme; or, indeed, have a reaction which borders on hysteria about individual circumstances, however grave they may be.

I would say to the Attorney General that, as the law enforcement agent, the first citizen of law enforcement in this province, he is right when he talks about the exercise of judgment. He would be wrong were he to condone individual excesses, but he is right to take an attitude which is one of equanimity rather than of fear.

Mr. Singer: Well Mr. Chairman, I think the member for Scarborough West and I have a very serious ideological disagreement. I suggest to you, sir—

Mr. P. D. Lawlor (Lakeshore): He is a libertarian, and you are an incipient fascist.

Mr. Singer: I suggest to you, sir, that the time has come in this province of Ontario, where quite apart from debates about the legality of selling marijuana, or smoking it, quite apart from debates about the role of the state insofar as society is concerned, that when you being to have riots such as this—and we have begun to have them, and we can see it in the land of our friends to the south, and we can see it, unfortunately, in the province immediately to the east of us—and that when you have a serious disrespect for the whole process of law enforcement and doubts about the ability of the state to maintain law and order, then we face incipient anarchy.

I suggest to you, sir, that when a gang of toughs—and there is no other description for them—take on the police, and they take them on with beer bottles, and with pieces of bicycle chain and the police back away, then we are asking for serious trouble in the province of Ontario.

I suggest to you, sir, that if we want to invite the sort of thing that happened in Montreal, then we will accept the excuses of the member for Scarborough West, and his puerile explanations. This is the only way that I can describe this whole unfortunate incident.

Mr. Lewis: Mr. Chairman, on this point, I refuse to regard an unpalatable incident outside Niagara Falls as incipient anarchy in the province of Ontario. I am not prepared to make that simple-minded extrapolation of one event, and I am not prepared to inject into it the sense of extremism and anxiety which is obviously being used, and which is a reflection of so much, as I say, of this law and order—

Mr. D. M. De Monte (Dovercourt): Kick, call it a kick!

Mr. Lewis: It is an obsession.

Mr. Singer: It is not an obsession.

Mr. Lewis: It is a sort of paranoia which it would be pleasurable were this province to attempt to avoid. The problems, be they of Chicago or of Montreal or of New York or of any of the vast urban conturbations on the North American continent, are not simply those of law and order. They are profound socio-economic problems which affect the Minister's colleagues far more profoundly than they affect the Minister himself.

Mr. De Monte: Are you calling those black-jacketed motorcyclists socio-economic problems?

Mr. Lewis: The fact of the matter is that a society throws up certain phenomena—motorcycle gangs are one of those—springing from an odious environment.

Mr. De Monte: That is simplistic to the extreme.

Mr. Lewis: A society throws up certain phenomena. They have to be dealt with, and the society has to be dealt with. True, it does not always work, as we on this side have said vociferously enough to the Minister often enough. But in this instance, let me say to him—and I am sure that most of my colleagues in this party agree—this is not a situation where, by virtue of what happened to Montreal in the context of a strike and all that surrounded it, parallels or examples are useful. They are exploitative.

Mr. Singer: Mr. Chairman, if I am accused of paranoia in this connection—

Mr. Lewis: You are not being accused of paranoia—

Mr. Singer: —let me plead guilty to that charge. I say that there comes a time when, if we believe in the power of the state to enforce law and order and to keep the peace, and if we charge our police forces with certain responsibilities to keep that order and to keep that peace, we have to assure our people that that law and order and that peace is going to be kept.

I suggest that we have ample opportunities and ample abilities to discuss the merits and

demerits of our laws, in this Legislature and in the House of Commons. Certainly, it is a right that we all cherish to criticize the inequity of those laws. I say this, and as forcefully as I can, that no great intellectual theory advanced by the member for Scarborough West is going to convince me that the police should back away from a gang of motorcycle hoods who stand off the police as they did in the Niagara peninsula on July 20.

Mr. Chairman: It seems to be that we have strayed considerably from an orderly debate of these estimates. First of all, I really do not think this comes under vote 205. We have not completely dealt with vote 204. I suggest that this particular topic should come under another vote, and I would further suggest that at this time we should revert to vote 204 and finish it. Then we can pursue this particular topic under its proper heading.

Mr. Lewis: We are discussing the repressive society now—the provincial Liberals' alternative to the federal "just society".

Mr. Singer: We are discussing how far your social theories go.

Interjections by hon. members.

Mr. Chairman: Order! The hon. Attorney General.

Hon. Mr. Wishart: Mr. Chairman, when we rose at 6 o'clock we had left vote 204 temporarily, because the hon. member for Riverdale (Mr. J. Renwick) was going to speak and I think was the last speaker on that vote. Apparently he is not going to exercise that opportunity now.

Mr. Lewis: He is making a speech now.

Mr. Singer: We will hold the vote open for him.

Hon. Mr. Wishart: I think we should revert to vote 204 and dispose of it and then we can go on; and if this subject lies under vote 205, although it seems to me actually it should be further on, under police administration perhaps.

Mr. Chairman: Before I deal further with the situation, may I ask the hon. Attorney General what vote this particular topic should properly be under? Vote 214 or vote 211?

Mr. Singer: I think it is exhausted now anyway.

Mr. Lawlor: It is only beginning.

Mr. Chairman: I am not going to exclude the hon. members from addressing the chair if they wish.

Hon. Mr. Wishart: I think, Mr. Chairman —to answer your question—my opinion would be that vote 211, supervision of police forces, would have contained this discussion which we have just had.

Hon. A. Grossman (Minister of Correctional Services): Or the defence estimates!

Hon. Mr. Wishart: All I would say is that having allowed the discussion to proceed, and I was agreeable to it, I would hope, as I said to my friend from Lakeshore, that we will not repeat the same discussion when we come to vote 211.

Mr. Chairman: Now may we revert to vote 204. Shall vote 204 carry?

Mr. F. A. Burr (Sandwich-Riverside): Mr. Chairman—

Mr. Chairman: The hon. Attorney General has indicated his willingness—

Mr. Burr: You cannot. Mr. Chairman—

Mr. Chairman: The hon. Attorney General has indicated his willingness to pursue this particular topic under vote 205, as we have. We have dealt with vote 204; vote 205 now. Is this the topic you wished to proceed about?

Mr. Burr: No, I was on vote 204.

Mr. Chairman: On 204?

Mr. Burr: I have about three minutes, on remedial legislation.

Mr. Chairman: We had carried it, but I will give the hon. member the benefit of the doubt that I did not see him rise before I carried it.

Mr. Burr: Thank you, Mr. Chairman, I have just a few observations and then a question for the Minister.

It has always been a source of amazement to me that in the United Kingdom the police are able to go virtually unarmed, and that the number of murders of police averages about one a year, I believe, despite the fact that the population is twice as great, more than twice as great, as ours.

I have been told that this was largely, or at least in large part, because of the severity of the punishments for the illegal possession of weapons. I was told that a ten-year term

could be the punishment for the illegal possession of weapons.

I have looked into this and it is rather surprising to me that for carrying loaded fire-arms in a public place, the maximum penalty is five years; for trespassing with fire-arms in a building, the maximum penalty is five years; for possessing or distributing prohibited weapons or ammunition, the maximum punishment is five years or fines or both.

It can be worse. For possessing fire-arms while committing an offence, seven years or a fine, or a fine as well. For carrying fire-arms or imitation fire-arms with intent to commit an indictable offence, ten years. And for the use of fire-arms to resist arrest; 14 years. For the possession of fire-arms with the intent to endanger life or injure property; 14 years.

My question of the Minister is, are the penalties in Canada as severe; and if they are, are they enforced as rigidly?

Hon. Mr. Wishart: Mr. Chairman, first of all, in reply to the hon. member from Sandwich-Riverside, I would point out that these matters which he read from the English law, are, in our country, matters of the federal jurisdiction of the Criminal Code. The best we could do and the only recourse we would have, if we thought it wise to increase the penalty for the carrying and use of fire-arms or concealed weapons, provisions related to the sections he read, would be to make our plea to the Minister of Justice in Ottawa for a change in the law at the federal level. Now the Criminal Code is being amended in many respects and I pointed out earlier this afternoon that the amendment to the provisions, at least with respect to the carrying of fire-arms, has been tightened and restricted very greatly.

The other thing that I think I would like to say, and in a general way, is that I think there is a reason why we approach this matter a little differently than they do in the old country. There they have had in a small geographical area, an island, an insular situation, up to very recent years at least, a very homogeneous population, people who have lived there generation to generation and have furthermore, a tradition of respect for law and law enforcement going back 800 years. And we are only well we are 300 years old, more or less, as a country. Perhaps you might say 400 if you go back to the days when Cartier discovered the country in 1535. We are 101 years old as the country of Canada.

In 300 years of civilization on this vast continent, and with a very diverse background of peoples coming from all sorts of traditions, our approach to law has not been as solid, has not been as uniform, has not been as inculcated in us as has prevailed in Britain.

As much as I admire the approach that is taken there, and as much as I wish it could be applicable here, I do not think it is possible in the conditions under which we live in this pioneer country and in a tradition which grew up in pioneer days when it often became necessary — and I say this advisedly and deliberately—for citizens sometimes to take the law almost into their own hands.

We have had to grow up and we are growing up, I think, and we have grown a long way, to approach a tradition of law, a respect for law and an approach to the enforcement of law similar to that which they have in the Old Country. But we could take the hon. member's suggestion and discuss it with the Minister of Justice and suggest that perhaps the day has come when the carrying of weapons and the use of weapons by individuals should be more strictly prohibited and the penalties increased in case a weapon is used.

Mr. Chairman: I might say that vote 204 had carried and I agreed to reopen it for three minutes for the hon. member for Sandwich-Riverside.

Mr. M. Shulman (High Park): Actually I think this matter could be brought up under vote 205.

Vote 204 agreed to.

On vote 205:

Mr. Chairman: Vote 205. Is the other matter pertaining to the provincial police laid to rest, is there further discussion? The hon. member for Lakeshore.

Mr. Lawlor: Since we got launched into this matter, which incidentally I consider a matter of the most crucial importance, it may be that so far as The Attorney General's Department is concerned, what has been brought to the attention of the House by the member for Downsview, is pervasive, is paramount, is more important than any other thing to the issue of law and order in its impact on American society and on Ontario society.

I do not believe it has been discussed in these terms in this House previously, and I

would take the opportunity of meeting some of the contentions made, which I find most disturbing. In any society, it seems to me that there are two possibilities or two extremes present, both at the same time. On one side is fascism and on the other side is anarchy. Rational men find some medium way in between. The contentions being made by the member for Downsview seem to be fundamentally an incipient form of fascism.

Mr. De Monte: Oh come on, you do not believe that.

Mr. Lawlor: You watch, Mr. Chairman, you listen to him.

To become so rabid, to become so transfixed by a particular disposition—unless he is play-acting, and I trust he is—to place a thing in such almost hysterical terms would indicate a vein which is dangerous to his own interests and to an interest which he would defend easily on another occasion and has. When a member becomes incensed over powers of arrest in highway traffic legislation, to the extent that he was last spring, and then can vote, or invoke—

Mr. Knight: Mr. Chairman, point of order!

I resent the line of argument taken by the hon. member just speaking, sir. He is dealing in personalities, sir.

Mr. Lawlor: I resent your resentment.

Mr. Chairman: It is not a point of order.

Mr. Knight: It is okay for me to rise and deal in personalities, is it?

Mr. Chairman: It is not a point of order.

Mr. Knight: It is on the subject matter, sir. I think it is being lowered to the level of personalities, sir, and I resent it.

Mr. Lawlor: Well it may rise to the level of personalities before it is finished.

I was saying, Mr. Chairman, watch those people who place an undue emphasis upon the terms, "law and order." These are people who are not particularly liberal in their temperaments, not particularly magnaminous in their treatment of others. They are ones who are given over to incarcerations, to whippings, to restrictions, to bringing people into line, and to seeing that society is one law and order writ large. Such was Nazi Germany, it was law and order. There were no hoodlum gangs marching in the streets except the Nazis themselves and they had the law on their side. The same thing applied not too long ago.

Oh, and the effect in America nowadays? Where are the Barry Goldwaters and the Nixons and the others who invoked this charisma? These were law and order boys, and the Wallaces, their tendency is almost invariably to suppress those who are legitimately crying out in protest, and who should be given scope.

For myself alone, maybe I should not say this, I should prefer anarchy to law and order if this is the only choice, because that sort of law and order is regimentation in the form of despotism. If that is what the member for Downsview invokes, Mr. Chairman, then I think it runs contrary to our whole grain. And into this head, may I commend the Attorney General in reading of that incident during the summer. It struck me as one of those intelligent things that the police have done recently. They came across a situation where young people were involved and instead of forcing a confrontation, instead of becoming bully boys themselves, instead of invoking the very strong-arm methods which they were protesting about, they discreetly withdrew and no further incidents have occurred, as the Attorney General points out.

For a member of this House to stand up and use a single instance to blow it all out of proportion, for the purpose of partisan polemics, is to totally distort and to set a vein of virus in the groin of the province which cannot help but be detrimental. And if you took it to heart, which I know you will not, because you say it is a hysterical outcry—I do not know whether it is paranoia, I would think it is a case of rabies, of foaming at the lips, on this evening in question—then your own best disposition would be called into question.

The balance and the even tenor, and a sense of discretion, and a wisdom in dealing with human beings, which I have debated here, is too little carried out by the police and by those in authority. So in this single instance, rather than call high heaven down upon their heads, I would say "praise be, this is a completely different situation," and with that in mind I would warn against this kind of castigation and ask the hon. member himself to reconsider the inopportuneness and the inadroitness, and the indiscretion of his remarks, and what they import in terms of the major values of our time and all the suffering that this generation has come through as a result of those very nostrums.

Mr. Singer: Mr. Chairman, I would think that even the member for Lakeshore would expect me to reply to his fascinating diatribe.

Mr. Lawlor: I expect you to skulk out of here in shame.

Mr. Singer: I have yet to skulk out in shame from too much of what emerges from the intemperate mouth of the hon. member for Lakeshore. I certainly need make no apologies, sir, for my concern about the kind of fascist dictatorship with which my good socialist friends constantly paint anyone who implies for the moment that there has to be some respect for law and order if our society is going to continue.

The insult, the branding of fascist, the use of the word "Hitler", the use of the term, "rabid", the term, "paranoia" are completely unimpressive; it is part and parcel of the armoury of insipid remarks that are supposed to frighten society into abandoning its duty, into abandoning what we like to believe is a worthwhile method by which we have contrived to organize the economic environment and the social environment in which we would like to live.

I ask the hon. member for Lakeshore, through you, Mr. Chairman, if he is so blind that he does not see what is happening in this world, what is happening in the large nation to the south of us, and what has happened in recent days in the important province to the east of us. I ask him this in all sincerity. I ask him to tell me what the role should be of the law enforcement arm of the state if it is not at least to stand up to the bully-boys, to the fascists?

Mr. Lewis: There should be restraint.

Mr. Singer: Yes, restraint—to the bully-boys and to the fascists who take bicycle chains and beer bottles—

Interjections by hon. members.

Mr. Singer: Well, Mr. Chairman, this is typical. This is not untypical because when all else fails those people on our left, who like to mouth the phrases of democracy, throw up such a flack that they do not want to hear, or allow to be heard, any contrary voice. It is not unnatural at all, because when something flies in the face of one of their pet theories then they throw up this flack and do not allow anyone else to speak.

I am going to have my say, sir, because I am a part of what I believe is a democratic Legislature. I am going to say that anyone who can defend, in my opinion, anyone who can defend the action of the police in backing away from a group such as this is not a proper defender of our democratic system.

Now if my friends want to stand up and say it is wrong for the police to have the fixation that they have about marijuana, I say there is a substantial intellectual argument that can and should and might well be made. I would predict—

Mr. Lawlor: When we are talking about marijuana you will change your tune.

Mr. Singer: Yes, indeed, I might change my tune. But I say this, that there are certain—

Mr. Lawlor: No consistency.

Mr. Singer: Oh, the member for Lakeshore makes such horrible faces. He talks about play acting. The greatest play actor sits there as he sprawls around and gesticulates, and twists his face about. Mr. Chairman, it makes no impression.

The fact is simply this: if I understand correctly the words of the member for Scarborough West and the words of the member for Lakeshore, then I say that it must appear, to me at least, and I would imagine it appears equally to the people of the province of Ontario, that at least the member for Lakeshore and the member for Scarborough West believe that when challenged by a group of motorcycle toughs, who throw beer bottles and hurl bicycle chains at the police, that it is the better part of discretion that the police back away and encourage the motorcycle gangs to carry on in the way they have been doing. Now if that is what they believe, I say that that is not what we believe.

Mr. Chairman: Vote 205.

Mr. C. G. Pilkey (Oshawa): Mr. Chairman, I do not want to say to much on this and obviously I cannot go into it in depth as have all the people who have debated it. But I wanted to make a personal comment.

First of all I do not want to live in a police state and it seems to me that this is what the member for Downsview is advocating; a police state—

Interjections by hon. members.

Mr. Pilkey: Well he is getting pretty close to it, where there is an isolated situation, as happened in Niagara Falls, and—

Mr. Singer: Near Niagara Falls.

Mr. Pilkey: Well near Niagara Falls—where the police used their discretion and their judgment in a situation, the member tries to

relate this to the breakdown of law and order in this whole province. Frankly, I do not believe that is true. I have not heard the member for Downsview get up and talk about police action where workers are fighting for social justice.

Mr. De Monte: That is a different story.

Mr. Pilkey: Oh, that is a different story. Oh, I see, that is a different story.

Well let us hear about police involvement where workers are fighting for social justice. Never mind the toughs and everything else. Let us hear some of that kind of talk where people's livelihoods are at stake. All I am saying to the Minister, through you, Mr. Chairman, is that we can be obsessed with law enforcement and it can work to the detriment of the people of the province. We have got to find some medium where we preserve law and order. I do not think there is any question about that, but we ought not to become hysterical in this whole question of its enforcement. I think that the police force of this province ought to use its discretion in situations of involvement and I think they did in this situation and frankly, what the member for Downsview is advocating is getting very close to a police state.

Mr. Chairman: The hon. member for Windsor-Walkerville had been up recently.

Mr. B. Newman (Windsor-Walkerville): Mr. Chairman, I wanted to talk on a different subject, but since they want to pursue the law and order episode, I will give up my time.

Mr. Chairman: Does any other member wish to pursue this any further?

Mr. De Monte: I do, Mr. Chairman. I want to bring up a point.

Mr. Chairman: The hon. member for Dovercourt.

Mr. De Monte: It seems to me, Mr. Chairman, that our friends to the left here have really lost the whole point of this issue, as is their habit. They tend to come along and pick a little wee piece out of an argument and start to belabour it without really getting down to the meat of the issue.

Mr. Lawlor: There is one incident and you blow it into a piece of demagoguery.

Mr. De Monte: Let us examine what the member for Downsview said. Did he say that we are going to deny these people their civil rights? Did he say that the police were to use unnecessary force? Did he say that the police were to go in there and beat their brains in?

No, Mr. Chairman. What he said is that the police force cannot back down from the duty to enforce law and order in the proper way.

Not, Mr. Chairman, that we call a policeman a fascist when he enforces law and order as these people do sometimes, when it suits them.

Mr. Lawlor: I used the adjective incipient.

Mr. De Monte: That is right, incipient. I do not care how my friend from Lakeshore used the term, but it seems to me when it does not suit these people to my left, Mr. Chairman, that law and order should be enforced, it is—

Mr. Singer: Hitler paranoia, more than anything else.

Mr. De Monte: A fascist when we do enforce it, but when they want to forget about the point at issue, they have a very convenient way of avoiding it.

Now let us get down to the point. The police did not enforce law and order outside Niagara Falls. We have had incidents of the same group of men, or the same type of group, traversing this province, Mr. Chairman, and breaking the law, and flouting the law, and shooting each other and hitting each other with chains.

They come to a gas station, Mr. Chairman, and if the gas station operator asks them for payment they are liable to come back and wreck his gas station. If they walk into a grocery store, some of these thugs, Mr. Chairman, and do not pay, they are liable to push the proprietor's face in. Now let the member for Lakeshore, Mr. Chairman, call the policeman who goes over to enforce that law and order a fascist. Let him call him a fascist and let him call anybody a fascist who calls for law and order.

Mr. J. P. Spence (Kent): Mr. Chairman, with regard to what the hon. member for Downsview has said and the hon. member for Dovercourt has said, I would like to speak on these motorcycle gangs, which bring fear to the people in the area in which they congregate, in regard to other parts of the province of Ontario.

Mr. Chairman, those people who are in business are frightened to call the police in on many occasions. On some occasions, I

have been called on a Sunday afternoon. That is generally the day these motorcycle gangs congregate in different parts of the province. When they drive into the place of a small business, a restaurant, for example, and walk out without paying for their meals; or drive up to the gas pumps, take gas and drive away; people who own those businesses are frightened to call the police. I think the time has come when something will have to be done to relieve the fear of the people across this province of gangs congregating and bringing fear. People who are frightened to even call the police will call me on Sunday afternoons, asking me to call the police in, because of the fear provoked by motorcycle gangs.

I think it is the beginning, Mr. Chairman, of the time when the Minister of Justice will have to take action so the people in this province can live without fear of these motorcycle gangs.

Mr. Chairman The hon. member for High Park on this point?

Mr. M. Shulman (High Park): On this point. Mr. Chairman, I for one happen to believe we in Ontario are blessed with the best police force possible in the whole world. I have never seen a valid complaint against the police in general. Naturally in any large group of men there is the odd bad apple which cannot be prevented in any jurisdiction.

But we are blessed here in this province, and I think probably this is the first time I have risen in this House to say that I agree with the Attorney General. I think he behaved correctly here, and the reason I think he behaved correctly is this: If an individual—

Mr. T. P. Reid (Rainy River): The Attorney General must have been wrong!

Mr. Shulman: If a member of the public is endangered by a motorcycle gang, or any other group, or any other person, the police should go to any limit, even if it involves mass arrests, even if it involves the use of the utmost force, to protect the public. But in the situation here, there was no member of the public who was endangered. The only danger, if there was such, would have occurred if this confrontation had been allowed to continue.

I think the police must be allowed a certain discretion. I think they behaved correctly for that reason, in that the public were not endangered by this. I think the police have shown formidable strength when necessary when confronting these motorcycle gangs when the public was in danger.

If someone goes into a gas station and refuses to pay or threatens violence in a grocery store, as a member has suggested, the police should use every possible limit of force to protect those citizens.

But they must be given discretion, and they should not produce a massive confrontation for the sake of a massive confrontation. On this one occasion I say with regret that I think the member for Downsview has made an error, and I think he has made the error meaning well. But I think he has made an error, and I think we have blown this all out of proportion.

Mr. Chairman: The hon. member for Prince Edward-Lennox.

Mr. N. Whitney (Prince Edward-Lennox): Well, Mr. Chairman, I happened to overhear some of the discussion on the motorcycle people, and it brought back to my mind a case of a transport driver who stopped at a wayside place. He parked his transport and went in and ordered his meal and three of these motorcycle people came along and when they saw this lone transport they said: "Well, we heard that these transport drivers are pretty tough people. We will go in and see just how tough they are."

So they walked in and they saw a jacket hanging on a coat hanger. They took that off and threw it on the floor, wiped their feet on it. Then one of the motorcyclists walked over and sat down on one side of the transport driver. He took his cup of coffee and threw it over the driver's shirt. The other motorcyclist pulled his tie and threw the sandwich he had on the floor—and the transport driver got up and walked out.

After he had gone, the three motorcyclists said: "Look at that. Just look at that—that guy was supposed to be hard and tough and everything else. We did all these things to him, and he just walked out like that."

The cashier at the counter said: "Yes, and I don't think his eyesight is very good either." And they said, "What do you mean?" "Well," he said, "he just drove over three motorcycles that were parked out there."

Mr. T. P. Reid: Mr. Chairman, that is a hard act to follow, but I would like to make several observations on the present debate.

The first one being, Mr. Chairman, that the Attorney General obviously now knows that what he has said in this debate is completely wrong. The proof of that, of course,

is in that the member for High Park has agreed with him and that should be sufficient reason for him to change his mind.

I find it interesting, Mr. Chairman, in this debate that we find the party on the left, the Socialist party, talking about confrontation politics. Surely they are the party that this term is most often associated with—they are the people who want to push confrontation politics, which always carries with it the threat of violence, brinkmanship, if you like, in these particular kind of tactics.

We have seen these tactics employed at Queen's Park in recent months, within the last year, and I suggest, Mr. Speaker—

Mr. M. Makarchuk (Brantford): And in Middlesex South, do not forget that.

An hon. member: And in Brantford, too.

Mr. T. P. Reid: We are quite willing to listen to the member for Brantford any time. He has been interjecting often and obnoxiously into the debate, and I am sure the House would be willing to hear him when he has something constructive to add.

Now if I may proceed, Mr. Chairman, I was mentioning the fact that this policy of confrontation politics always carries with it the, I believe the member for Lakeshore said, incipient threat of violence. It is interesting indeed to hear the comments this party has made in this regard tonight.

But I would like to reiterate only one thing, and that is the principle of law and order that I believe the member for Downsview was trying to make. It is simply this: That if the police are going to allow themselves to be intimidated, this can do nothing but encourage others to indulge in the same kind of practices—trying to intimidate the police—and this can lead to only a general breakdown in respect for law and order. And respect for law and order carries with it also an obligation to uphold that law and order on the part of all of us.

I would suggest, Mr. Chairman, that the remarks of the member for Downsview were very well taken; that the police forces of this province, as the custodians and enforcers of the laws that this Legislature sets, cannot allow themselves to be intimidated by anyone, and that they have a duty to uphold the law and order and to take appropriate action and not allow this breakdown of law and order to occur.

I must say that I concur wholeheartedly with the remarks of the member for Downsview, and I object most strenuously to the paranoia and hysteria that it seems to have roused on our left. I would be willing at this time to offer the floor to the member for Brantford if he has anything constructive to say.

Mr. Chairman: Is there anything further on this particular point?

Mr. Makarchuk: I thank the hon. member very much for offering the floor, Mr. Chairman, I presume I can have it.

There are a few points I would like to bring up in this particular discussion. I think the idea of the member for Downsview equating the disorders in Montreal, or in the United States, to a confrontation between the police in or near Niagara Falls—a confrontation between the motorcycle gang, the thugs or hoodlums and the Ontario Provincial Police—and trying to equate that to the social discontent in the United States, is the height of the most ludicrous nature.

Where you have conditions existing where you deny human rights, where you have poverty, where you have all sorts of social problems, you are going to have discontent. You are going to have riots, and you are going to have people in the street. It does not matter how many police you put there, you are not going to solve the problems until you get at the root cause of these problems, and these are social problems which are out of the purview of the Attorney General.

They are in the hands of other people, and this is the way you are going to solve it. To a great extent, part of our problems with the motorcycle gangs is a social problem, and this is something this particular society has not tried to cope with. By bringing in the police and trying to confront them and assuming from that, or assuming from that particular action, that you are going to solve the problem, is another idle endeavour that is useless, fruitless and will never cure the particular situation.

Mr. Shulman: I would just like to bring up one point that has not been discussed up until now, and that is the root cause of this whole thing. I would like to go at it from another way, and that is the law that is being enforced—and I think I would like to refer to our Prime Minister, Mr. Trudeau.

The laws that a province or country should try to enforce are those that protect its citizens, and the laws that cause these confrontations, are not those laws. There is no citizen being threatened, there is no property being threatened in any way. The primary

causes of the confrontations with the youths who are involved in these motocycle gangs are alcohol, the alcohol laws, the personal laws. And I think of Trudeau's words where he said—I am paraphrasing of course—that laws should be concerned with the protection of the individual and his property, not with his morals—and this is really the basis of the whole trouble. Our alcohol laws are so badly set up that the police are continually being forced to carry out arrests and to carry out laws which the vast majority of the people in the province really do not believe are good laws.

I have a transcript in front of me. I was standing in the courts all last summer. I spent my summer in the courts trying to learn what was going on, and the thing that shocked me continually in the Toronto courts were the things the police did because there are laws in the book that are bad laws. Here is the transcript of the case of Her Majesty the Queen vs. Violet Whiteside. Violet Whiteside's terrible, terrible crime was to sit with three other persons at a picnic where a bottle of sherry was opened and was passed around. They each had a glass of sherry at this picnic, and the police coming by, saw this crime being committed, and arrested them all, took them off to jail where they spent—

Mr. De Monte: Forty per cent of the cases in court!

Mr. Shulman: It does not make any sense to me, I just do not understand. This woman and these other people spent time in jail until their case came up. And they said how do you plead. And they said, "Well, yes, we did drink a glass of sherry at the picnic." They pleaded guilty and the judge found them guilty. Mrs. Whitehead was fined $10 or one day in jail.

This judge is a rather sensible judge; he said $10 or one day, although while I sat in that court, other people got $10 or ten days, within a very few minutes. In any case, she did not have the $10, she was a poor woman, so she said, "I will have to put in the one day." And she put in the one day.

This is the root cause of all this nonsense —what a stupid thing, to arrest four people on a picnic because they had a glass of sherry. I just do not understand.

This type of law surely should be reformed, because this is the cause of so many confrontations in which no one is being hurt. And you are protecting people against what? Against themselves?

Are they going to be made more pure by drinking alcohol at home instead of at a picnic? There are hundreds of laws like this. They are not federal laws, these are provincial laws. Why can you not reform them? Will the Attorney General comment on this?

Mr. R. G. Hodgson (Victoria-Haliburton): Mr. Chairman, could I say a word?

Recently members were in the state of California where at a table by the roadside it is quite permissible to drink a glass of wine and have a bottle on the table. But let me tell you that they still have the problem of the motorcycle gangs, even though it is permissible in California to drink that bottle of wine on the roadside, at your table. Therefore, I do not see how the member for High Park can relate that sort of law to the problem that was brought up by the member for Downsview.

Mr. Shulman: In reply to that, I am not suggesting that if we legalize the drinking of wine by the roadside, the motorcycle gangs are going to disappear. What I am saying—and I believe the member for Dovercourt just pointed it out—is that 40 per cent of the offences in the courts are the result of this type of offence, and 90 per cent of the arrests and the confrontations between the police and the motorcycle gangs occur as a result of them consuming alcohol in a public place or drinking alcohol under age.

The motorcycle gangs are an endemic problem. Motorcycle gangs in themselves are not necessarily bad. Because someone has a motorcycle and is in a gang does not necessarily mean that he is going to break any laws. The laws of the province must be maintained and the laws to protect our citizens must be maintained. But there is no use producing unnecessary confrontations by having foolish laws.

I do not think that there would be a single person in this whole Legislature who would defend this type of police activity which is forced upon them by this type of law. It just does not make sense.

Mr. Chairman: The Attorney General.

Hon. Mr. Wishart: The hon. member asked me to comment. I will be very brief.

I think I would have to agree with him that we have not reached the acme of perfection in our liquor laws. I think there is room for improvement. I think we are improving them every day and I have some idea I have had some part in helping to improve them. I think there is improvement.

I would point out that I think in Britain, perhaps, they have what are considered as liberal laws in the use of alcohol. But they have their motorcycle gangs.

I noticed, in reading the paper today, that in Belfast they had peace for the last couple of nights because they stopped the late sale of liquor. I do not know what conclusion you draw from that. Apparently they cut off the late sales, closed the bars, and peace descended over the city.

Mr. Lewis: I think that is a pretty cosmic slur.

Hon. Mr. Wishart: I do not know. I think one can draw various conclusions.

I will agree with the hon. member for High Park that our laws are by no means perfect, in any area actually, but we have a long way to go perhaps to improve them in the field of liquor. I do not think however—I am indebted to the member for Victoria-Haliburton—I do not think you can relate the lawlessness of motorcycle gangs to the liquor laws.

Mr. Shulman: Mr. Chairman, I certainly was not suggesting that by any means.

I would like to make one thing quite clear. Coming from a dry riding, probably one of the two—I see the member for Grey-Bruce is not here—one of the two dry members in the House, I am not suggesting that we abandon all the liquor laws. What I am suggesting is that we make them a little more sensible.

The other point I would like to make, if it is not clear, is that I am not suggesting that this is going to clear up all the forces of evil, which the member for Brantford and the member for Scarborough West have pointed out. However, at least, let us not produce needless confrontations.

Mr. Lewis: Right! By jove you have done one real first rate job there.

Mr. Burr: I would like to speak briefly on this matter and congratulate the police on their restraint. The avoidance of these confrontations, of course, is the secret of community peace.

No one suggests, I am sure, that the public should lack any protection, but I would like to read you just two or three paragraphs from an account of what happened in Windsor a week or so ago when there was a demonstration of students, planned in connection with the atomic bomb explosion in the Aleutian Islands.

I will not read it all, just two or three pertinent paragraphs.

> The police for the most part moved quickly but with restraint, stayed cool and, perhaps most important, retained a sense of humour about the whole thing.

Skipping down:

> Behind the scenes demonstration leaders had met earlier in the day with police officials and both factions—

I do not think that is a very good word:

> —agreed that a demonstration was permissible, but if traffic was interfered with, the students would be subject to charge.
>
> 'We have met the members of the student council before' said Chief Preston, 'and I think we have a much better dialogue between the students and ourselves.'

And farther down:

> Most of the senior officers have themselves taken courses in sociology and psychology at the university. The men had been trained in crowd control procedures and a refresher course is planned for this year. Not every one was happy with what happened Wednesday. Some police obviously did not like the idea of the demonstration and some students obviously did not like how the police handled it, but everyone concerned was at least professional about the situation and heads stayed cool and unbroken.

So Mr. Chairman, the police should be complimented on their restaint. And I also think that the newspaper reporters who wrote up this particular demonstration should be congratulated on the restraint they used in reporting it, because a great deal of our violence, I think, results from TV and other publicity given to violence, thereby causing it to multiply.

I think perhaps the member for Downsview was not too wise in suggesting that the police were cowardly. This is merely trying to stir up the police in a confrontation. Next time they may say, "Remember what that member said about us, we will show him we can be tough", and they may be inclined to cast aside the discretion that they have been very wisely showing.

Mr. Chairman: The member for Windsor-Walkerville.

Mr. Lewis: Enough commendations, Mr. Chairman! Let us get into the guts of this iniquitous department.

Mr. B. Newman: Mr. Speaker, I had no intention of getting into this debate, but over the weekend I received a complaint from a constituent of mine concerning motorcycle gangs. This happens to be in my own riding and the constituent did mention to me that he had appealed to the police. The motorcyclists were riding up and down the sidewalk.

He came out to complain to them and they completely disregarded him. What is the man to do, Mr. Chairman? You can see that there are problems with some of these fellows. Most of the motorcyclists are very decent and law-abiding but there are still enough rotten apples among them to cause the problems that have been brought to the attention of the hon. Minister here this afternoon and this evening.

I do not want to pursue that any further but I do want to bring up the topic that I was ruled out of order on in vote 204—the need for extra assistant Crown Attorneys in the city of Windsor. I had made mention of the fact that cases are delayed, some well over a year, and I have specific information here—I should not say specific—I have newspaper information concerning one as long as almost two years.

I would like to mention to the hon. Attorney General that even the president of the Essex Bar Association pleads for extra assistant Crown Attorneys so that cases will not only no longer be delayed but that the Crown itself will not receive a brief 15 minutes before the court commences and be asked to prosecute. You are asking an assistant Crown Attorney for a little too much to attempt to familiarize himself with an individual's brief and prosecute with that little preparation. May I ask the Minister what he plans to do concerning the acute shortage in the courts in the Windsor area?

Hon. Mr. Wishart: Mr. Chairman, I am glad to answer. I think the hon. member knows that we have a good situation there with Crown Attorneys. We lost, I believe, three or two, one after another, for reasons which the hon. member, I am sure, is aware. There was, for a time, a situation which we had to move to correct. What we have now is a full-time Crown Attorney, a full-time assistant Crown Attorney and we have sent in a man from our own office to act as a full-time assistant Crown Attorney to solve the situation there. This is something that we have become aware of; we were aware of it.

We had that situation of resignations for reasons which I do not think I need to recite here, and we have moved to correct it. If further assistance is necessary we will supply it; but at the present time, I point out, we have three Crown Attorneys—two assistants full-time, one which we sent down from our own office. If more are necessary, we will supply them.

I am informed that we have five of the local bar, five part-time. I think I might just take a moment on the part-time situation which the hon. member was going to question me about the other evening, I believe. We do employ part-time Crown Attorneys and they are helpful. If you have a number available, the senior Crown Attorney who is in charge can find someone to take a case where the court is crowded or he is involved in some other case, and there is, perhaps, an assize sitting and the provincial judge's court, and so on—or other courts are in need of a Crown counsel.

This is a useful arrangement because it does away with a necessity which we would otherwise have to face of hiring full-time salaried Crown Attorneys who would be available but who would not be employed but for a part of their time. By the use of the part-time Crown Attorney, along with, usually, a full-time Crown and a full-time assistant, or perhaps two full-time assistants, we are able to meet the situation, I think, in a fairly adequate way.

The Windsor situation, I think I should be fair to admit, went out of hand briefly because of a special situation which developed there. But we moved to meet it and I think we have met it and if further action is necessary we are watching it and we will meet that.

Mr. B. Newman: Thank you. It is most reassuring to hear that and I bring this up, Mr. Chairman, from the fact that the president of the bar association makes comment that the Crown Attorney is handed a brief 15 minutes before court begins and is expected to prosecute immediately.

This is today, Mr. Chairman, this is not months ago. These comments were made by the president of the Essex County Bar Association within the last two weeks, and this is how acute this situation is. I made mention that we had the one Crown Attorney and a full-time assistant and five part-time. But apparently, sir, there still is a tremendous backlog of cases and, as I mentioned earlier, I have the report of one being almost two years old.

Hon. Mr. Wishart: Mr. Chairman, I would like to comment on that matter. There really is no excuse for handing a Crown counsel a brief or a file on a case with 10 or 15 minute for preparation before court opens. I think, in such cases, he perhaps should decline to take the case with that amount of preparation.

There are some cases which come up quickly and they are not, perhaps, too serious. If the police have done their work, you can look at the files and see the evidence which is presented. I should also point out that our part-time Crown Attorneys only act in the provincial judge's court or at coroner's inquests. They do not act in the assize cases or in the more serious cases.

I have had—if I may cite my own experience—the experience of acting as a Crown Attorney for the district of Algoma for some time. Quite often, it is quite proper to take a case as it comes to hand as the court opens, some of the minor cases. The police have done their preparation, you go into court and you bring out the facts which the police have indicated are part of the evidence. The magistrate, now called a provincial judge, sits there without hearing anything previously of the case. I think perhaps a very good administration of justice results from the Crown presenting the facts as the police have determined them. But in the ordinary case of any serious import there should be preparation, and I am sure that we shall find the situation in Windsor improving.

If that was a criticism it is a proper criticism in most cases. There are many cases when you can go into court, take the police brief, call a witness, and from the evidence that is set forth on the police blotter when they hand it to you, you can draw out the evidence. The court hears it and, as I say, a good administration of justice results.

Mr. B. Newman: Mr. Chairman, may I ask the hon. Minister if the second full-time assistant Crown Attorney who has been sent to the city by this department, will remain in there or is he only going to be there temporarily?

Hon. Mr. Wishart: He will be there as long as is necessary. If we cannot leave him there, we will put somebody there to fill his place.

Mr. B. Newman: Right; thank you.

Mr. Chairman: On vote 205, the member for High Park.

Mr. Shulman: Yes, there are two or three matters I would like to raise under this vote, Mr. Chairman.

Last year in this particular estimate I raised the problem of the children of Ronald Martin, who were kidnapped from this province. We had some lengthy discussion and I do not wish to go into that again. If you will recall, the kidnapping was at least aided by Ontario detectives and those Ontario detectives have had no punishment; there was no loss of life and nothing was done about that. However, there is no use going through that again.

What I am disturbed about: since that time, as a result of the publicity from that case, an almost identical case has come to my attention where a mother has appealed to me.

Mr. Singer: I want to tell the member for Lakeshore that I was late, so I was skulking back in.

Mr. Lawlor: Shamefacedly, I hope.

Mr. Singer: No, not the least bit. I am even more convinced than ever I was right.

Mr. Shulman: Mr. Chairman, I was written by Mrs. Marilyn Campbell who, I believe, has been in touch with the Attorney General. She lives in Kingston, Ontario, and I just wish to quote one paragraph from her letter because it sums up the problem very quickly:

> I am a woman, now divorced with two sons aged ten and 12 years. I left my husband in 1963, due to improper support and a totally irresponsible attitude, and was given custody of my children by a properly constituted order of an Ontario court. This order has been confirmed on several occasions by the court after a most thorough investigation. The evidence in court has it recorded that my ex-husband was unstable, was not a proper provider and had a long history of psychopathic tendencies.
>
> This man left Ontario in 1963 for New Brunswick where he applied to a court for a divorce. This was granted him upon his own affidavit and without my being present or giving any evidence.
>
> Early in December, 1966 this man, after having been in court in Ontario throughout a number of hearings relative to the custody of the children, having been refused custody on every occasion, and having very stringent terms imposed upon him over periodic access, took the law

into his own hands and abducted the children on the way to school.

From that day to this, now two and a half years, I have had neither sight nor sound of my two children, nor can I get assistance from the Ontario authorities to regain them in spite of having pressed the matter as far as a private citizen can do under Sections 236, abduction of children, and 108, contempt of court.

The father of the children took them down to New Brunswick where he went into court —I am not quoting now—and received a New Brunswick court order. I find this a rather tragic case, and terribly like the Martin case.

Hon. Mr. Wishart: Were the police involved in this case at all?

Mr. Shulman: The police were notified, but not until after the kidnapping had taken place.

In the other case the children were taken out of the jurisdiction. They were taken to California. In this case the children were taken to New Brunswick; and I find it very disturbing that the Ontario government, the proper authority, has not paid any attention to Mrs. Campbell's pleas for help to get her children back. I would ask the Attorney General, if he does not have that file available, if he will get it out and give us some reply in this particular matter.

Hon. Mr. W'shart: First of all, I know we are not going to discuss the Martin case. That was the previous one. There was a police involvement there in which they acted as guides or informants to the bailiffs or sheriffs who came from the United States. I think we discussed this in last year's estimates. Those officers were reprimanded for the part they took in that, although there was no criminal action on their part.

In connection with this case between Ontario and New Brunswick—the case the hon. member cites, first of all, we have the letter from the mother two and a half years after the event. I am always, perhaps as a lawyer, always anxious to have both sides of the story. While I do not question her sincerity, I wonder if she has all the facts first of all, or if she has recited them properlly.

In any event, the answer is this: That the question of custody of children between husband and wife, father and mother, often involves rights on both sides, and it is not a matter of criminal jurisdict'on. It is not a matter of police action. It is a matter for civil procedure through the courts.

Abduction is hardly the word that applies to a father taking his children. Now, the mother says there is an order which says she is to have custody. The father says: 'I have rights, these are my children. I am the father." While she says he has no sense of responsibility. Apparently he feels some responsibility to the children to the extent he is willing to take them with him to the province of New Brunswick and apparently maintain them there.

But the main answer lies between the father and the mother. There is the question of right, the question of custody, the right to custody of these children, which should be decided by a civil court.

It is not a matter really of abduction in the sense of the word that someone without any right has taken an individual and held him from those who have a right to his company or society. I do not think there really is a police matter involved here, because the police were not involved in it.

It is really a matter of whether the Ontario courts should assert themselves by enforcing their order which was apparently made here, according to the mother, by contact with the New Brunswick courts or authorities. But I think if I were to advise the lady—if I had her case—I would examine it very carefully, and then see whether the civil law could pursue that matter and get back for her, if she is entitled to them, the children.

Mr. Shulman: The problem is this woman is without financial resources, she is not able to take the civil action perhaps.

Hon. Mr. Wishart: Well, we have provided legal aid.

Mr. Shulman: I will suggest she follow that course.

The second matter I would like to bring up is something very disturbing in relation to criminal prosecutions. I would ask the Attorney General is it possible for a judge to consider or give a sentence, tell someone he is sentenced to a certain thing, have the person leave the court—then the judge changes his mind and pulls the person back and gives them a different sentence. I will give him a specific case, because I found this pretty wild.

This is the case of Herbert Alexander Backus, who lives at 1257 King Street West and he appeared before His Worship Magistrate Dneiper in magistrate's court No. 38 on October 16 last—

Hon. Mr. Wishart: October 16—this year?

Mr. Shulman: I am sorry, 1968. He was charged that while ability to drive a motor vehicle was impaired by an alcohol or drug, he drove a motor vehicle contrary to the criminal code. I have the transcript here. I I shall not take the time to read it, but coming down to the end, the judge says:

The Court: Something you care to say in connection with your sentence?

The Accused: No.

The Court: Two hundred dollars or 30 days. Fifteen days to pay that.

And Mr. Donaldson, who is the Crown, said:

I would ask the other charge be withdrawn, your worship.

The Court: And you are prohibited from driving anywhere in Canada for a period of one year.

The Accused: One year?

The Court: That is correct, sir. Call the next case.

Mr. Donaldson: Your worship, Bernard Sarr.

And they go on with the next case, and then somewhere along the line:

The Court: Officer Saunders, will you go out and get that man so we can get his address from him?

What is your address?

The Accused: 1257 King Street West.

The Court: How long have you lived there?

The Accused: I have been there three months now.

The Court: What do you work at?

The Accused: Rothman's, sir.

The Court: How long have you worked there?

The Accused: Three months.

The Court: What is your criminal record?

The Accused: It is quite extensive.

The Court: Did you understand my question?

The Accused: What is my criminal record.

The Court: That is correct. The question was not if you had one, the question was: What is it? Tell me your criminal record.

The Accused: Mostly assault and breaking and entering. This was when I was much younger.

The Court: I will ask you once more and no more times. What is your criminal record?

The Accused: I have been convicted four times for assault, I believe, breaking and entering once, theft over once.

The Court: When did you get out?

The Accused: I have been out a year and a half now.

The Court: What did you do last time?

The Accused: Six months.

The Court: On what charge?

The Accused: Assault.

The Court: There is a little amendment to that sentence—make it $200 or six months, 15 days to pay.

Now this struck me as rather odd. Would the Attorney General care to comment? Is this legitimate procedure—perhaps in the light of the previous criminal record?

Hon. Mr. Wishart: It is difficult to answer with a firm opinion in a matter which is really asking for a legal opinion on short notice. But it would seem to me, and I would be glad to have my colleagues who are lawyers in the House perhaps support me—or differ with me if they like—that where the judge has not signed the actual certificate of judgment, he has not concluded the case. He is at liberty to review his judgment, and apparently something came to his mind that there was a criminal record here which should perhaps be a factor in assessing the sentence.

I think, if that is the case, then the magistrate or provincial judge may call the convicted man back. He was quite entitled, of course, to know his criminal record if he had not recorded the previous sentence and had not concluded the case. At that point he was quite at liberty to vary the sentence. If he had concluded it, he was, as we say, *functus*. And he had no right to go back into it.

That is my legal opinion. Now let me say this, that, in any event, if the accused, the convicted person, felt that the sentence was unjust or unfair, he, of course, had the right to appeal. If the proceedings were wrong in any way, or even if they were not, if he felt the sentence was extravagant or too severe, of course there was always the right of appeal. But I think the judge in the circumstances which the member for High Park recites was probably within his rights in increasing the sentence.

Mr. Shulman: Thank you. Well he may have been within his rights but he was certainly *functus*, it occurs to me.

Mr. Lewis: You must have been quite an artful counsel.

Mr. Shulman: I think there should be perhaps a little word in the ear of the judge that once he gives the sentence to please not change it. Because regardless of what else, it gave to everyone in that courtroom the impression that this was a very funny form of justice.

Hon. Mr. Wishart: As I say, he had the right of appeal, but I think the judge was within his rights, if I have the facts.

Mr. Shulman: You may be right, sir, but what I am getting at is that the judges should not worry too much about being within their rights but of not only giving justice, but the appearance of giving justice. This surely does not appear just to me.

Hon. Mr. Wishart: I agree.

Mr. Shulman: To go on. I spent some time in the court of Magistrate C. Drukarsh, in courtroom "G", and this is a revelation that I wish more members in this House could have, because it is the most amazing thing in the world to sit there and have people parade in and be given a maximum of 45 seconds each for their case. This is, I presume, what you call "the drunk court", where they have them lined up, and the most important thing is to get them out of the court room in time to get somebody else in; and it takes less time to get somebody in and out of the courtroom than to hear the case. I could not believe what was going on here, so I ordered a transcript, and this was quite amazing to the court reporters. No one has ever ordered a transcript there, but I have a transcript here of 30 cases—these three pages—and I would just like to read you what goes on there.

Hon. Mr. Wishart: Do you think for a moment that the people who appear in that court want to stay around there very long either?

Mr. Shulman: The point is, I did not think they were getting justice. I felt they should at least be given an opportunity to have their cases heard. There was one man who was diabetic and said he had to be down at the hospital the next day and he was given six days in jail. Let me just find that one.

Hon. Mr. Wishart: He would get treatment though.

Mr. Shulman: No, he was a diabetic.

Hon. Mr. Wishart: He would get treatment in the jail, I am sure.

Mr. Shulman: Let me read that one.

Clerk of the Court: Robert Andre, you were charged on September 11 as being drunk, how do you plead, guilty or not guilty.

The Accused: Guilty.

Clerk of the Court: Sixteenth.

The Court: When was the last one?

I presume he was referring to the number of convictions, that is the only thing that makes sense. It is very hard to understand what they are saying.

Mr. Singer: You should go to law school.

Mr. Shulman: I wish a few people here not gone to law school, then maybe we would get a little more justice.

Clerk of the Court: July 27.

The Court: Is there anything you can tell me about this man?

The Accused: Yes, I am a diabetic.

The Salvation Army Brigadier: Do you have your card there?

The Court: You are not supposed to drink if you are a diabetic, is that not right?

Sergeant Petrie: —

This is the man who was acting for the Crown, but he is a policeman, and this I found a little difficult to understand, too.

Sergeant Petrie: It is the worst thing in the world.

This is the Crown attorney speaking.

The Court: Why do you drink if you are a diabetic?

The Accused: Sometimes when I get really sick, you know, and I take a drink, and sometimes I pass right out, you see.

The Court: You know that you should not be drinking.

The Accused: When I get arrested they tell me to eat, but it seems to make it worse.

The Court: You do what the doctors tell you to do?

The Accused: I have to go to the hospital again.

The Court: When do you have to go to the hospital?

The Accused: September 16, and I have a job in the meanwhile.

The Court: All right, the accused will go to jail for six days.

Well, I was really sitting shell shocked with that one—and then they went on with a more rapid series.

Hon. Mr. Wishart: I wonder if the member really knows the circumstances—I mean he only read that single case. Is it not apparent to the hon. member that this is a repeater—repeating, repeating, repeating—coming into court, having been found completely inebriated, completely intoxicated, out of commission, suffering from a diabetic condition? Is it not quite apparent to him that this man comes to court time after time, an alcoholic, an habitual alcoholic? Probably what he needs is treatment over a long period of time, perhaps that might help, perhaps it might not, because many of these cases have been treated over extended periods of time, and they come out and go right back to the beginning again.

Mr. Shulman: But you see, it is all of these cases, whether they are repeaters or not. Here is another one; and this one represents the whole case.

Clerk of the Court: William Bridgeman, you are charged on September 10 of being drunk. How do you plead to this charge?

The Accused: Guilty.

Clerk of the Court: Second

—and this I presume means the second offence.

The Court: When was the last time you were here?

Hon. Mr. Wishart: Let me tell the hon. member what that really means. That means that they only charge it as second offence. Now, it may only have been the second offence, but the police and the courts are generous, in the sense that a man may have a record a foolscap page long. They may charge him only with his second offence.

You can charge as second, or third, or fourth offence, but quite often persons who are known to be alcoholics, habitual alcoholics, or have been known to be in court half a dozen times previously, are charged only as a first offence, or perhaps if the court feels he should have a little time in jail to dry out, as it were, he will charge him as second so that he can get a sentence long enough to get the alcohol out of his system so that he can come out sober and take his job, if he says he had a job.

Mr. Shulman: Well, let me just finish this whole trial, there are only two more lines.

The Court: Do you work?

The Accused: I am on pension, sir.

The Court: All right, ten dollars or two days.

It appears to me to be very rudimentary justice. Quick, in and out, no Crown attorney—

Hon. Mr. Wishart: Swift.

Mr. Shulman: It sure is swift. Hardly the sort of thing that improves one's belief in the great Ontario justice which we do get in the higher levels of our courts.

It seems to me, the poorer the persons involved, the less effort is made to attempt to see what can really be done for them. They do not really bother having a Crown Attorney and I think that odious, and it is not only myself who finds that odious. I have a study here that was done in the United States as to the way courts should be properly maintained, and the very first rule is—rule number one—that the police should never act as Crown attorneys. This is a bad way to run courts, it appears to me. I am not a lawyer, but this is a bad form of justice and this impressed me the same way that Judge Dnieper impressed me, when he called a man back and changed his sentence.

Hon. Mr. Wishart: Let me say this, the policeman is not really acting as a Crown attorney. He is, perhaps, prosecuting, but do not forget that even on that drunk charge, even on that simple charge—which is not a criminal offence, but under one of our provincial statutes an offence against The Liquor Control Act—we have passed a law in this Legislature saying that that accused person may have legal counsel. If he wanted to be defended, even though he did not have a cent in his pocket and no prospect of paying counsel, he may have legal aid. But these people do not want a lawyer. He goes into court and says, "Yes I was drunk." And no counsel could defend him and get him off, if that is what the hon. member is saying we should do for him.

Mr. Shulman: No.

Hon. Mr. Wishart: But do not forget, although the policeman put the facts of the matter, before the court, this man was charged with being drunk and if the policeman was called to the witness box he would say, I found him on the street, or in the

ditch or in the bar room, or whatever, unable to walk, his speech was thick, he was unable to take care of himself and I brought him in and charged him.

He has put him in jail, he has perhaps been in custody overnight, and he is somewhat recovered so he is able to stand up in court and say, "Yes, I was guilty of being drunk". Now he is entitled to legal aid, do not forget that.

Mr. Shulman: There is not even a duty counsel present.

Hon. Mr. Wishart: He is entitled to counsel, he can have it if he asks, and we have made that possible in this province.

Now what is the court to do with him? The provincial judge says, "Two days." He looks at the man, he has had a tough couple of days, he has been saturated with alcohol, he needs a couple of days to dry out, so he says, "two days." Perhaps that is the best thing, in most cases, maybe that is the only proper sentence.

Mr. Lewis: You are not happy with this system—I am sure you are not.

Hon. Mr. Wishart: No I am not happy, but under our law I think perhaps—and we are making a study of what we should do and I have looked at what they do in Sweden, and I have been there to see it. They put them out in work places and they put them on farms and they give them a course of trying to rehabilitate them, and perhaps we can do something. I do not like the idea of, day after day, so many of our people being jailed for the effects of alcohol, for an offence against our Liquor Act; being kept at the expense of the state—I am too Scotch to like that.

Mr. Lewis: It is not even the state. The only thing that is more degrading than the alcohol is the justice.

Hon. Mr. Wishart: I do not like my money being used to maintain people 10 days or 20 days or 30 days at the expense of the state because they have over-indulged in alcohol, but beyond that, I think the great thing would be to find some method of putting these people out in some sort of situation where they would be useful, where they could perhaps redeem themselves to some extent.

I am not so naive as to think they can all be redeemed. I know they cannot, but I think we could do a lot more than we do. I think in the circumstances that the hon. member cites, the two days was not injustice, really.

Mr. Shulman: Mr. Chairman, I am not suggesting that the sentence was wrong. What I am suggesting is that the court was wrong. The day that I was present, there was no duty counsel. There was no lawyer appearing in the court at all. I was the only lawyer apparently.

Hon. Mr. Wishart: He could have had the counsel, why can he not do that?

Mr. Shulman: Well, we know very well they are not going to ask for counsel.

Hon. Mr. Wishart: That is their affair.

Mr. De Monte: On a point of order, Mr. Chairman. Was this down at the city hall, old city hall?

Mr. Shulman: This was off Jarvis Street.

Mr. De Monte: Is there no duty counsel in the bull pen?

Mr. Shulman: No. On this particular day there was no duty counsel. It was not at city hall. It was in a police station, strangely enough, and I think this is the strangest thing.

Hon. Mr. Wishart: I only make the point that legal aid is available. We have passed the law and made it available. Now he could have had counsel.

Mr. Shulman: Just a minute. Is there not a duty counsel assigned to all the courts at city hall? There has been every time I have been there.

Hon. Mr. Wishart: As I understand it, yes.

Mr. Shulman: Yes, but in this particular court there was no duty counsel, and the reason there was no duty counsel is because it is the lowest, lowest court. Not only was there no duty counsel, there was not even a Crown attorney. So here we had a situation which is really the rudest possible justice, and the court itself is in a police station.

Hon. Mr. Wishart: I am sure the hon. member is not naive—I know that—but I am sure he knows that most of these men in that court want a couple of days to get regular meals, to get some warm quiet place where they can rest their weary bones. They have been battered around with the effects of over-indulgence of alcohol. They want to

just lie down and rest and be fed and cared for for a couple of days to get over the effects of it. That is what they want, and you can have all the counsel in the world, but that is what that fellow will tell you—"I want to plead guilty and I want to get a couple of days in jail."

Mr. Shulman: Mr. Chairman, I am not worried about most of those men. The Attorney General is quite right, most of those probably do feel that way. But there are going to be miscarriages of justice because some of them are not in that position, and there is no one in that court to advise the accused of his rights.

Now let me suggest, through you, sir, to the Attorney General, that surely we can have a legal counsel in the court. Most of these cases are not going to need it, but there should be a duty counsel sitting there so that when something does come up, he can speak up. I am sure the Attorney General will agree and will do something about that.

There is another matter which has come up in my courtroom sittings which I would like to draw to the attention of the Attorney General. In this case I am going to have to criticize the police, or a police officer.

This involved a case of car theft in which six young Maltese constituents of mine were accused of car theft and the way the circumstances arose were that the owner of the car found his car missing. He had loaned it on numerous occasions to these young boys, but he had no idea they had taken it this time.

He went to the police station, informed the police officer that it was stolen and while he was in the police station the boys were brought in with the car. As soon as he saw them he said: "Oh, forget it, they are friends of mine." The police officer said: "No, we have got to go ahead with the charge." I want to read from the court testimony because this is pretty upsetting:

> Cross-examination by Mr. Charlebois, counsel for the accused:
>
> Question: You have in the past lent your car to David L. Lewell, is that right?
>
> Answer: Yes, sir.
>
> Question: On the Monday night that your car was stolen, did you think that he had it?
>
> Answer: No.
>
> Question: Why not?
>
> Answer: Because he was supposed to in London.
>
> Question: He was supposed to be in London?
>
> Answer: Yes.
>
> Question: When you realized it was missing, what did you do?
>
> Answer: I went to the police station and reported it.
>
> Question: And while you were in the police station, were these fellows arrested and brought in?
>
> Answer Yes, sir.
>
> Question: And at that particular time what did you tell the policeman?
>
> Answer: I did not want to put no charges on them.
>
> Question: You did not want the charges to stay there, is that right?
>
> Answer: No.
>
> Question: What did they tell you?
>
> Answer: I would be put 60 days in jail for public mischief.
>
> Question: That you would be put in jail for 60 days?
>
> Answer: For public mischief.
>
> Question: For public mischief?
>
> Answer: Yes.
>
> Question: After that what happened?
>
> Answer: There was another guy with me, you know.
>
> Question. What happened?
>
> Answer: He told the police the same thing, you know. Tried to tell him, you know, not to charge them.
>
> Question: Told them the same thing?
>
> Answer: Yes. Then they told us to get out, both of us.
>
> Question: They told you to get out?
>
> Answer: Yes.
>
> Question: When did you phone me?
>
> Answer: Yesterday.

And so on. But this is rather frightening, I think, Mr. Chairman.

Hon. Mr. Wishart: Have you got the police evidence there and the result of the case?

Mr. Shulman: I have the whole transcript here, but the police did not give evidence.

Hon. Mr. Wishart: What was the result?

Mr. Shulman: The judge threw it out. What disturbs me—

Hon. A. B. R. Lawrence (Minister without Portfolio): Why do you smile?

Mr. Shulman: Well, of course, it should be thrown out. I smile because I had to go through this whole nonsense, this whole routine of everybody going down to court wasting their time, wasting our money, wasting the court's time, and filling it up because of this funny system of justice.

Now surely, Mr. Chairman, some instructions should go down to those police officers so that in a circumstance—

Hon. Mr. Wishart: I think I have to say, Mr. Chairman, that sometimes—I do not think one could deny—the police are overly zealous, certain police officers. This I think we would have to admit. But here is a case where the police perhaps were over-zealous. The case came to court, the charge is dismissed, the police do not give any evidence, the youths are let go, the story comes out. Is this not, in a sense, obtaining justice?

Mr. Shulman: But the boys spent time in jail.

Hon. Mr. Wishart: The hon. member says he complained about the waste of time. Well time is not always wasted.

Mr. Shulman: In jail?

Hon. Mr. Wishart: Time is not always wasted if in the end justice was obtained. The wheels of justice did turn and the accused were let go, and they were not found guilty of anything and the police did not get up and offer any evidence.

I do not think that the time was wasted, and one must not forget that in this case a complaint was made to the police by the man whose car was taken. He came to the police and he put the police to the trouble of finding these boys. They were out looking for a stolen car, and they caught these youths with it, on the complaint of a citizen. So they say: "All right, we have had your complaint, let us see. Now after you have got your car back, you say you are satisfied to let them go, but we had better carry this a bit further." Perhaps the police were over-zealous, but they had reason; they had spent considerable time. It is all very well to say the boys spent some time in jail, but look at the time the police spent chasing to find where the car was—

Mr. E. Dunlop (York-Forest Hill): Did the boys spend the time in jail or in the lock-up?

Hon. Mr. Wishart: —using the taxes which you and I pay to maintain them. What about their time, was it wasted? I think one has to look at the final result and say: "This was a case where the wheels turned, and not a bad result came out."

Mr. Shulman: Well I cannot accept that one. If somebody spends time in jail and they are subsequently found innocent or they were known to be innocent to start with—

Hon. Mr. Wishart: What about the police time?

Mr. Shulman: The police are paid for their time. They are paid to chase stolen cars when a car is reported stolen. This whole case took a matter of an hour, so there was not that much police time. But the boys spent a lot more than an hour in jail. This is certainly a case of over-zealousness. I do not want to press it too hard. It was an individual case and I hope I will not have occasion to bring more like it here.

I would like to go to a more general problem though under this vote, and this has to do with the bail bondsmen. Now, I am sure the Attorney General is aware of the problem of the bail bondsmen in this province; illegal but tolerated. There is no difficulty getting a bail bondsman at city hall. They hang about beside the criminal courts, the ones down in the basement and the ones on the first floor, and there are a number of lawyers who will quickly steer you to a bail bondsman when you need one, or even clerks of the court. And I would like to refer the Attorney General to the case of Alec Forbes—

Mr. Singer: Mr. Chairman, on a point of order.

I hesitate to interrupt the hon. member for High Park, but at the beginning of this vote I specifically asked you and the Attorney General under what heading bail should come, and it was indicated it would be under vote 206.

Hon. Mr. Wishart: Right! It should come under the next vote.

Mr. Shulman: Well, are the bail bondsmen—

Mr. Singer: You cannot have bail bondsmen unless there is a system of bail.

Mr. Shulman: The Bail Reform Act I have here also, I was going to discuss that.

Mr. Singer: Well, that is 206.

Mr. Shulman: All right.

Mr. Lawlor: Mr. Chairman, on a few financial points under 205: The fifth item, the grant to the centre of criminology, $48,500 this year, was $76,000 last year. The hon. Minister the other day gave some indication of the work that is being carried out there, but I would be interested in this being the proper place to learn of that work further and why there is such a substantial reduction.

Hon. Mr. Wishart: On the centre of criminology, Mr. Chairman, last year we had an item of $29,000 in for the study of unrecorded crime in Metropolitan Toronto. I do not think we used that, we did not put any item in for it this year, so where we had $45,000 sanctioned last year for a study of the effectiveness of criminal law and law enforcement machinery controlling illegal corporation activities, this year it is $48,000. The $45,000 and the $29,000 last year made up the total of $74,000; this year we have only $48,500 in our estimates for that study.

That is the reason for the difference. Our estimates are down.

Mr. Shulman: I was just going to bring in one last brief matter before my colleague continues. This is a disturbing thing.

As I told you, I have been into the courts and one of the cases was that of a Mr. Gordon Beauchamp. He was tried in Pembroke. I applied to get a copy of the evidence and I received a letter back. I wrote asking for a transcript and offering to pay for it and I received a letter back which I find very disturbing. It is on the heading of the Court House, county of Renfrew:

Dear Dr. Shulman:

Re Beauchamp evidence:

This is in reply to your letter of August 15. In criminal matters, the number of people to whom I am authorized to provide transcripts of evidence is rather limited. If you would direct your request through The Department of Justice, and if a directive is received from them, I will provide the transcript without delay.

Yours very truly,

Mr. Sheady.

Well, I wrote to the Attorney General and I presume the appropriate word was passed on and I received my transcript. But surely that is not the situation; surely anyone is entitled to receive a transcript of evidence if he agrees to pay for it.

Hon. Mr. Wishart: Yes they are, if they agree to pay for it. What the gentleman who wrote back is referring to are free transcrpits. Now I do not know what the hon. member said in his letter—

Mr. Shulman: I have it here.

Hon. Mr. Wishart: But in any event, he is entitled, any citizen is entitled, to a transcript; there is a charge. That is the answer.

Mr. Shulman: Mr. Chairman—

Hon. Mr. Wishart: That is the answer and when that came to our attention we saw to it that a transcript was furnished.

Mr. Shulman: Mr. Chairman, I have the original letter here sent from the court reporter: "Will you please be kind enough to send it along with your bill to the following address". So there was no misconception there.

But that is not what he said. He said: "In criminal matters, the number of people to whom I am authorized to provide a transcript of evidence is rather limited".

Now I am quite sure the Attorney General's view is a correct one, but what I am asking is, would he please notify the various court reporters, in particular this one, that this is not the law in this province because—

Hon. Mr. Wishart: Court reporters, I think, generally do understand, and that gentleman was put right if he was mistaken. But he had a right really to say, "Send me your money and you will get the transcript". We set him right. We told him the member was entitled to the transcript on payment.

Mr. Singer: Mr. Chairman, I want to talk about a man named Bennett. I have forgotten his first name, but I think the case is familiar to the Attorney General.

Hon. Mr. Grossman: John.

Mr. Singer: John Bennett! John Bennett was arrested by the police and convicted of an offence related to the operation of a motor vehicle, notwithstanding his claim that he had never owned a motor vehicle and he could not drive a car. And somewhere along the line he got shuffled off to jail and spent a few days in jail. One of the newspaper columnists got hold of his story. The end result was that it was in fact ascertained that the wrong "John Bennett" had been caught up in the legal process, that in fact the John Bennett who was wrongfully imprisoned did not own a car and really could not drive, and there

was another John Bennett around against whom the summons had originally been issued, and in default of the summons that there was a bench warrant issued for him.

In all, sir, it was a great comedy of errors. There was substantial discussion about this in the press and substantial criticism was levelled at the operation of the police involved in this, and the lack of checking that took place in and through the courts. And there was concern that once the man got to jail nobody was available to listen to his story. Be that as it may, in due course it was discovered that a series of errors had been made and this man had wrongfully gone to jail. He was released, I do not know what happened to the other John Bennett, the horrible man who had failed to answer his summons and had been charged and had moved and so on. I presume he pleaded guilty and paid his fine or whatever he was supposed to do. That pertinent fact never really emerged, whether the other John Bennett, the one against whom the bench warrant had been issued was ever properly dealt with, and I do not think it is particularly material.

But what does disturb me very much, Mr. Chairman, is the fact that while the story was current in the newspapers, there were all kinds of promises from a variety of people that the matter was going to be thoroughly investigated, so that it could be made certain that insofar as human conduct could be controlled, this comedy of errors could never occur again.

Again, as I read the newspapers, I gather that the Metropolitan Toronto Police Commission determined to hold some kind of a hearing and I think they charged two of their constables with a form of misconduct. And along the way they summoned John Bennett to come before this enquiry and to give some evidence. As one read between the lines, John Bennett, the one who wrongfully spent some time in jail, was not the sort of person who was too anxious to appear any more than he had to in the atmosphere of the courtrooms or in the vicinity of policemen.

He was a wanderer. He had no fixed address, he did not get along well with his family, who I think were located in Windsor and so on. So he sort of laughed when someone sent him a letter. He did not show up on the crucial day of the enquiry, but I think one can even understand that and without reading too far between the lines again, I think I can understand something of John Bennett's character.

But what puzzles me, Mr. Chairman, is that John Bennett having failed to appear before the enquiry instituted by the Metropolitan Toronto Police Commission, the Metropolitan Toronto Police Commission said, "Oh dear, what can we do, we have no evidence. John Bennett did not show up. I guess we just cannot have any public enquiry. That is the end."

I do not understand, Mr. Chairman, how that situation can be allowed to prevail. Certainly, as I read the newspaper accounts, there was ample opportunity for all those involved to reply and there was a full exchange of opinions reported in the newspapers. There seems to be no doubt in anybody's mind that the wrong John Bennett had appeared before the court, been wrongfully convicted and spent some time in jail improperly.

How material was it really that that gentleman come before a formal enquiry of the Metropolitan Toronto Police Commission in order that the matter be dealt with, in order that thereby, if there had been any mistake made, if a charge laid by the Metropolitan Toronto Police Commission against the two constables had any validity, in order that there be a hearing?

I am not particularly concerned about the disciplining of the erring policemen, if there were any erring policemen. What I am concerned about is that our systems somehow allow the wrong person to be caught up in the whirl of our courts of justice—to be charged and convicted and sent to jail—when, it later turned out, a little basic investigation would have ascertained that he was, in fact, the wrong person.

That having been done, certainly as far as I have been able to ascertain from anything that has appeared in the newspapers, that was the end of the matter. The Metropolitan Toronto Police Commission seemed very happy to say "Well, John Bennett did not show up; that is the end of the matter, no further hearings, no further announcement to the public of what steps we are going to take to cure the situation."

I would think there was a series of errors in this regard. The first error lay in the functioning, in that particular case, of the system of looking after bench warrants that were issued through the courts by the Metropolitan Toronto Police—I think that was the first one.

The second one was the lack of inquiry made by the police officers who said to this Bennett, "You are the one that we need."

The third fault lay in the provincial courts —with the Crown attorney, with the presiding provincial judge and with the defence counsel, if he was there, the legal aid counsel. That is another series of faults.

The final series of faults, I think, took place at the jail. There seemed to be no procedure available in the jail that was going to be able to discover this. Fortunately for the cause of justice, somehow a newspaper columnist became aware of this and the whole thing saw the light of publicity. In fact, the man was released and allowed to go on his way.

But what disturbs me very much, Mr. Chairman, is that apparently, to all intents and purposes, because John Bennett did not answer a subpoena to appear before the enquiry, to be conducted by the Metropolitan Toronto Police Commission, insofar as the public is aware, that is the end of the matter. I would hope the Attorney General is not going to let the matter lie at this point.

I would hope he can throw some further light on the situation, and tell us what has been done to make sure this cannot happen again. Tell us why the enquiry stopped. Tell us what should happen in police forces, in court and in jails to make certain, as far as we can—nothing is ever 100 per cent certain—that this sort of thing could never happen again.

Hon. Mr. Wishart: Mr. Chairman, I would not for a moment contend that this was not a bungled job on the part of the police. It was an error, perhaps a lack of care, in checking out this man—especially when he said, "I am not the Bennett you want"—and putting him in jail without further enquiry. I do not defend that action, but it was one mistake and the police occasionally make mistakes. I cannot say they are perfect at all and this was an error.

I do not think that justice was done because a newspaper columnist wrote an article. I think when the man came to court it would have been established that he was not the John Bennett, that he did not drive the car. He said that he was not the man and by the identification means which would have been produced, this would have been discovered.

That, I think, is really how the newspaper columnist got the story.

Now then I do not condone or defend the police for their error, although I do not try to say that they can always be free of error.

Mr. Singer: I accept that.

Hon. Mr. Wishart: I think they are to be blamed to some extent. As to the hearing, let us bear in mind that the board of police commissioners did say this calls for a hearing. These officers must stand and tell us why they did this, where they went wrong, where they failed, where they were careless, where they were negligent, if they were so. Then they asked Bennett to turn up and give his evidence so that they might have the facts.

He, as the hon. member says, had had enough of police, and he said, "Oh, I am on my way, I do not care—goodbye. I am not concerned about it."

I do not know what my impression is and I have nothing that I can be firm about it at this moment. While an enquiry with evidence presented by Bennett did not take place, I am under the strong impression that some disciplinary action was taken, either by the board of police commissioners or by the chief officers of the force, which would not necessarily be made a matter of public knowledge. I could check this out, but I believe that some disciplinary action by way of reprimand or something of that sort took place so that those officers will be considerably more careful in the future.

Mr. Singer: You may be right, but that is not the way the newspapers put it.

Hon. Mr. Wishart: I shall have to check that; I do not know, but I am definitely under the impression that did happen. I do not condone the error. I think the police were slack, but I do not think this was a grave miscarriage of justice in the sense that it was a very grave thing. The names were the same; apparently the men looked the same, from whatever identification they had. It was just one of those strange coincidences that could occur once in a lifetime and that was it. When he came to court, it was proven that he was not the Bennett they were after.

Mr. Chairman, I have answered that as fully as I can at the moment, and I will try to get further information. We are talking about criminal prosecutions; it seems to me we are getting a little off the field here into police administration.

Mr. Singer: No, I asked the Attorney General about that and my notes indicate that he said "Bennett, vote 205"; I made my note at the beginning.

Hon. Mr. Wishart: We have dealt with it and that is all I have to say.

Mr. Singer: All right. Then, Mr. Chairman, let me say this.

The Attorney General may say it was not a grave injustice. I do not know how you measure gravity. I suppose because Bennett was a drifter and was not a complainer, society can shrug its shoulders and say, "It's too bad. It really did not matter too much that Bennett was in jail for an extra day or two, even though he was the wrong fellow."

But I think it goes much more deeply than Bennett or his characteristics or his personality are concerned. What concerns me, Mr. Chairman, is that this could happen. And what concerns me, in addition, is that having happened, there is no one in authority, apparently, who is prepared to tell us, the people of Ontario, that with the Metropolitan Police Force, or the system of administration of our criminal courts, or the Don Jail, the steps that have been initiated to make sure, or as sure as they can, that this cannot happen again. This is what disturbs me.

Hon. Mr. Wishart: It could happen as a rare coincidence again. I suppose it could happen. But I would be willing to wager the hon. member 100 to one that it will not happen again. If it is permitted to wager in this House, I do not know.

Mr. Chairman: Out of order.

Mr. Lawlor: It is unenforceable.

Mr. Singer: As long as the Chairman does not take a rake-off.

Hon. Mr. Wishart: Who is going to prosecute me, someone says.

Mr. Singer: Local option!

Hon. Mr. Wishart: But the other thing, the discipline that is meted out to a member of the police force, perhaps in this case in which we see so much publicity, the public have a right to know what happened. Ordinarily disciplines are handed out by chiefs or heads of police forces to the members of the force. I think if it is for good and sufficient reason, you do not bruit it abroad and say to the public: "Officer so and so, or constable so and so, was given leave without pay or suspended without pay; or this that or the other." Those are not ordinarily public knowledge.

Perhaps in this case there is reason. Perhaps there is reason, certainly, why the members of this House should know. But again I say I do not want to make a state case out of this incident.

Mr. Singer: Well, Mr. Chairman, I do not disagree with the Attorney General, that if Constable X gets into an altercation with his sergeant or his inspector, and that becomes a matter of police discipline, and he is reprimanded, or he loses a few days leave, then that is a matter which should necessarily be reported to the public. Probably not, for the good interests of the police.

But this is a very different kind of a thing. Here is a man who goes to jail wrongly, and everybody admits it is wrong because there was a series of mistakes made by those in charge of the administration of justice—and I distribute the blame. I say the police were to blame, the people in the courts were to blame, and the people in the jail were to blame. And all we read in the newspapers—

Hon. Mr. Wishart: Well, it is not as bad as the Dreyfus case anyway.

Mr. Singer: Not as bad, but that is a question of degree. Do we determine the degree of the seriousness of this case by reason of the fact that Bennett was a drifter, that he had broken with his family, that he had no fixed address, and that nobody seemed to care about him?

If it had happened to one Arthur Wishart, the member of the provincial Legislature for the riding of Sault Ste. Marie, I think there would have been a great hue and cry about it. But it happened to John Bennett, the drifter, and he does not appear.

Now what did appear in the press was that because Bennett did not appear at the hearing, the enquiry was stopped, and the charges pending against the two policemen involved were dismissed. Now I think that the public is entitled to some kind of an assurance, Mr. Chairman. I am not looking for anyone's blood in this thing. I do not really care whether the two policemen are reprimanded or lose some days off, or whatever else they do to them. I can understand the possibility of making a mistake.

What I am interested in is that a system of checks and balances be set up so that, insofar as we are humanly able to assure him, hopefully, this can never happen again. Now that has not emerged out of this case. And that is the concern about it.

It is a very serious concern, and I am going to come to this later when we deal with the police. Particularly because I have grave doubts, Mr. Chairman, about the ability of the local police commission to enforce discipline in a way that is meaningful in cases such as this one; and their ability to admit to the public that mistakes have

been made; and their ability to tell the public if and when a mistake has been made that this is the way we are going to reorganize our processes so that it will not happen again.

Now, I grant you, we are now on to the vote dealing with police commissions. But I am very concerned in this particular case that where there was this series of mistakes, nobody denies that in fact it took place, that, insofar as anyone can ascertain, all of the investigatory procedures, stopped because Bennett did not answer his subpoena and appear at the public enquiry.

Hon. Mr. Grossman: I think the hon. member is quite right in asking to be assured that somebody does care at some stage or other. And he did point out, of course, quite rightly, that this man was kept in jail and somebody, perhaps at the jail level, should have done something about it.

This occurred while I was away, but when I got back I made it my business to find out what had transpired. I do have before me a letter. It is a memorandum which went to all governors of all city, county and district jails a year ago, to which was attached an "inmate request" form explaining that this form is to be used for any inmate who wants to make telephone calls or who wants legal aid, and so on.

On September 8, the administrator of the jails branch caused this matter to be investigated and, if I may, I will read that memorandum from the inspector. This is dated September 8, 1969:

> Since my previous investigation into the circumstances of the above inmate's incarceration, it has been alleged that Bennett was denied permission to telephone one of his three sisters who could have clarified his identity.
>
> On September 5, 1969, in accordance with the Deputy Minister's instructions, I checked all copies of Inmate Request Forms submitted during Bennett's incarceration from August 1 to 5, 1969, and could find no record of a request made by inmate Bennett or by an officer on his behalf requesting a telephone call to anyone.
>
> There were numerous requests made and on file for other inmates during the period from August 1-5. In fact, there were 37 inmate requests on August 1 alone, but nothing during the 5-day period to suggest Bennett had requested a telephone call or a request of any nature.
>
> I further checked the governor's parade book which records all inmates requesting and interviewed by the governor. Again, there was no record of a request by inmate Bennett to see the governor.

Well, some way or other, perhaps this man did not appreciate the fact that he could have requested this information and complain that he was the wrong man and tell somebody about it.

As a result of that, the following memorandum went out to all the jail staff at all the jails, a copy to be given to each member of the staff at every jail, dated August 22:

> Over the years The Department of Correctional Services has continually sought to develop progressive methods and policies in line with sound modern thinking in corrections in order to best meet its responsibilities for the protection of society through custody and rehabilitation of its charges.
>
> It is essential that each employee is, and views himself as an important member of the correctional team. In this connection an illustration of the change in roles and concepts within the department has occurred in job designations, where there has been a progression in job titles from "guard" through "custodial officer" to today's title of "correctional officer." The designation "correctional officer" is in keeping with the department's statement of purpose which, while recognizing the dual role of staff in custody and rehabilitation, places special emphasis on the latter. Specifically, the statement of purpose stresses the importance of staff developing healthy relationships with prisoners as well as with the general public.
>
> All staff must be guided by the statement of purpose in the daily performance of their duties.
>
> The following are examples of some situations in which the exercise of sound judgment and courtesy will assist the individuals concerned and, at the same time enhance the image of the correctional officer, the institution, and the department.

This speaks about "special visits". Would the hon. member like to hear that, or do you just want me to deal with that particular subject which you brought up?

Mr. Singer: Deal with the whole thing.

Hon. Mr. Grossman: To continue then:

> Special visits: All reasonable requests for visits with prisoners, outside of regular

visiting hours, should be accommodated, where possible, especially in instances involving clergymen, lawyers, out-of-town visitors, relatives unable to visit during regular hours, etc.

Bail: Prompt and courteous assistance in contacting a bailing magistrate or justice of the peace, should be provided to any person who comes to post bail, at any time of the day or night.

Fines: Courtesy and promptness should be exercised in accepting payment of fines at any time, in keeping with the intentions of the court.

Telephone calls: All reasonable requests to staff from prisoners regarding the relaying of a telephone message should be acted upon, particularly when the calls are of a compassionate or urgent nature and are to be made to members of the immediate family, the prisoner's lawyer, or a clergyman. Repeated attempts to contact the designated party should be made if necessary.

Legal aid: Every effort should be made to ensure that a prisoner is aware of his rights with respect to legal aid.

Identification: In any situation where a prisoner alleges to a staff member that he is a victim of improper identification and is wrongly incarcerated, the staff member must report immediately to the officer in charge who, in turn, will contact the appropriate authorities, e.g. police, Crown attorney, etc. The governor must also be informed of any such allegation and, where necessary, he will seek advice from the administrator of jails.

Obviously, sound judgment, courtesy and commonsense should guide the actions of all staff in dealing with the matters mentioned above and other related matters.

I know that you share my concern and desire to act in the interests of justice and good public relations. I am also aware that, in the daily performance of their duties, the majority of staff make special efforts to meet the needs of prisoners and the general public, and on many occasions staff have initiated and carried out commendable projects, such as arranging and supervising the writing of examinations in jails by students, assisting community organizations, etc., which reflect positively upon themselves and the department.

Sgd.: L. R. Hackl

That was signed by the deputy Minister. It is one of those things—

Mr. Singer: What date?

Hon. Mr. Grossman: It was dated August 22, 1969. As a result of this occurrence, just as the Attorney General stated, it was one of those things. A combination of circumstances, which we cannot account for. Because usually in a jail, particularly one the size of Don Jail, everybody knows everything to which they are entitled, within a matter of hours after they get there—and there was no request from this inmate, nor any complaint at all.

Mr. Singer: Well, Mr. Chairman, I commend the Minister of Correctional Services for this kind of memorandum. This is the sort of thing I was getting at when I was addressing my remarks to the Attorney General.

I said that, in my opinion, there was a three-fold responsibility, a responsibility on the police, a responsibility on the courts, and a responsibility on the jail; and what the Minister of Correctional Services did, I think, is highly commendable.

It is the sort of thing that I would have hoped the Attorney General would have indicated that he had done; that through the Ontario Police Commission, or directly, he would have sent some kind of memorandum and instruction to the police along the same lines as that which the Minister of Correctional Services sent to the personnel who look after the local jails. I would have thought that he would have sent some kind of memorandum to the Crown attorneys, and those people who are responsible in the courts. I would have thought that perhaps some kind of memorandum could have been dispatched to the legal aid system, and a warning be given to duty counsel. Unfortunately, Mr. Chairman, I am very disappointed in the Attorney General's response to this, because he says it was not a very serious error. In contrast the Minister of Correctional Services takes this matter very seriously, and I think he has given a very responsible statement. He says nobody can be 100 per cent sure that it will never happen again. The Attorney General, in contrast, says, "It was not too serious, and we hope it will never happen again".

You see, what bothers me, Mr. Chairman, is that apparently the Metropolitan Toronto Police Commission did nothing more than set a date for public hearing, send for Bennett, Bennett did not come and that was the end of it. And insofar as I have been able to ascertain from this debate up to this moment, the Attorney General has done nothing himself in regard to it.

The third aspect of it, the one dealing with reform institutions, I think, has been reasonably handled, and I would like to have seen the same kind of action directed to those officials responsible to the Attorney General. But we have not seen it; and I have only one minor criticism of the Minister of Correctional Services in this regard, that when he did it I think he would have been wise to announce it in the form of a press release to the public and say something along the line of, "We are very concerned about the Bennett case and as a result of this, here is a copy of the memo we have sent to our people in our anxious desire to avoid it." Because this is the only way really that the pubilc is going to have faith in those people charged with the responsibility of looking after our institutions.

As I say, what the Minister of Correctional Services did was commendable. I think he should have given it some publicity to show the people the direction in which he was moving. I am disappointed in the Attorney General because he apparently did very little about it.

Hon. Mr. Grossman: Mr. Chairman, I might point out the reason that it was not made public at the time, now that the hon. member mentions it. I recall this was because there was an investigation pending at that time.

Mr. Singer: Which never took place.

Hon. Mr. Grossman: I mean, this is the reason it was not made public at the time.

Hon. Mr. Wishart: Mr. Chairman, I am not going to labour this thing any longer. Once in a blue moon there is a case of mistaken identity. I cannot recall another, I do not think the hon. member even knows of another.

Mr. Singer: Yes, there is another one.

Hon. Mr. Wishart: Well anyway, the Attorney General does not step in at this stage. There is a police chief who disciplines the members of his force for error or failure in their duty and there is a board of police commissioners, whose duty it is to follow these matters. It is not for the Attorney General to get into the discipline of a single member of a police force.

Mr. Singer: I did not suggest that.

Hon. Mr. Wishart: No—and I am informed that the board of commissioners from Metropolitan Toronto are holding an enquiry, so why does the Attorney General step down and get into the act? At this point I see no reason for it. The enquiry was called and—

Mr. Singer: And then called off.

Hon. Mr. Wishart: The very fact that Bennett was a drifter made it very difficult for these police officers to get any information that was coherent or satisfactory from him. True it is he was of the same name as the man they were pursuing. It was a case of mistaken identity. Someone who could give little help to the police goes to jail; he does not say anything about it, he does not ask for any help, he does not report that he is the wrong man, he is that type of fellow, and when they hold an enquiry he says, "I am not going to be bothered, I am on my way."

Mr. Singer: That has nothing to do with it.

Hon. Mr. Wishart: I do not believe that it calls for the Attorney General to issue a directive for one case of this kind of mistaken identity.

Mr. Chairman: Vote 205? The hon. member for Lakeshore.

Mr. Lawlor: Again on the financial aspects of the vote—I notice that in 1967-1968 the amount requisitioned was $1,836,000 and the amount you spent was $2.2 million; quite a jump there over what you estimated and what you spent. And then the next year, ending last March, you requisitioned or asked for $2,896,000, whereas you are now asking for $3,258,000. I suspect that if the pattern follows, you spent last year by way of Treasury order possibly another $200,000 over and above your requisition. The cost, in other words, of criminal prosecutions in the province is rising steeply. What is the reason for that?

Hon. Mr. Wishart: I think, Mr. Chairman, it is quite apparent that the biggest increase in the estimates is in the matter of salaries.

Mr. Lawlor: Is it more staff?

Hon. Mr. Wishart: No, this was the year for salary revisions. An additional amount of $173,000 was approved by the Treasury Board for 1968-1969 fiscal year due to salary revisions approved after the 1968-1969 estimates were finalized. They just happened to come in at the end of last year's estimates, and $173,000 were due to

salary revisions; that would be upgradings from reclassification and the ordinary increments and increases, so that is the great increase.

Mr. Lawlor: Just a point of order, Mr. Chairman—

Hon. Mr. Wishart: One other large item, I am informed, was that the clerk of the peace office in Toronto was transferred to the province, to the Crown, as a Crown attorney, and that was an item of $110,000.

Mr. Lawlor: Just one question, if I may ask the Attorney General through you, Mr. Chairman, as to where sentencing should be handled.

Hon. Mr. Wishart: I should think that should come under courts administration—vote 206.

Mr. Chairman: Vote 205, the hon. member for Oshawa.

Mr. Pilkey: Is it all right if I speak from here? The hon. member for Lakeshore has my desk there all filled with books, you see.

Mr. Chairman: With the consent of the House the hon. member may speak from other than his own seat. Do we have that consent?

Mr. Pilkey: Mr. Chairman, there seems to be a pattern that is emerging, in this province, as it relates to Mac's Milk Stores, and it relates to the managers. I want to bring this to the attention of the Attorney General because I know that his department has been involved with some protest by the managers of the Mac's Milk chain. As I understand it the managers must make a deposit of $1,000 before they are accepted. In addition to that, I am given to understand that they have a training programme for their managers, and they are training something like ten or fifteen a week for some 240 stores.

I may not have those figures correct as to the stores but it is 200-odd stores. And there is a great turnover of managers because their employment is terminated as a result of shortage in inventory in the many stores that are concerned. I am not going to mention his name, but you have a letter with a complete dossier as laid out by an individual, a former store manager in Oshawa.

It is not only this one, and I would not bring this case to the Legislature if it was an isolated case. There are two that came to me, and if I understand it, there are a great number of cases comparable to this fellow, across this province. Now his—

Hon. Mr. Wishart: I wonder if I could ask the hon. member if we are discussing criminal prosecution? I cannot recall a prosecution of Mac's Milk Store.

Mr. Pilkey: No that is the point I am getting to.

Hon. Mr. Wishart: Is the hon. member saying that we should prosecute?

Mr. Pilkey: Exactly.

Hon. Mr. Wishart: On all stores, I take it then?

Mr. Pilkey: I will get to the point. And I want to illustrate why, when I get to it. I want to illustrate what has happened in the province of Quebec as it relates to the Perrette stores in that province, and the methods of prosecution that were taken by the Minister of Justice there. Now this fellow, as I understand it, wrote you, or your department, a letter, and I want to read that letter into the record. The letter was over the signature of C. M. Powell, counsel, dated September 24, and your reply was:

> I am in receipt of your letter to the Attorney General concerning your present experience with the manager of Mac's Milk Limited in Oshawa.
>
> I have closely read your letter and examined it and in my opinion your interests would thus be served by consulting a lawyer of your choice with a possible view to issuing a writ against the company for moneys had and received which you claim properly belong to you. Should you not have any funds available for this purpose you might consider consulting with the local director of legal aid in Oshawa.

Prior to that, in August, he wrote a letter to The Department of Justice in Ottawa and I want to read the reply there. It is over the signature of Mr. T. B. Smith, director and advisor, international law section. This was dated August 1. He went on to say that

> I have been asked to reply to your letter of July 29, 1969, with reference to Mac's Milk Limited. While the content of your communication has been read most carefully, I regret to say that there is no way in which this department can be of assistance to you.
>
> By way of explanation, the function of the Minister of Justice as Attorney General of Canada, and hence of this department, is to advise the Government of

Canada and its various departments with regard to legal matters. Hence, in a case such as this, I am necessarily confined to suggesting that the appropriate course for you, is to seek the advice of a solicitor in private practice. He would be able to advise you in the light of all of the circumstances and the relevant laws.

As this would appear to be a matter coming within the jurisdiction of the provincial authorities you might also wish to communicate with The Department of the Attorney General, Parliament Buildings, Toronto.

Hon. Mr. Wishart: That was the same advice.

Hon. A. F. Lawrence (Minister of Mines): Some buck passing!

Mr. Pilkey: That is right, some buck passing. But, in addition to that, this gentleman did communicate with the Help Wanted column in the Toronto *Daily Star*. I also want to read that letter into the record. It is dated August 14.

Mr. A. W. Downer (Dufferin-Simcoe): Mr. Chairman, I rise to a point of order—has the hon. member been elected as the leader of the NDP? If not, then this speech should be stricken from the record until he is sitting in his proper seat.

Mr. Pilkey: Will you straighten that fellow out?

Mr. Chairman: I might say to the hon. member that we have noticed that, and we have the concurrence of the House in permitting him to speak from other than his own seat.

Hon. Mr. A. B. R. Lawrence: Do not stike it from the record, he is liable to say it all over again.

Mr. Pilkey: You have got to be here all the time.

Mr. Downer: No; no consent!

Mr. Pilkey: I quote his letter to the Help Wanted column.

> Thank you for your recent enquiry to Help Wanted. There are some situations which cry out for our attention but which with great reluctance we cannot handle. Situations which are highly complex or highly personal often need redress, but are beyond our resources to cope with. We do our best but sometimes I am afraid we have to say no.

And so the Toronto *Daily Star* would not handle this situation either. As I pointed out, there is a great, a great, turnover of managers in the Mac's Milk chain, as I understand it. First of all it is usually people of 40 and over that become managers. They cannot get employment any place else and so they invest $1,000 to be a manager of a store.

And as I also pointed out, they last for three or four months and they are replaced. Now I make this observation that if there was a turnover of 200 managers in a year and it may be even higher than that, and $1,000 from each one of them, they are making a net profit of $200,000 on a turnover of 200 managers without making any profits from the stores. And this is the point. This is why I am raising this situation. I want to read a column that appeared in the Montreal *Star* as it relates to this question and what happened there. The article is headlined "The Target is Trouble," by Bruce Taylor, and I quote:

> I printed a report in the column of "Montreal Days and Nights" back in 1967 about ten former managers of Perrette Dairy outlets, who charged they had been fired unjustly and sued the chain for a total of more than $25,000 in back salaries, commissions and vacation pay. The firm settled with them out of court. Now since the inception of Target Trouble—

Maybe I should miss that paragraph, I want to start here:

> It is no secret that Perrette has a large managerial turnover in its hundred and twenty-four stores. President Robert Bazos, himself, admitted it to us. He refused, however, to give us a precise figure and said estimates of three managers a year per outlet is a bit high. If we can only assume that it could be two managers per outlet, then that would be a turnover of something like two hundred and fifty.

Hon. Mr. Wishart: Mr. Chairman, I would like to be helpful to the hon. member, but from all that he has said and all the opinions that have been given, and all the comments that have been made, this is surely a civil matter. There is nothing in here which indicates any basis for criminal prosecution. This is the item we are on. We have advised them that it is a matter for a solicitor to tell him we cannot take a civil case for him. The Minister of Justice at Ottawa has so advised him, the Toronto *Daily Star* has so told him, the case that the hon. member cites about the other managers of the different establishments had to take the firm to court, a civil case,

and then he got it settled. This is a civil matter. We can talk about it and I do not want to cut the hon. member off, Mr. Chairman, but if we are talking about criminal prosecutions, we are just not on this matter.

Mr. Pilkey: What I want to illustrate is what they did in Quebec, and it seems to me that if they can accomplish it in Quebec, we ought to be able to do it here in the province of Ontario, and I just want to read two short paragraphs, it went on to say that:

> It is no secret that Perrette has a large managerial turnover in its hundred and twenty-four stores—

I read that part:

> —both he and vice president, Derek O'Neil, conceded that managers are fired on the spot when inventory shortages are discovered. Yet both agreed that shortages are not necessarily the fault of a manager, but usually that of truck delivery drivers, product salesmen, shop lifters, even minor employees of the store.

This is the paragraph that I want to stress.

> Suffice to say that this week the Quebec Provincial Police fraud squad seized the books of the chain dating back to 1966, on warrants obtained by The Justice Department. The books filled two trucks and three patrol cars.

Here is where The Quebec Department of Justice stepped in. What I am suggesting to the Minister is that there should be an investigation into this great turnover of managers, and if these people are getting shortchanged and exploited in this province, then I think it is the duty of this government, through your department, through the Attorney General's department, to see that these people get redress. Now, it may mean that as a result of your investigation that they have to go to the civil courts, or get a solicitor, but surely there is no former manager in this province who has the resources to investigate what is really going on.

That is what I am saying. After you have made an investigation of the Mac's Milk chain of stores, and if it is found that these people are being exploited as this man says he is, and as other managers have said that they are, then I think that the evidence that is gathered through this investigation should be the evidence that is presented by the barrister, solicitor or legal aid counsel who is representing the individual.

And that is the point that I am trying to make. You know, when people in this province are being exploited, the only place they have to turn is to their government, and hope to get protection there.

I recognize that there are all kinds of avenues for redress. In criminal charges you can go to a legal counsel, but it is very difficult, I submit, to get the evidence that is necessary, particularly when you are confronted with a company like Mac's Milk, which I understand is really Silverwood Dairies Ltd. Now, you are running into a pretty big concern. Where does one individual get the resources to take that kind of a fight on? So it seems to me that these kind of things ought to be investigated. I outlined that there was an investigation and they found people have been exploited in the province of Quebec. That is the point that I am trying to make.

Mr. Paterson: Mr. Chairman, before vote 205 carries, is this where we might ask the hon. Attorney General questions about The Lord's Day Act and the continuance of business on that occasion?

Hon. Mr. Wishart: Is there a question? It would come under this vote.

Mr. Chairman: Is this on vote 205?

Mr. Singer: Yes, Mr. Chairman, on vote 205. This is one of the items that the Attorney General indicated earlier in the debate would come under this item. I have remarks that are going to be fairly lengthy, in regard to The Lord's Day Act.

Hon. A. F. Lawrence moves the committee of supply rise and report it has come to a certain resolution and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report it has come to a certain resolution and asks for leave to sit again.

Report agreed to.

Hon. A. F. Lawrence (Minister of Mines): Mr. Speaker, tomorrow, after we have finished the estimates of the Attorney General, we will continue with the estimates of The Department of Lands and Forests.

Hon. Mr. Lawrence moves the adjournment of the House.

Motion agreed to.

The House adjourned at 11 o'clock p.m.

No. 188



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, October 21, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969



Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, October 21, 1969

Tabling report, study on pricing of beef in Ontario, Mr. Stewart 7311

Ingredients used in fertilizers, question to Mr. Stewart, Mr. Spence 7312

Assistance to farmers with acquisition of farm improvement loans, questions to Mr. Stewart, Mr. Sargent 7312

Sale of starter pistols, questions to Mr. Wishart, Mr. Trotter 7313

Recommendations, select committee on taxation, question to Mr. White, Mr. Breithaupt 7314

Construction of road-rail tunnel at Welland, question to Mr. Gomme, Mr. Innes 7314

Highways 584 and 643, questions to Mr. Gomme, Mr. Stokes 7314

Musicians under 21 years of age, questions to Mr. Welch, Mr. Makarchuk 7315

Employee resignations from Department of Public Works, questions to Mr. Simonett, Mr. Shulman 7315

Death of Hermine Edwards, question to Mr. Wishart, Mr. Ben 7315

Report for milk marketing board, questions to Mr. Stewart, Mr. Gaunt 7316

Livestock Loans Guarantee Act, questions to Mr. Stewart, Mr. Gaunt 7316

Dismissal of Department of Public Works employees, question to Mr. Simonett, Mr. Innes 7317

Collapse of Canadian Central Holdings Ltd., questions to Mr. Rowntree, Mr. Carruthers 7317

Mr. A. M. Greenaway, question to Mr. Rowntree, Mr. Shulman 7317

American involvement in study of northern Ontario water resources, questions to Mr. Kerr, Mr. T. P. Reid 7317

Motor vehicles fuelled by natural gas and steam, questions to Mr. Kerr, Mr. Sargent 7318

Leasing of land under Lake Erie for exploration of natural gas, question to Mr. Kerr, Mr. Sargent 7318

Closing of bridges in Timiskaming area, questions to Mr. Gomme, Mr. Jackson 7318

Farm group representation re Assessment Act, question to Mr. McKeough, Mr. Spence 7319

Making public union financial statements, questions to Mr. Bales, Mr. Sargent 7319

Brantford police chief and police force, questions to Mr. Wishart, Mr. Makarchuk 7320

Municipal and school tax credit assistance programme, questions to Mr. McKeough, Mr. Gisborn 7321

Fires from instant-on TV sets and radiation from TV, questions to Mr. Davis, Mr. T. Reid 7321

Deductions of membership dues on behalf of faculty association, questions to Mr. Davis, Mr. Pitman 7322

Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7322

Recess, 6 o'clock 7354

LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, OCTOBER 21, 1969

The House met at 2 o'clock p.m.

Prayers.

Mr. Speaker: We have many visitors with us today. In the east gallery we have students from the Bayview Secondary School, of Richmond Hill; in the west gallery students from the Neil McNeil High School of Scarborough, and from York Humber High School of Toronto.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

The hon. Minister of Agriculture and Food.

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, a few days ago in this Legislature the hon. member for Huron-Brice (Mr. Gaunt) inquired about the study being conducted into the pricing of beef in Ontario, and I assured him that the council was completing an updating of the report they had prepared in June.

This report has now been completed and it is my pleasure to table it at this time.

The Ontario Food Council's June report provided clear evidence that there is a very close relationship between supply and demand for beef in all of North America. I want to reiterate that the Canadian market is not isolated or unique; rather it is an integral part of the whole North American market, and is affected by both supply and demand in the United States. This relationship between supply and demand is so close that a relatively small increase or reduction in weekly marketings of beef cattle can sharply affect the price structure, with all of the attendant dislocation that it creates.

Last spring, for example, weekly marketings of finished beef cattle in the United States dropped by 20,000 cattle per week, or slightly over three per cent. This resulted over a few weeks in a $6 per cwt. increase in live cattle in the U.S.A., and corresponding increases at the wholesale and retail price levels.

The whole Northern American beef market has been experiencing increased consumer demand in recent years. Our population has been increasing steadily. The relative affluence of North American consumers has created increased demand for beef, and Canadian per capita consumption has climbed from 70.5 lb. in 1961 to 86.8 lb. in 1968.

Normally one might expect producers to respond to this increased demand by increasing their production sharply. However, agricultural producers are businessmen and they are motivated in the same way as all other producers, by price incentive. This incentive has simply not materialized. With the exception of a brief price increase in April and May of this year, beef prices have remained relatively unchanged since 1952. We have already seen the April and May increases erased by market declines. In short, the sustained incentive, the motivation necessary to increase production of beef in Canada has simply not manifested itself to the man responsible for increasing the beef-cow herd from whence must come future increased beef supplies.

When beef prices increased at the producer, wholesale and retail levels earlier this year there was a wave of consumer resistance, some of it created by price, some of it because of the ill-considered actions of supposedly responsible people who advocated a boycott. Eventually prices were forced down again, and this is the situation that we find today. Once again, beef producers find themselves faced with prices comparable to those received in the '50s and the early '60s while the costs of the goods and services they require continue their steady escalation.

The consumer very rightly wants to know if she is benefiting from this price reduction in live finished cattle. This report that I table today indicates that since the peak of beef prices in late May, the average price of choice steers on the Toronto market had declined by more than $6 cwt., as of mid-September. This represents a loss of 76 per cent of the price gain that had been experienced in the

spring. In the comparable period, the wholesale price of choice steer carcasses had declined by just over $11 cwt., and this also represents a loss of 76 per cent of the gain experienced in April and May.

Since the middle of June, when retail prices for beef reached their peak, the average retail price of a choice steer carcass has dropped 7.7c per lb. and this indicates a loss of 57 per cent of the earlier gain.

May I state these figures another way for clarification. While the producers and the wholesalers of beef have experienced an identical loss of 76 per cent of the price increases of April and May, the retailers of beef in Canada have reduced their prices by only 57 per cent of that earlier increase. To put it yet another way as indicated by the report, during 1968 the retailers of beef cuts operated on an average margin of 17 cents per lb. above the wholesale level. In the 10-week period ending September 27, 1969, these same retailers were operating on a margin of 19.4¢ per lb.

When I tabled the first report of the Ontario Food Council in June I stated I was "not in the least embarrassed by the current prices paid to farmers for their beef cattle". I want to restate that position at this time, and I would go further in this regard by saying that until beef producers in Canada are provided with the necessary financial incentive in the market place, consumers can expect to experience further price fluctuations. When the consumers boycotted beef in midsummer, partly because of the price and partly because of the ill-considered actions of those who urged a boycott, they precipitated an unjustified price reduction at the producer and wholesale level, but one in which they, as consumers, have not completely shared.

I would sincerely hope that Ontario consumers will recognize this and they will also accept the inevitable fact that adequate supplies of high quality beef are dependent upon fair returns for the producers. At the same time, we must ensure that consumers get both quality and value in a continuing supply of wholesome beef in which there has been no unjustified price margins between the producer and the consumer.

Mr. Speaker: The hon. member for Kent has a question for the Minister of Agriculture and Food.

Mr. J. P. Spence (Kent): A question of the Minister of Agriculture and Food: What action is the Minister taking in view of the reports that ingredients used in fertilizers are being sold cheaper to United States fertilizer companies than to the Canadian companies?

Hon. Mr. Stewart: Mr. Speaker, I recall very well that this matter was discussed with the federal Minister of Agriculture a year or so ago during the discussions that were being held concerning importation of fertilizers into Ontario. He suggested that while this may be true in some instances, there is also the possibility—and certainly it became a fact—that fertilizer could be imported from the United States into Ontario—and this developed in quite a great volume this year. I would say it was to the benefit of many Ontario farmers.

Regarding the matter that has been raised by my hon. friend, there are a great many farm people and others who feel and recognize that certain problems in fertilizer pricing, as suggested by the hon. member, may exist. However, I think he would be the first to agree that there is little that can be done by any provincial government in this particular regard because, really, we have no price control structure on any commodity that is manufactured or produced in this country.

These commodities, or the ingredients of fertilizer that may be sold, originate in various provinces. If there is anything to be done about it, perhaps the suggestion that should be followed—and I think a very wise suggestion was—that there should be a Royal commission into the whole structure of fertilizer pricing, manufacturing and distribution in Canada, but that it be implemented at national level because really a province would be hamstrung, in that its terms of reference could not apply beyond provincial or international borders. And we would support that position if the federal Minister decided to move ahead with such a Royal commission.

Mr. Spence: That is a good suggestion, Mr. Speaker.

Mr. Speaker: The hon. member for Grey-Bruce, of the same Minister.

Mr. E. Sargent (Grey-Bruce): Of the same Minister, Mr. Speaker: Will the Minister advise what he plans to do, in view of the tight money situation, to assist farmers with the acquisition of farm improvement loans? In other words—may I qualify that, Mr. Speaker?

Mr. Speaker: No, that is the question that has been placed. Perhaps the hon. Minister might answer the question as placed.

Mr. Sargent: I was going to qualify it for him.

Mr. Speaker: The question can be qualified after the answer has been given. The hon. Minister may reply.

Hon. Mr. Stewart: Mr. Speaker, I recognize the importance of the question the hon. member has raised and it is of great concern to many farmers today and to other businessmen as well; it is not confined to the agricultural community at all. But I would say this, the farm improvement loans to which the hon. member referred are a part of the credit structure that is provided by the government of Canada for agriculturalists and is not provided by the government of Ontario.

Mr. Sargent: In a supplementary way, Mr. Speaker, a number of my farmer constituents have gone to the bank and the bank says the loans are not attractive to them so they are not giving farm improvement loans now. So what is going to be done about it?

Hon. Mr. Stewart: We have nothing to do with it, Mr. Speaker, it is a federal Act.

Mr. Sargent: The Minister has not answered the question, Mr. Speaker. In Quebec they subsidize the junior farmer loans with a five per cent subsidy. Will the Minister consider a five per cent subsidy here?

Hon. Mr. Stewart: No, Mr. Speaker, we will not. We discussed and debated this earlier and there are very good reasons why this will not be done.

Mr. Sargent: Why not?

Hon. Mr. Stewart: For very good reasons, and the hon. member must surely know of them. If he refers to *Hansard*, he will find them.

Mr. Sargent: I would like to know why. In Quebec they do it; why can we not do it here?

Mr. Speaker: Order!

Hon. Mr. Stewart: Does the hon. member suggest that everything that is done in Quebec should be done in the province of Ontario, is this the position of the Liberal Party?

Mr. Speaker: The hon. member for Parkdale has a question of the Attorney General.

Mr. J. B. Trotter (Parkdale): Mr. Speaker, I have two questions of the Attorney General: What action is the Attorney General taking to ensure that Elmira has adequate police protection?

Has the Attorney General received a report from the Ontario Police Commission on the situation?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I received this question just a short time before I came in the House. I have instituted an inquiry in order to get the answer to the question and I shall, for the moment, take it as notice. I may have the answer here before the question period is over; if not I will take it as notice for tomorrow.

Mr. Speaker: The hon. member has another question.

Mr. Trotter: Second question: Does the Attorney General share the concern of Crown counsel, Stephen Leggett, over the sale of starter pistols in view of his claim, made yesterday, that the weapons can be bought for a few dollars and are continuously being seized by the score?

Hon. Mr. Wishart: Mr. Speaker, I do not know what Stephen Leggett said, but I do know that the starter pistols which are manufactured and sold in Canada are not capable of being converted to weapons which will discharge bullets. They are not a dangerous weapon, therefore.

There are, however, starter pistols manufactured in the United States which we do not permit into Canada. If they come in by some means or other, the police pick them up. They are, I understand, capable of being used to fire a 22 calibre cartridge. But I will look further into this matter. The starter pistols which are made and used here in Canada are not capable of being used as weapons.

Mr. Sargent: You could use a few in your department.

Mr. Trotter: Mr. Speaker, speaking of The Attorney General's Department, in view of the fact there are some of the men on his own staff, like Mr. Leggett, who recommend that these starter pistols be licensed, or at least the owners of the pistols be licensed or placed under some control, would the Attorney General give this matter some consideration?

Hon. Mr. Wishart: I will look into what Mr. Leggett said. As I said, I just got this question too.

Mr. Trotter: He said there were enough starter pistols to make every Canadian an athlete.

Hon. Mr. Wishart: The question uses a quote. It says the weapons can be bought for a few dollars and are continuously being seized. That may be so, but if they are not dangerous weapons I do not propose to get very excited about it. I know that the American starter pistols can be made into weapons, and if they come into the country they are seized, as fast as we can find them. I will look into that further and see what the situation is.

Mr. Trotter: May I, Mr. Speaker, as a clarification of what the hon. Minister said, point out that these guns did not fire any pellets. But this whole matter comes out of a charge—because the man who owned the starter pistol was charged with having a dangerous weapon and was found guilty. Yet there was no control over the sale.

Mr. Speaker: In connection with the questions that are placed at this time, I should point out to the hon. members that the procedure is to ask the question as filed at Mr. Speaker's office, then request the hon. Minister as to whether or not he will accept the supplementary, rather than engaging in a series of statements or interjections after the question has been answered.

So I would ask all hon. members to please first find out whether or not the Minister will accept a supplementary question.

The hon. member for Kitchener: a question to the Minister of Revenue.

Mr. J. R. Breithaupt (Kitchener): Mr. Speaker, a question to the Minister of Revenue. Of the total recommendations of the select committee on taxation will the Minister advise how many and which, in whole or in part, have been accepted and implemented by the government in the year since the committee reported?

Hon. J. H. White (Minister of Revenue): There is no brief and simple answer to this question, because so much depends on definition. I will be glad to illustrate.

If you want a knowledgeable guess I would say of the 357 recommendations, about a quarter have been adopted. About a quarter have been rejected, and about half held in abeyance.

Let me explain the latter, for a moment. There are 56 recommendations relating to succession duties. But as the hon. members will recall, last March 4 the Treasurer said we were vacating the succession duty field. In conversations and consultations with experts in this field, both within the department and outside of the department, the unanimous opinion has been expressed to me that it would be a great mistake to amend our existing legislation, notwithstanding its many faults, because those faults have been made known and have been defined in court cases, administrative interpretations, and such like.

So everyone who is concerned with this particular area of taxation agrees we should not amend this very poor Act for a year, having in mind it will touch estates 50 years from now.

There is another large group that falls within the personal income tax category. Negotiations about the joint collection or separate collection of the federal and the provincial personal income tax cannot proceed until the federal white paper is released sometime next month. And so, for very valid reasons, it has been impossible to make progress on about half of the recommendations.

Mr. Speaker: The hon. member for Oxford has a question of the Minister of Highways.

Mr. G. W. Innes (Oxford): Mr. Speaker, to the Minister of Highways: What, if any, provision or grants are being made by the provincial government in connection with the construction of a road-rail tunnel at Townline Road, Welland, Ontario, tenders for which are being called at the present time?

Hon. G. E. Gomme (Minister of Highways): Mr. Speaker, no grants are being made by the provincial government in this connection.

Mr. Speaker: The hon. member for Thunder Bay has a question of the same Minister.

I said the hon. member for Thunder Bay has questions for the Minister of Highways.

Mr. J. E. Stokes (Thunder Bay): Thank you, Mr. Speaker. I am usually at the end of a long line, so I do not get too excited about it.

Mr. Speaker: You are right.

Mr. Stokes: I have two questions for the Minister of Highways: What was the cost of construction for Highway 584, and what is

the annual maintenance cost for this highway? And if I might ask the other one at the same time, has the Minister been asked by the Anaconda Mining Company of Canada to take over Highway 643 from Highway 584 to Melchett Lake?

Hon. Mr. Gomme: Mr. Speaker, in answer to question 2349, the hon. member knows this particular item was discussed at Port Arthur, and I made an undertaking to look into it for the people concerned, so I am not in a position to discuss that at the moment. With regard to question 2348, I will have to get the figures on this.

Mr. Stokes: Well, if I might ask a supplementary with regard to the answer to 2349, I was told by the agent at Port Arthur, the agent for Anaconda, that they had asked your department to take over the road, and the Minister of Mines (Hon. A. F. Lawrence) had denied any knowledge of it. I thought that I would ask this Minister the question: is this in fact the case, that the Minister of Highways was asked to take over the road by the Anaconda Mining Company?

Hon. Mr. Gomme: Personally, I have not been asked, Mr. Speaker.

Mr. Speaker: Has the hon. Minister taken question 2348 as notice?

Hon. Mr. Gomme: That is right, Mr. Speaker.

Mr. Speaker: The hon. member for Brantford has a question to the hon. Provincial Secretary.

Mr. M. Makarchuk (Brantford): A question of the Provincial Secretary. Will the Minister change Liquor Control Board regulations which prohibit musicians under 21 years of age from performing in a beverage room or cocktail lounge? And the second part is, what useful purpose do these regulations perform?

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, the matter to which the hon. member makes reference is covered by the statutes, and any amendments to government statutes, of course, is a matter of government policy which would be announced in the usual way. I would be very happy to have these questions placed on the agenda of the Cabinet committee giving some consideration to the whole area of liquor policy and the regulations in the statutes. I cannot be any more helpful by way of answering today.

Mr. Speaker: The hon. member for High Park has a question to the Minister of Public Works.

Mr. M. Shulman (High Park): How many employees have resigned from The Department of Public Works since the Minister's appointment on Thursday, June 5, 1969?

Hon. J. R. Simonett (Minister of Public Works): Mr. Speaker, the number of employees that have resigned since June 5—in June there were 13; in July, eight; in August, 19; September, 16; and October, 2; for a total of 58.

Mr. Shulman: Would the Minister accept a supplementary question?

Hon. Mr. Simonett: Yes.

Mr. Shulman: Is there any overwhelming reason for this mass exodus since the Minister's appointment?

Hon. Mr. Simonett: Mr. Speaker, the answer is no: there has been no mass exodus. Now if you would like to go back to last October, I will give you what happened then. October last, there were 12; November there were eight; December, 10; January, seven; February, four; March there were 15; April there were 13; and May there were 11; so you can see that the trend is just remaining even.

Mr. Speaker: The hon. member for Humber has a question for the hon. the Attorney General.

Mr. G. Ben (Humber): Yes, Mr. Speaker, a question of the Minister of Justice and Attorney General.

Will the Attorney General investigate the request for further medical information regarding the death of Hermine Edwards, in view of the fact that her parents claim that they have been denied medical records submitted at her inquest?

Hon. Mr. Wishart: Mr. Speaker, I have investigated this matter and I have a fairly lengthy answer for the hon. member.

My officials advise me that Hermine Edwards died in Wellesley Hospital in Toronto on April 28, 1968. An investigation was carried out under The Coroner's Act. A copy of the hospital records was obtained under regulation 523 of The Public Hospitals Act for the assistance of the coroner in his preparation of the inquest.

An inquest was held at 86 Lombard Street, Toronto, on August 15, 1968, conducted by

Dr. G. P. Cranston. During the course of the inquest, the original hospital records were introduced as exhibit six and at the conclusion of the inquest the records were returned to the medical records department of Wellesley Hospital where they still remain.

On July 22, 1969, on the written request of Mrs. B. Kushner, the mother of the deceased girl, a photostat copy of the post mortem examination protocol was given to her by the supervising coroner's office, as is customary. At this time Mrs. Kushner also requested a copy of the hospital records. She was advised they would have to be obtained direct from the hospital because the records had been returned to the hospital. During October, 1969, the supervising coroner's office had been contacted repeatedly by both Mr. and Mrs. Kushner for the hospital records. They have been repeatedly informed of the correct procedure to follow in order to obtain such records.

I am further informed that the coroner's office has no authority to release such records even if they were still in the coroner's files in his office.

Mr. Speaker, section 41, of regulation 523, of The Public Hospitals Act, states clearly who is entitled to receive hospital records and the procedure which is necessary to obtain them. I might say, further, that Mr. James Nicol, the associate administrator at Wellesley Hospital, informs us that a writ has been issued against the hospital and against the physicians involved as a result of this death. Now that a writ has been issued he advises that the medical records will be released to a person with a court order. I would think now the solicitor could obtain them.

Mr. Speaker: Did the hon. Minister provide an answer to a previous question there? If so, would he give me the number, please? Was that all to do with that one question?

Hon. Mr. Wishart: Yes, Mr. Speaker.

Mr. Speaker: The hon. member for Huron-Bruce has two questions to the hon. Minister of Agriculture and Food.

Mr. M. Gaunt (Huron-Bruce): I have two questions of the Minister of Agriculture and Food, Mr. Speaker.

When does the Minister expect to receive the report being prepared for the Ontario Milk Marketing Board which is investigating industrial processing facilities?

Will the Minister be making public the findings of the report?

Hon. Mr. Stewart: Mr. Speaker, the report to which the hon. member refers is an internal report to the milk commission and is prepared for their use and guidance; and as such it is not contemplated to be made public at the present time at least.

Mr. Gaunt: When will that report be completed?

Hon. Mr. Stewart: I believe the report has been completed.

Mr. Gaunt: The second question, Mr. Speaker: Is the Minister considering any programme similar to The Livestock Loans Guarantee Act which will come into effect in Saskatchewan on November 1, whereby a farmer can borrow operating capital at a maximum of seven per cent interest, with the government paying any interest above the seven per cent level?

Hon. Mr. Stewart: Mr. Speaker, The Livestock Loans Guarantee Act to which the hon. member refers is, as I understand it from the report in one of today's papers, made available to farmers in Saskatchewan for the purchase of female breeding stock only and it is made available on a minimum loan of $2,000, with a maximum of $6,000. I have discussed this with some Saskatchewan livestock people after I read it in the paper last night and they indicated to me that the purpose of this was to try to enlarge the breeding herds of beef cattle in Saskatchewan and perhaps provide alternate opportunities of income for farmers who may have concentrated on grain farming in the past.

Now, I am saying that, not as any official statement from the Minister of Agriculture in Saskatchewan or any other official of the department, but simply as an opinion that was obtained from livestock people in Saskatchewan.

Mr. Gaunt: Could not the same thing apply to farmers in this province insofar as operating capital is concerned?

Hon. Mr. Stewart: In Ontario we provide capital grants that are even without interest, they are outright direct grants and are far greater in import than these loans which are being made in Saskatchewan.

Mr. Speaker: The hon. member for Oxford has a question of the Minister of Public Works.

Mr. Innes: A question of the Minister of Public Works:

Could the Minister advise the House whether it is standard procedure to dismiss departmental employees of long standing with less than one week's notice, as was the case with several employees of the department in the Woodstock area? How many such emplooyes were dismissed in such a manner?

Hon. Mr. Simonett: Mr. Speaker, it is not standard procedure to dismiss any employee without giving normal notice unless circumstances would warrant an employee being dismissed immediately. I do not know if the member has a specific case here or not. If he has, we would be very pleased to check with the London regional office and see what the circumstances were surrounding this particular case.

The latter part of the question: How many employees were dismissed in such a manner? Does the member mean in a year throughout the whole department?

Mr. Innes: I mean within the last month.

Hon. Mr. Simonett: Within the last month throughout the whole department?

Mr. Innes: If I could clarify it, Mr. Speaker, this particular man received his notice on the 14th; that was when the letter was written. He received it, I imagine, on the 15th, and the termination of his employment was as of the 20th. Now, I would like to know how many there are, in that particular category, who had their work terminated in less than five days—those who have been with the department, say, five or six years at least.

Hon. Mr. Simonett: Well, Mr. Speaker, I would take it then that this would be in the Woodstock-London area. So we will request information from the London regional office, and then I will give the answer at that time.

Mr. Speaker: The hon. member for Durham has a question of the Minister of Financial and Commercial Affairs.

Mr. A. Carruthers (Durham): A question of the Minister of Financial and Commercial Affairs:

Would the Minister table information as to the number of investors and the amount of losses incurred by these investors as a result of the collapse of Canadian Central Holdings Limited?

Would the Minister qualify whether the figure $180,000 in judgments against Mr. Greenaway is correct and if so, are these judgments related to the losses incurred by investors in Canadian Central Holdings Limited?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Mr. Speaker, I believe the member for High Park has a similar question in this area.

Mr. Speaker: Would the hon. member for High Park indicate the number of his question?

Mr. Shulman: Number 2351.

In light of the 11 judgments outstanding against Mr. A. M. Greenaway, is it your intention to continue his licensing as a mortgage broker in Ontario?

Hon. Mr. Rowntree: Well, Mr. Speaker, with respect to this matter, of the company and Mr. Greenaway, there have been various statements made of which I am aware. And there have been various corrections made to some of the statements that have been made. With respect both to the company itself and Mr. Greenaway and the involvement of the securities commission, and the division of consumer protection, and the mortgage brokers collection division, this matter is currently being investigated by myself personally to ascertain the exact facts, having in mind all that has been said about the matter. I will make a statement as soon as this information has been collated.

Mr. Speaker: The hon. member for Rainy River has a question of the Minister of Energy and Resources Management.

Mr. T. P. Reid (Rainy River): Thank you, Mr. Speaker. A question of the Minister of Energy and Resources Management:

1. Will the Minister inform the House the extent, if any, of American involvement in the study of northern Ontario water resources?

2. Are there any American army engineers or any American personnel in northern Ontario engaged in a study of Ontario water resources?

3. Are there any American personnel present in northern Ontario observing the federal-provincial study? If so, by whom are they employed and what are their positions?

Hon. G. A. Kerr (Minister of Energy and Resources Management): The answer to part one, Mr. Speaker, is: There is absolutely no American involvement in the study.

Part two: There are no American engineers or American personnel in northern Ontario engaged in a study of Ontario water resources.

Part three: To the best of my knowledge, there are no American personnel observing the federal-provincial study.

Of course, the hon. member will agree that any American citizen is quite free to move about Canada without hindrance, and any tourist with a camera about his neck could be said to be an observer.

Mr. T. P. Reid: Will the Minister accept a supplementary question? In view of his remarks yesterday in which he replied to a question that this is a three-part survey involving some U.S. engineers, would the Minister mind explaining that statement?

Hon. Mr. Kerr: Yes, Mr. Speaker, I regret the confusion that my answers may have caused the hon. members.

The hon. member for York South (Mr. MacDonald) asked what I might consider a loaded question inasmuch as he said that the U.S. corps of engineers are doing a survey in northern Ontario. I think possibly he knew that this was not so. But in any event, I corrected the implication that I made in my first answer by later saying that formal study does not include any Americans.

I will also admit that I was somewhat confused by another study that is going on involving the Great Lakes in which the international joint commission is involved. This involves both Canada, the United States and the IJC, and is concerned only with the Great Lakes basin. Certain federal agencies in the U.S. have representation on this committee which includes the U.S. corps of army engineers. I was confused with that study as a result of the rather blunt question of the member for York South.

Mr. Speaker: The hon. member for Grey-Bruce has a question from yesterday to the same Minister.

Mr. Sargent: I have a couple here, Mr. Speaker. Is the Minister aware that a one-year test of cars and trucks fuelled by natural gas has been completed successfully in Los Angeles and this process has resulted in a dramatic decrease in air pollution? The conversion cost of changing a car to this type of fueling is $300 and it has a greater operating economy. Would the Minister advise of any plans to pursue this important new development?

Hon. Mr. Kerr. Mr. Speaker, the department is aware of the completion of the one-year test of cars and trucks fuelled by natural gas, and is requesting a copy of the report. This report naturally will be studied with its total implications. However, I might add that I doubt very much if there is any indication that it has resulted in a dramatic decrease in air pollution. I do not think a test of this kind would show that. However, we will, as I indicated, study this, and if in fact it will be effective in reducing toxic emissions from automobiles, we very well may use this process.

Mr. Sargent: Will the Minister accept a supplementary on the same subject? Is he aware that there are now steam cars in production in L.A., sir, and that the California Legislature has legislation before it to ban all engine-driven cars by 1975—that steam cars are a reality now? Does he know this?

Hon. Mr. Kerr: I did not realize that cars were in production in California. I know they exist.

Regarding the California Legislature, I understand that that proposal was defeated in committee. However, this does not make any difference. If the internal combustion engine is still a problem within a reasonable length of time—and I think 1975 is a reasonable length of time—we could well do what California intends to do.

Mr. Speaker: The hon. member has another question to this same Minister.

Mr. Sargent: Will the Minister indicate if his department has considered the leasing of land under Lake Erie for the exploration of natural gas?

Hon. Mr. Kerr: Mr. Speaker, the leasing of Crown lands beneath Lake Erie has been going on since 1913. Since that time, the acreage under lease has fluctuated considerably, but since 1967 all of the available Crown acreage, some 1.3 million acres, has been held under lease or license, and The Department of Mines is responsible for the actual leasing of Crown lands. My department is responsible for all the other activities related to the exploration and drilling for, and the production of, oil and gas in the province.

Mr. Speaker: The hon. member for Timiskaming has a question for the Minister of Highways.

Mr. D. Jackson (Timiskaming): Yes, Mr. Speaker. I have two questions, and with your permission I will place them both now.

In view of the department's stated intention to close the bridge between Lots 2 and 3, Concession 3 and 4, known as the

Fall Bridge in Dack township, and, in view of the department's stated intention to close the bridge on the Wendigo Lake Road in Evantural township, and in view of the actual township, and in view of the severe load restriction recently placed on the Blanche River bridge on Highway 112, has the department decided to discontinue the repair and maintenance of bridges in the district of Temiskaming?

2. Will the Minister tell us whether or not the construction that started in 1967 on Highway 560 between Elk Lake and Gowganda will be resumed in the near future?

Hon. Mr. Gomme: Mr. Speaker, the answer to question 2347 is, no; and to 2346, I did not have the time between receiving it and the opening of the House to see the schedule of award but I will get that shortly for the member.

Mr. Jackson: Mr. Speaker, will the Minister accept a supplementary question?

Would the Minister tell the House how many bridges have been closed in Temiskaming in the last three years and how many are at this moment in a dangerous state of repair and are likely to be closed within the next two years?

Hon. Mr. Gomme: I would assume, Mr. Speaker, this would take some research but I will attempt to get the answer.

Mr. Speaker: The hon. member for Kent.

Mr. Spence: Mr. Speaker, I have a question for the Minister of Municipal Affairs.

Is it the intention of the Minister to invite representatives of farm groups such as the Ontario Fruit and Vegetable Growers Association to make representation to the municipal affairs committee before second reading is completed on The Assessment Act, or Bill 205?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, I appreciate this question from the member for Kent. I think one of the problems with farm assessment and/or farm taxation is probably that there have been in the past a great number of briefs and a great number of meetings. To the particular committee we set up this year we said, "Do not ask for briefs; if you want to, go out and seek some opinion, but get on with the job and come up with solutions."

They have the benefit of the advice of all kinds of briefs and submissions made by various farm organizations and marketing boards; and during the past several years the experience of such committees and commissions as the Ontario committee on taxation, the select committee of the Legislature—the "White committee", the report of the farm income committee, submissions made to The Department of Agriculture and Food, and a number of submissions which have been made to my department from time to time. In effect, we gave them all these and said, "Here is the problem, here are some recommended solutions to the problem, will you please come up with a solution? "And I understand this is what they are doing.

More specifically I can tell you that a member of the Fruit and Vegetable Growers Association is on the committee. The committee consists of three or four farmers, two or three treasurers and some government people. I would anticipate that when the report is ready—and it should be ready in the next ten days—we will make it widely available to farm organizations and perhaps invite reaction at that time.

Mr. Spence: Mr. Speaker, a supplementary question. In other words this bill will not go to the committee on municipal law?

Hon. Mr. McKeough: The Assessment Act will, and whether the recommendations of this committee are going to be embodied in Bill 205, we will have to wait and see.

Mr. Speaker: The hon. member for Grey-Bruce has a question for the Minister of Labour.

Mr. Sargent: Thank you, Mr. Speaker. To the Minister of Labour:

1. What machinery is now in force or contemplated to have all unions, American or Canadian, submit their financial statements revealing receipts and disbursements in Canada and the United States, to be made public?

2. Will the Minister advise the amount of dollars being exported to the United States annually from the Ontario work force?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, in reply to the question, section 63 of The Labour Relations Act requires that the trade union must furnish to an individual member on request a copy of the audited financial statement for the last fiscal year, but there is no provision that those statements be made public.

The Corporations and Labour Unions Returns Act of the federal government requires

that unions with 100 or more members resident in Canada file financial and other information with the Dominion statistician. The specific financial information of individual unions and corporations is privileged, and it is not made public, but under that Act the Minister of Trade and Commerce does present to Parliament an annual report containing a statistical summary and analysis of the financial information submitted by unions and corporations.

As to the second part of the member's question, I do not have any accurate information that I could give him at this time.

Mr. Sargent: Does the Minister have any knowledge or inaccurate information which he can give the House, a "guesstimation" of the amount of millions of dollars going to American unions, controlled unions, from the Ontario work force?

Hon. Mr. Bales: Mr. Speaker, the hon. member is guesstimating but I do not wish to.

Mr. Sargent: I did not hear that; I am sorry.

Hon. Mr. Bales: The member was saying that millions of dollars—I do not want to use those figures at all because I—

Mr. Sargent: I am asking a straight question of the Minister. Does he have any idea—is there a million dollars going to the States from the Ontario work force?

Hon. Mr. Bales: I have no idea.

Mr. Sargent: He has no idea. Does he not think he should know?

Hon. Mr. Bales: I think that is personal and private information.

Mr. Sargent: Will the Minister answer me this question, then? The right of American controlled unions to call strikes within Canada, while being financed by Canadian money—

Hon. Mr. Bales: Mr. Speaker, that is speculation and it is not the way it comes about at all.

Mr. Sargent: It is not speculation; the Minister knows it is true.

Mr. Speaker: I think the question is not specifically a supplementary to the question that was asked.

Mr. Sargent: Mr. Speaker, why does he dodge the question? I want to find out. Does he know or does he not know?

Mr. Speaker: The hon. member for Brantford has a question of the Minister of Justice.

Mr. Makarchuk: A question in two parts for the Minister of Justice. This is question 2352.

1. Does The Police Act grant police chiefs the power to subpoena newspaper editors in cases relating to disciplinary hearings involving policemen?

2. If not will the Minister advise the chief of police in Brantford of this fact?

3. Have any recommendations made by the Ontario Police Commission regarding the Brantford police force been instituted by the Brantford Police Department?

4. If so, what are they?

I will ask the next set of questions later.

Hon. Mr. Wishart: Mr. Speaker, to the first part of the question, the answer is, no.

The second part of the question: I do not think I will say, "Yes, I will advise him." I will advise him if he wants advice; if he has any doubt about his powers I will be glad to tell him but I am not going to call him up or write him just on my own initiative. If he wants to know he can find out. I think he probably knows but I will be glad to tell him if he does not.

Question three: The answer is, yes.

Question four: They pertain to promotional procedures and internal operations within the force and these have been instituted.

Mr. Makarchuk: And the second set of questions.

First, will the Minister consider stepping in to clarify the unease existing in Brantford as a result of recent Ontario Police Commission investigations and public allegations made by two Brantford police constables?

Second, will the Ministry consider intervening on behalf of Brantford constable Ron Stockdale to ensure that he receives his regular pay cheque which has been held up by the Brantford police chief?

Third, to ensure a fair hearing, will the Minister appoint an impartial police official or any other official to hear on matters related to alleged transgressions against The Police Act by Brantford police constables Stockdale and Lolli?

Hon. Mr. Wishart: Mr. Speaker I will have to take this question as notice, and consider it and try to give an answer very quickly.

Mr. Speaker: The hon. Minister of Municipal Affairs has the answer to a question asked yesterday by the hon. member for Hamilton East.

Hon. Mr. McKeough: Yes, the member, Mr. Speaker, asked a four-part question with regard to the municipal and school tax credit assistance programme. The first question was, "How many municipalities have passed by-laws to participate in The Municipal and School Tax Credit Act 1967?" The answer, Mr. Speaker, is that 372 municipalities passed by-laws to participate in the programme.

2. How many applications were made for each of the years '67, '68 and '69 and how many were approved? In 1966—we do that on a fiscal-year basis, the year '66-'67, 2,609; '67-'68, 2,789; '68-'69, 3,267.

On the second part of the question, the applications are approved or rejected at the municipal level; hence the actual number of applications rejected by the municipality is not known. All those figures which I just gave the member would have been accepted by us; there were no refusals. The only applications that likely would be rejected at the municipal level would be those submitted by elderly persons who did not qualify because of ownership or occupancy. But the number of such rejections, we believe, is quite small.

3. What were the amounts of credits: In 1966-1967, $362,749; 1967-1968, $371,746; 1968-1969, $457,380; and estimated for this year, $500,000. Finally, what were the total costs of administration that apply in the province in each year: In 1966-1967 the total was $12,000, and we would estimate $4,000 for last year and $4,000 for this year. It is very difficult to determine because it is part of a person's time.

Mr. R. Gisborn (Hamilton East): Sir, might I pose three questions by way of supplement and if the Minister could answer them off the cuff, fine. If not, I might have to put the question in the proper manner. What interest rate is charged by the province on the liens on the properties by those who take advantage of it?

Hon. Mr. McKeough: There is none.

Mr. Gisborn: No interest rate? Fine. Do the municipalities have to pay $1 registration fee on each claim?

Hon. Mr. McKeough: No, I do not think so.

Mr. Gisborn: They do not have to?

Hon. Mr. McKeough: I realize what the member is driving at. I do not know; I will find out. I do not think they do.

Mr. Gisborn: Has the Minister given any consideration to picking up the identifiable administration costs of the municipalities in regard to the Act?

Hon. Mr. McKeough: I think it is fair to say we have not been requested to do so—at least not to my knowledge. Or if we have, it has not been very vigorous.

The province was lending this money, in effect, to the municipalities who, in turn, lend it to their taxpayers. We are not charging any interest. I do not think their costs are all that great. Perhaps they are; but I do not think we have really had any serious requests or many requests to pay their portion of the administration costs.

Mr. Speaker: The hon. member for Scarborough East has a question for the Minister of Education.

Mr. T. Reid (Scarborough East): Will the Minister immediately ban "instant-on" television sets in schools receiving provincial grants?

2. Will the Minister cause the ETV branch to issue a leaflet immediately to all schools, pointing out that 300 fires have recently been reported in the night in the U.S.A. from "instant-on" sets, both black-and-white and colour?

3. What is the liability of school boards in respect to the radiation hazard to children exposed involuntarily to X-ray emissions from extremely high voltage classroom television sets, of the order of 25,000 volts?

4. Will the Minister consider recommending only all-transistor sets in grant-aided purchases of ETV equipment?

Hon. W. G. Davis (Minister of Education): Mr. Speaker, in order to qualify for grants, receivers must conform to specification OET-101 which has been produced by The Department of Education in co-operation with the Electronics Industries Association of Canada and which specifies the standards of the Canadian Standards Association.

At the present time, none of the sets being manufactured to meet this specification incorporates the "instant-on" facility. They are not built-in to the specifications we have. The department relies on the standards of the Canadian Standards Association for protection against hazardous equipment. While this is not an absolute safeguard against a

hazardous condition existing, it seems to be the most reasonable precaution that can be taken and one that represents the best efforts of the government and industry to guard against such hazards.

With respect to the second part of the question, if, on the advice of the CSA, a hazard does exist, the branch will of course, ensure that the information is distributed to schools by both print and TV message. Our specification for sets is constantly reviewed and updated to ensure that schools have the sets of the highest quality.

With respect to the third part, Mr. Speaker, the CSA standards for radiation of television sets sold in Canada must not exceed 0.5 —and I will spell it for *Hansard* and for my own purposes too—milliroentgens. This is the measurement used per hour and this measurement is made 2½ inches from the face of the TV set.

It is perhaps interesting to note, Mr. Speaker, that this level of radiation is less than that produced by the dial of a radium dial wrist watch.

I would assume that the question of liability would be properly determined, of course, in the courts.

In respect to the fourth part of the question, Mr. Speaker, I do not think it would appear to this time that all transistor television sets are in themselves inherently safer than sets employing thermeonic devices. The overall design of the set, rather than the choice of transistors or tubes would be a greater determinant.

Mr. Speaker: Have I missed any questions?

Mr. W. G. Pitman (Peterborough): I wonder if I could place a question to the Minister of Education that was placed by the member for York South yesterday?

Mr. Speaker: Is that question 2311?

Mr. Pitman: Yes, that is right.

Mr. Speaker: I believe there should be no objection to that.

Mr. Pitman: When and why did the Council of Regents advise the administrations of the Colleges of Applied Arts and Technology that there should be no deductions of membership dues made on behalf of the faculty association, and was such action taken as a result of intervention by the CSAO?

Hon. Mr. Davis: Mr. Speaker, I do believe that the CSAO brought this matter to the attention of the Council of Regents. The memorandum referred to was sent to the president of the colleges on October 14 and it was to bring to their attention the ruling of the Supreme Court of Ontario, dated January 30, 1969, that the *status quo* should be maintained with respect to matters concerning faculty associations, pending the outcome of the trial of the case which is still before the court. Really, sir, it was information given to the colleges based on the decision from the supreme court. The matter was then drawn to the attention of the Council of Regents by the CSAO.

Mr. Pitman: A supplementary question. I wonder if the Minister could indicate when this matter will be out of the courts and when amending legislation might be possible in this House?

Hon. Mr. Davis: Mr. Speaker, I could not give the hon. member any indication as to the length of time. I do not know.

Mr. Speaker: Do any of the hon. Ministers have answers to previous questions that were taken as notice? If not, that completes the question period.

The hon. member for Durham.

Mr. Carruthers: Mr. Speaker, on a point of personal privilege, if I might correct the *Hansard* records of Friday last. In a statement read into the records by myself during private members' hour on Friday last, I am quoted as stating that the son of an Ottawa citizen had some $40,000 invested in Canadian Central Holdings Ltd. This figure, Mr. Speaker, should have read $40. There was some misunderstanding. I regret the error and am pleased to correct the record at this time.

Clerk of the House: The 26th order, the House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

(continued)

On vote 205:

Mr. V. M. Singer (Downsview): Mr. Chairman, I think this would be the appropriate time to say a few words about Chapter 171 of the Revised Statutes of Canada, 1952, which, in volume 3, which is entitled "Chapter 112 to 206" and appears on pages 2833 to 4228. I know the member for Riverdale

is a precise man and would want the exact reference.

I turn particularly, Mr. Chairman, to chapter 171, which is entitled "An Act respecting the Lord's Day". We have had a great deal of discussion in this province about the role of the Attorney General as defined in section 16 of that statute. Section 16, Mr. Chairman, provides:

> that no action or prosecution for a violation of this Act shall be commenced without the leave of the Attorney General, or his lawful deputy, for the province in which the offence is alleged to have been committed, nor after the expiration of 60 days from the time of the commission of the alleged offence.

What I think that means, Mr. Chairman, is this—that notwithstanding all the various prohibitions that the government of Canada saw fit to lay down and incorporate in this statute, no prosecution for any of the offences as set out therein can take place without the consent of the Attorney General, given in accordance of that section 16 of the Act.

In other words, even though it is a federal statute, there has to be something more than just the apparent offence taking place. The Attorney General has to be informed of the evidence relating to that offence, and he has to consent to the matter coming before the courts within the appropriate time. So really, what that means, Mr. Chairman, is that the Attorney General is the person responsible for determining the extent to which, if at all, in any province, this federal statute is going to be enforced, and I think that is the basis from which to start.

Mr. J. Renwick (Riverdale): It is not just a question of evidence.

Mr. Singer: No, no. I thought I made that abundantly clear. However, if the member for Riverdale did not understand, I would be glad to repeat it again, unless I have his assurance that he is with me up to this point.

Mr. J. Renwick: I prefer that you repeat it accurately.

Mr. Singer: Well, I am sorry. The member for Riverdale is a little slow today, but I am sure if he concentrates he will be with me before I have finished my remarks.

Mr. Chairman, one of the important sections of this statute is section 4, which says:

> It is not lawful for any person on the Lord's Day, except as provided herein, or in any provincial Act or law now or hereunder enforced, to sell or offer for sale, or purchase, any goods, chattels or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain, to do, or employ any other person to do, on that day, any work, business or labour.

In other words, that would seem to say that no one is supposed to do anything on Sunday except as otherwise provided in the Act.

Section 11 is the exemption section which provides that:

> Notwithstanding anything herein contained, any person may, on the Lord's Day, do any work of necessity, or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression. It is hereby declared that it shall be deemed to include the following classes of work.

And amongst those included are divine worship, relief of sickness, the operation of telegraphs and telephones, the maintenance of fires and the putting out of fires, and conveying travellers, and all sorts of related matters of that sort. On the way by, I think it is worthwhile mentioning, as well, one absolute prohibition here in section 10 of the statute, where it says that:

> It is not lawful for any person to bring into Canada for sale or distribution or to sell or to distribute any foreign newspaper or publication classified as a newspaper.

It is obvious, Mr. Chairman—it must be obvious to anyone living in Ontario in the year 1969, that this statute comes to us from another day and another age. Section 10, which I have just read, which prohibits the importation of any foreign newspaper, I would imagine, must apply to the New York *Times*. But I know that in any hotel in this city—and I would imagine in most cities in Ontario—one can buy the New York *Times* on Sunday. As a matter of fact, is it very good reading, and sometimes, when we do not have too much to read from the Legislature, many of us, perhaps even the Attorney General—certainly I do—would go over to the drug store or the hotel, get a copy of the New York *Times* and read it on a leisurely Sunday afternoon. So that particular prohibition does not seem to bother anyone in the province of Ontario today.

Hon. A. A. Wishart (Minister of Justice): And other publications?

Mr. Singer: And other publications. Oh, I am going to come to some of the other publications very shortly.

Hon. R. S. Welch (Provincial Secretary): Do you have samples?

Mr. Singer: No, I do not have samples, I have a list. By the same token, Mr. Chairman, I was a little puzzled a few years ago when John Bassett, the publisher of the *Telegram*, attempted to bring forth a Sunday newspaper. I do not know if it was the financial aspects of it that caused him to discontinue that endeavour, whether it was the complaints of certain people who were concerned about provisions of that statute, or whether someone from The Attorney General's Department whispered in somebody's ear down at the publishing office of the Toronto *Telegram* that you had better be careful or there might be a prosecution under The Lord's Day Act.

In any event, we do not have one, at this moment, in Ontario, nor does it seem likely that we are going to have a Sunday newspaper of our own, and I think that is more the pity. If there was any role that The Attorney General's Department played in discouraging that publication, then I think it was a very poor thing to have done, because I think we could use a good Sunday newspaper in this province. As I said earlier, Mr. Chairman, many of us go out and buy the New York *Times*, or perhaps other American newspapers that are published on a Sunday, and enjoy reading them very much.

Now, what can you do in Ontario, or in Toronto, on a Sunday? Well, just a few things that I have noted here. You can go to the record stores that operate on Yonge Street and buy any sort of a record that is available for sale on any other day of the week; some of them good, some of them bad, depending on your taste. Some of them might even, on occasion, be described as pornographic. I have heard them described that way.

It is interesting to note that two of the stores that I have listed here on the list in front of me, which sell records, are very small stores in area. However, I have seen profiles relating to the gentlemen who run those stores, and it appears that the stores are a very successful business venture. They are certainly a legal business venture and good for the gentlemen who run them. They seem to have done very well by running these stores.

By no test of anyone's imagination that I can understand, Mr. Chairman, could one describe these record businesses as being small businesses.

Hon. Mr. Wishart: How about works of necessity and mercy?

Mr. Singer: Well is it a work of necessity? I am glad the Attorney General is feeding me some of these lines. I am not quite satisfied, in my own mind, that you could bring to the selling of records the test of being a work of necessity or mercy. It is merciful sometimes not to have to listen to some of these records but if you have teenagers at home you do not manage to escape that on occasion.

You can buy liquor with meals, and I think that is a good advance. I do not think there are many people, in this Legislature in any event, who object to that kind of an advance. You can buy books at book stores, any kind of books, clean books, dirty books—

Hon. Mr. Wishart: You can go out to the racetrack.

Mr. Singer: Oh yes. You can go to the racetrack, you can go to football games, you can go to hockey games, you can play pool, you can go bowling, you can do all those things. You can go to the movies. You can even see some of those pictures that the provincial censor or the police worry about. What is that one, something about Heironymous Merkin—you could see that one. In fact, I think you can even see that on a Sunday now if it is still playing. You can go to the wrestling matches or a Mac's Milk store—that is one by itself.

Somebody tried to apply a test, I think it was the Attorney General, who said he was not going to allow big stores to operate in big cities. The Mac's Milk stores that I have seen, are, individually, comparatively small in size, but they are a multi-million dollar chain, Mr. Chairman, and you can go in there and you can buy anything you want. You can buy food, and you can buy canned goods, you can buy cocktail mixes, and you can buy corkscrews to take the corks out of wine bottles, and all these other things, but certainly no one would describe Mac's Milk stores as a small operation. And you can do that in the centre of the big cities.

The Beckers store is the same sort of thing. You can buy fuses and electric light bulbs and all that sort of thing in the drug stores. The drug stores have become a pretty interesting type of variety store where you can buy films and magazines and newspapers and

cigarettes and all these other things, in addition to the drugs which might be described as works of mercy and/or necessity.

In service stations, you can buy gasoline. Interestingly enough, Mr. Chairman, in my community, not too long ago, we had an inspector in charge of the local branch of the police force who came to the conclusion that it was a very bad thing to have a car wash open on a Sunday in conjunction with a gasoline station. He kept arriving with his men regularly on Sundays and taking down all sorts of information and laying charges. One or two got to court and the Attorney General must have put his okay on them. They got thrown out of court on the basis that the charges had not been properly framed. Interestingly enough, however, when the Metropolitan Police sent that inspector to another part of the city, and a new inspector came in who did not worry about car washes, the concern about a car wash operating on a Sunday seemed to have vanished from that part of Metropolitan Toronto.

Shoppers Drug Mart where you can buy all sorts of hardware items. There are various food markets that are open just beyond the boundaries of the city, large ones, Mr. Chairman. There is Perri's Country Fair, on Markham Road, where you can buy all sorts of foods and peanuts and so on.

There is the Knob Hill Farms at the corner of Highway 7 and the Don Mills Road, where you have an awfully hard job on a Sunday finding a parking place, and that is only a mile and a quarter north of the boundaries of Metropolitan Toronto. You can get doughnuts at the various doughnut shops. You can go to the burlesque theatres.

All those things, Mr. Chairman, are being done in the province of Ontario on a Sunday, notwithstanding the provisions of this statute, and we have been trying to bring some sense, or expect some sense, from the Attorney General as to how this matter is being handled.

I have a news clipping here from the Toronto *Globe and Mail* dated October 2, 1969, quoting the Premier saying:

> The government will prosecute large stores such as supermarkets, which try to remain open on Sunday.

He is not going to allow an open Sunday.

Hon. Mr. Wishart: Mr. Chairman, the statement to which the hon. member is referring, regarding what the Premier said, was made in this House and should be on record in *Hansard*. The Prime Minister made that statement of policy here.

Mr. Singer: Mr. Chairman, I am not disagreeing that he made a statement. I am just reading from what appeared on the front page of the *Globe and Mail* on October 2, 1969, which quotes the Premier. I will read it exactly to you. If you think it is wrong then you or the Premier should have corrected it.

Hon. Mr. Wishart: No, I always like the rule of the best evidence.

Mr. Singer: Mr. Chairman, I did not notice any great variance from what he said in the House, to what appeared in the newspaper. If there has been some serious error, then I am sure the *Globe and Mail* would want it corrected—let us read this into the record and then let us have the correct version, whatever it may be. The article says:

> Premier John Robarts warned yesterday that the government will prosecute large stores such as supermarkets that try to remain open on Sunday.
>
> "We intend to make it very clear," he told the Legislature, "that we will not tolerate a wide open Sunday with shopping centres and large department stores remaining open, but there are gradations to this problem, as must be obvious to anyone who studies it with care." The Premier said some stores serve a real community purpose by remaining open on Sunday, indicating small shops of the milk store variety would probably not face prosecution under The Lord's Day Act.
>
> The issue was raised—

—and so on.

That is substantially what the Premier said. Are the words in *Hansard* really different from that? Is that not the impression that both you and your boss were trying to leave with us? That really you do not know what you are doing on this subject at all, because that is the impression that I get. What are large stores and what are small stores?

The Premier made it abundantly clear one day that he was not going to disturb anything that went on in a summer resort on Sunday, because you would have the wrath of all those voters down on your neck who make their living out of running a summer resort and running the various facilities in connection with them. So, in a summer resort, you can do what you want on a Sunday provided it is legal, and no one worries about the technicalities of The Lord's Day Act—the federal statute.

Hon. J. H. White (Minister of Revenue): What was the Liberal policy on that?

Mr. Singer: Mr. Chairman, I am concerned about the fact that we bring the law into disrepute.

What do you tell the policeman who is charged with enforcing that statute? What is your policy? What is a big store and what is a small store, and is it important that if you are talking about a big store that it is, or is not, within the boundaries of Metropolitan Toronto or whether it is a mile beyond it? Is that the test?

Is the test the size of the floor space, or is the test the number of employees? Is the test the number of dollars that are made in the enterprise, or is the test something else? If we are worried, Mr. Chairman, and there is a worry on behalf of those concerned with the hours of work and the rate of pay, we have tackled that in other fields. We have gotten rid of child labour, we have minimum wage laws—perhaps they are not sufficient, perhaps they should be raised again, that is another argument; we have laws relating to maximum hours of work; we provide for overtime and that sort of thing. Surely if that is the concern, then we regulate that concern and we control that concern by reasonable and sensible labour laws, and no one is going to object to that.

No one wants people to work an unusual number of hours in the week. No one wants people to work at ridiculously low rates of pay which are not worthy of the enterprise they put in; but what we are asking for, Mr. Chairman, and what we desperately need from the government, is some kind of guidance.

Does The Lord's Day Act really mean anything in the province of Ontario, and what are the tests that make the Attorney General's fiat run?

The Attorney General referred this matter to the law reform commission and I noticed an interview reported in one of the newspapers on October 17, where Mr. Leal gave an interview, or talked to one of the reporters, and it is written up. This is the essence of the story:

> Ontario Law Reform Commission will hold public hearings all over the province this winter to find out what the people want the government to do about Sunday blue laws, Chairman Allan H. Leal stated last night.

The Attorney General stood here and told us one day that he was doing it on a local option basis. Now I do not know what the local option is. The local option seems to be what the Attorney General has in his mind at a particular moment.

Are there any statistics that he has available as to the number of complaints in which he has authorized prosecution? Does he have any laid-down procedure, Mr. Chairman, that indicates when he will consent to a prosecution and when he will not? Does he have any basis, Mr. Chairman, to determine what the local option is? Is a local option what he thinks it is, or what the people think it is?

One would seem to have to conclude that in the Metropolitan area of the city of Toronto at least, there is no great public discontent about the fantastic variety of Sunday pursuits that one is able to follow. Why then does the Attorney General single out on occasion the odd store to prosecute? What does he say through his police commission—I recognize he does not talk to individual police forces—but what is the happy word that the Ontario police commission delivers to the Metropolitan Toronto police force about how The Lord's Day Act should be enforced? What happens to the constable on the beat who has some knowledge, one would presume, of the contents of this statute, as he goes around on his Sunday tour and says, "I wonder whether it is worth my while making a report about the fact that Becker's milk store is selling cocktail mixes," because the policeman would say, I am sure, "That is not a work of mercy, or a necessity," and it would seem to me to be an offence, if one is going to apply the strict wording of that Act. "And if I go to all that trouble of getting evidence and swearing out an information, is anything going to happen or is the Attorney General just going to let it sit on his desk?"

That is what makes this whole thing so ludicrous, Mr. Chairman. We have no tests. I would suspect it must relate to the kind of weekend that the Attorney General has had on particular occasions. Well, what does it relate to?

Can the Attorney General give us any tests that he applies, and what are they, and do they make any sense? And how does he distinguish between allowing Knob Hill farms to stay open on Highway 7 and the Don Mills Road, then moving a mile south and saying: "That is all right for you, Knob Hill Farms—thousands of people can shop there on a Sunday"? Then moving a mile further south and saying: "But no Loblaws and no Dominion store and nobody else"? Well, I do not know, Mr. Chairman.

Mr. Leal is quoted as saying that the law, as it is, obviously is not working. I think that really is the understatement of the day. Leal said in an interview: "Everybody is dissatisfied with it.

"Last week the Attorney General asked Leal's commission to study the whole question of Sunday observance. If Wishart accepts what the commission has to say about the 63-year-old federal law, then the Ontario government will probably ask Ottawa to make the changes." Well, I think that is an erroneous conclusion.

I do not know whether that is Mr. Leal's conclusion or the reporter's conclusion, but I do not think you have to make any changes at all.

The law, as it presently stands, leaves the enforcement of it entirely in the Attorney General's hands, and if he chooses to enforce it, or not enforce it, or to enforce it selectively, or to enforce it in what he says is a local option manner, then that is entirely the Attorney General's prerogative as the law is presently written.

So he has it within his complete control notwithstanding what the statute says. The statute gives him the power to have it within his complete control.

Leal said the commission would seek answers to three questions—"What power does the province really have to legislate in the field of Sunday observance?"

Well, I think the answer to that one is obvious. If that is the kind of inquiry that Mr. Leal is going to embark upon, I would think he is going to be wasting some time because the key section is that nothing can happen unless the Attorney General gives leave to prosecute.

So whatever test the Attorney General—

Hon. Mr. Wishart: That is not the question.

Mr. Singer: Of course it is the question.

Hon. Mr. Wishart: It is not the same question as to what constitutional power we have to legislate.

Mr. Singer: The Attorney General has the power to consent to prosecute, or not to consent to prosecute. He has the power to say this statute will be in force in Ontario or it will not be in force in Ontario, and you do not need any more legislative authority. You do not need another bit of legislative authority.

Hon. Mr. Wishart: That is the old federal Act.

Mr. Singer: Certainly it is the whole federal Act, and the federal Act says that you do not need any more authority. The federal Act says—what does the member for Riverdale say?

Mr. J. Renwick: I just said the member was confused.

Mr. Singer: Oh, thank you very much.

Mr. J. Renwick: That was an aside to my colleague.

Mr. Singer: Well, we will hear from him in due course.

Section 16, Mr. Chairman, says this—I think it means what it says, certainly it has been interpreted that way: "No action or prosecution for a violation of this Act shall be commenced without the leave of the Attorney General."

What else can that mean?

Hon. Mr. Wishart: Mr. Chairman, what I am pointing out to the hon. member—and I think he is confused—what chairman Allan Leal said was that one of the questions we would decide was what jurisdiction, what powers, the province has to legislate in this whole field.

It is all very well for the hon. member to get up to read, as I say, an old federal Act, which ends up with a section saying: "Under this Act the Attorney General can exercise some discretion as to prosecution". But the question is, looking at the whole matter: Should we pass some legislation, and how far can we go if we decide to make a policy on Sunday? This would be one of the first questions: How far can we legislate?

Mr. Singer: Well, the Attorney General is getting very technical. I am suggesting to him that whether this is an old or a new statute, it is still a valid statute. It still applies.

Hon. Mr. Wishart: Oh yes.

Mr. Singer: So attaching the adjective "old" to it is meaningless. And you look at section 16: "No prosecution can take place under this Act, unless the Attorney General says prosecute". Therefore, quite apart from anything else, the Attorney General determines the basis on which he is going to allow the Act to be enforced.

I would suggest, Mr. Chairman, through you to the Attorney General, that he has the

power to apply any tests that he wants. If he wants to come to the people of the city of Toronto and say: "Let us have a plebiscite to see whether you want it", then the Attorney General can do that. And based on that decision, he can ascertain whether or not he is going to give consent to prosecutions. He does not need any more legislation in that regard.

If he wants to apply a test by asking the local Conservative association in the riding of Muskoka, the extent to which the Act should be enforced, he has a perfect right to do that. And if he wants to accept their advice as a sole criteria—I am not suggesting for a moment that he would—that could be his test as to giving his fiat to say: Let the prosecution go forward. He can apply any test that he wants and still be within that statute.

We also know, Mr. Chairman, if you are looking for legislation, that there is a provision in this Act in several places—well, I cannot find the specific reference—which says in effect that where there is no other provincial legislation to interfere, then such and such is the case.

And we have taken advantage of that when we allowed Sunday sports. We had a statute here. We have taken advantage of that when we allowed the service of liquor with meals on Sundays—and all the other things.

So I am suggesting that this kind of an inquiry that the Attorney General is instructing the law reform commission to make—academically it may be very satisfying to someone—really is meaningless insofar as it relates to determining a policy.

I am suggesting, Mr. Chairman, that there is all the power available that the Attorney General needs to enforce this Act, or to not enforce it, or to enforce it in the manner that he deems fit right now, and that he need not wait for the answer to this question to come forward from Mr. Leal.

The second thing that he asks the law reform commission to ascertain, or to give an opinion about, is what is the public attitude towards a once weekly pause day—as distinct from the traditional religious Sunday. Well, I would think that you are being very unfair to the law reform commission in this regard. You are asking a group of gentlemen, one full-time person and four part-time people, to give you what is in effect a political opinion.

There may be an opinion to one effect in a certain section of the province, and the opinion might be directly contrary in another section of the province. In one section of the province people may believe that there should be no activity at all of a commercial nature, of any kind, on a Sunday. In another section of the province, it may be that people are just not concerned at all. There may be some religious groups who feel this is a very serious matter which strikes at the tenets of their whole religious foundation.

There are other religious groups, certainly—and I was talking to a gentleman from the Seventh Day Adventists just today, as a matter of fact—and we have read their publications. They do not believe there should be any sanction of law about the use of Sunday. And they believe that very strongly, and have written many articles about it.

I think it is very unfair that you thrust upon the law reform commission the apparent task of giving you a political answer to what is a political question, and I say that you are sloughing off the government's responsibility in asking the law reform commission to answer that question.

Then you say: What would be the economic consequences of various degrees of Sunday commercialism?

Well, Mr. Chairman, if the answers to that question are not available within the various departments of government, and they are not available now, if the Minister of Trade and Development, and the Minister of Labour and various other ministries are not able to come forward with the various facts and statistics in that regard, what do you expect of the law reform commission?

I say simply this: The way the law is being looked after is ludicrous. It brings the whole process of law enforcement into disrepute. You are not being fair to the individual policeman who is charged by society as a law enforcement official. You are giving him no instructions.

Mr. J. Renwick: What criteria would you use?

Mr. Singer: I am not going to tell you what criteria I would use. No, I do not think so, because when we get over there, if you have not decided we will do what is right. But I suggest this, Mr. Chairman—

Mr. S. Lewis (Scarborough West): What does the Liberal Party believe in?

Mr. Singer: Since the NDP is so concerned, let me ask my good friends in the NDP what their attitude is about religious education in the schools? I have yet to hear that policy stated.

Mr. P. D. Lawlor (Lakeshore): Have you read our pamphlet?

Mr. Singer: I noticed their statement the other day in relation to the continuance of aid to grades 10, 11, 12 and 13 in the Catholic schools but it was so couched in escape language that it is only the opinion of the committee, and please do not believe that it speaks for the NDP; the NDP are the last people in the world, Mr. Chairman, in my opinion, who should ask for a specific statement on policy.

Mr. Lewis: What is your policy on this issue, where do you stand?

Mr. Singer: What I am suggesting, sir—and I think this is important—is that we hear from the Attorney General, on behalf of the government of Ontario, to tell us what attitude he takes insofar as the enforcement of The Lord's Day Act is concerned. I suggest there is no attitude, and I suggest in having no attitude and in sloughing off for an indefinite period a bunch of—

Mr. Lawlor: You have no attitude. Do not slough it off.

Mr. Singer: —rather hopeless questions to the law reform commission—

Mr. J. Renwick: What size store would you let stay open?

Mr. Lewis: Why abuse him if there is no alternative? Give him an alternative.

Mr. Chairman: Order please!

The hon. member for Downsview.

Mr. Singer: I do not understand these fellows, Mr. Chairman. All they do is rant and rage and mumble, and when they get to issues of this sort—well, religious education in schools, the approach to Catholic education—what is your answer? Well, it does not matter.

Mr. Chairman, I have stated what I think I want to state at this time, and that is that as the situation presently exists it is inexcusable.

Mr. J. Renwick: No policies, no position, no criteria. Nothing.

Mr. Singer: You know, it is amazing, Mr. Chairman, when you get to a point such as this, and you hear from the noisy seats all these pointless interjections—

Mr. Lawlor: It is not enough to always carp! Try, do try, sometime, once, the power of positive thinking.

Mr. Singer: That is right, that is right. The source of all wisdom lies over yonder. Mr. Chairman, suffice to say that this criticism has to be stated, it has to be stated here in this Legislature, and we have a right to expect from the government an answer better than, "We have referred a series of meaningless questions—

Mr. Lewis: It is a pretty good answer.

Mr. Singer: —to the law reform commission."

Mr. Chairman: Does the Minister wish to reply now?

Hon. Mr. Wishart: I would be glad to reply, Mr. Chairman, but possibly there may be other comments on this same subject. Perhaps it is a rather general subject and I would prefer to deal with them all at once.

Mr. Chairman: The member for Grey-Bruce.

Mr. Lewis: Do you think there will be a breakdown of law and order?

Mr. J. Renwick: Just be quiet, we are getting the policy now.

Mr. Singer: I thought it was going to come from you. You were nattering away.

Mr. E. Sargent (Grey-Bruce): Mr. Chairman, for the past three years I have been in direct contact with a man named Elwyn Rogers, and many of you in the House have probably seen copies of—

Mr. Chairman: Is this on the same topic?

Mr. Sargent: No, but it is on vote 205.

Mr. Chairman: Concerning The Lord's Day Act?

Mr. Sargent: Oh, no, I am sorry.

Mr. Chairman: Does anyone wish to make further comments about this?

Mr. Singer: Where are the natterers? Come on, what about the natterers?

Interjections by hon. members.

Mr. J. Renwick: I am yielding only to the urgings of the member for Downsview. I can perhaps clear up a little bit of the confusion. I do not mean for a moment that it is not a confusing topic, but the member for Downsview has made it rather more confusing than it really is. I do not think, for example that The Lord's Day Act—the

federal Act which is designed to control a person's conduct on Sunday, and is Sunday-observance legislation under threat of penal sanction—would mean that the Attorney General of this province could in any way totally render the federal statute nugatory by refusing leave in every single instance in which the matter was brought up.

Mr. Singer: Having said that, can you prove that one?

Mr. J. Renwick: Yes.

Mr. Singer: Have you authority for that fatuous statement? Because it is fatuous, and you know it is.

Mr. J. Renwick: I am not in a court of law and I do not need to cite—

Mr. Singer: No, but as a lawyer you should make responsible statements.

Mr. J. Renwick: It is a relatively simple proposition that the Attorney General of this province cannot destroy the whole ambit of the operation of the federal statutes simply because leave must be granted before any prosecution is commenced under the Act.

Mr. Singer: And if he grants no leave?

Mr. J. Renwick: Now, the member for Downsview went on at great length, but as the Attorney General pointed out and others have pointed out, he did not provide any policy or any criteria or any prediction on the question as to what criteria the Liberal Party, if it were the government – and heaven save us from that—would apply in granting the leave. I think the very clear question, and the question that the Attorney General has got to face up to and answer, is: Is he really enforcing Sunday-observance legislation in our society or is it possible for the Legislature of this province, within its legislative competence, to regulate the conduct of business?

Mr. Singer: That statement certainly clears it up.

Mr. J. Renwick: This is the crucial question. In other words, there is no question whatsoever that for a clearly secular purpose within the competence of this Legislature, the Legislature could pass legislation—

Mr. Lewis: That is right.

Mr. J. Renwick: —which, in fact, would come within the excepting clause, legitimately and constitutionally, of the provision of The Lord's Day Act. It would seem to me that we have to face up to the fact in this province that there is no particular religious persuasion which can require persons of the other diverse sects and beliefs and faiths we have in the province, to observe certain regulatory provisions relating to the conduct of businesses which they may own, or impose disabilities on persons who may observe their own religious customs on different days, simply because traditionally this has been what one could call a community which by and large had adhered to the Christian faith. That time has long passed and therefore it seems to me that the Attorney General is placed in a position, from the point of view of convenience of the citizenry, of having to give serious consideration to the whole question of the ways in which, and the hours at which, businesses are open in the province for the convenience of the people within the province.

Mr. Lewis: That is the best part.

Mr. J. Renwick: Now, I am not suggesting for a single moment that that does not have difficulties in it; that is not a simple question either.

Mr. Singer: Oh, I thought you had the answer.

Mr. J. Renwick: Again, constitutionally this province is always going to have to take the initiative before the federal government is able, really, in a large community to act. It has got to do something because it was quite wrong, in my judgment, with its decision in the Robertson and Rosetanni case, that persons who belong to a particular religious persuasion and therefore close their shops voluntarily for the purpose of religious observance on days other than Sunday, should then find that on Sunday they were not able to conduct their business.

That is a basic inequity in the society and where we have a diverse community with diverse religious observances or non-religious beliefs amongst large sections of the community, no one section, be they ever so small or large in number, should be penalized because of the provisions of an outworn statute.

I simply say very briefly that the question really is not whether or not the Attorney General can escape from under, in some weird way, the provisions of the federal Lord's Day Act under which I think he is stuck with making all sorts of awkward decisions which he can no more readily solve than the member for Downsview could solve, should his party

be in power; nor could we here in this party solve if we were in power. It would be a constant irritant within the community.

The first point, in my view, is that we forget the Sunday observance operation. We decide how business should be conducted within the province on a secular basis and as a question divorced entirely from the religious observance.

Secondly, I urge that it be done as promptly as possible because at the present time people have different religious persuasions who in the observance of their religious beliefs close their businesses on certain days. They are then penalized because they are not allowed to open on a day which is not to them a day of religious observance. On that basis I think that by and large the reference to the law reform commission has been properly made, subject to this one criticism—that I do not think that the government need have referred the matter to the law reform commission.

I think it is a matter which, with those two particular guidelines I have indicated, is one which could perhaps more readily have been solved as an actual matter of policy. Because what you are then doing is balancing off conflicting interests of people within the community—the convenience of people engaged in all their diverse callings. You have the legitimate position which is of concern to the trade union movement in the province of Ontario; about the distortion which takes place amongst the working community if they have to work on Sunday. You have the overtones of the remnants of the religious question, which I think is one which would be dismissed as irrelevant to the needs of this province as a secular society, leaving each person to observe his religion as he sees fit to do so.

Those are my only comments. I would like to hear what the Attorney General would have to say about them.

Mr. Sargent: Mr. Chairman—

Mr. Chairman: Is this on the same topic?

Mr. Sargent: I would like to say in this regard that the interest of the consumer is of paramount importance here and probably the Attorney General has considered this. The stand of the larger chains, as I see it, is that conforming to a wide-open Sunday would increase the price of groceries about 14 per cent across the board. If they have to stay open one-seventh more of their overhead on a 52-week basis, it necessarily follows that the price of groceries is going to go up 14 per cent. This is the stand of the larger corporate chains in wanting to keep things as they are.

Hon. Mr. Wishart: Mr. Chairman, again I am indebted to the members who have spoken. I think particularly the member for Riverdale, because I believe he has posed very clearly the problem which we face. Perhaps I would have to agree with him that the member for Downsview did confuse the issue to some extent, but he did offer some suggestions. I was not disappointed that he did not come forward with a programme of policy, because I did not expect it.

Mr. Singer: Notwithstanding his objections.

Hon. Mr. Wishart: It is a very difficult problem and that is exactly and precisely why we referred this matter for a study to the law reform commission; to study the historical background of this whole question; to see how far it grew out of religious attitudes; how far the Sunday or the Sabbath or the Lord's Day has departed from religious significance and has grown into our concept of social need, and what the trend of the future may be. So that if we legislate—we will have a study that will give us some guidelines, some direction.

We did not ask the law reform commission to make recommendations. We are not asking it to frame our policy but to do a factual study on the three areas which the chairman, Mr. Leal, outlined.

There is the economic significance of opening or closing business enterprises on Sunday. There is a great sector of our economy, the industrial side particularly—great heavy industries—and many of the subsidiary industries which open seven days a week, 24 hours a day.

Although you may divorce it from religion —and I think it is moving in that direction, away from the religious significance—nevertheless the delegations which attend upon me are invariably composed of leaders of the church, of all the churches, then the leaders of the labour groups and then the leaders of commerce and industry. These are the three groups and they are all seeking an answer.

I think we will get from this study facts, indications of trends, a knowledge of how we are moving and what the effect of legislative action will be if we move in a certain direction.

For the moment, the Prime Minister has made a statement in this House and I think

it was quite fully and correctly translated in the article which the member for Downsview read from the *Globe and Mail*, and he has indicated the government's policy. But I say this, that policy I think, cannot be static; it cannot stand there forever. I think times are changing very rapidly in respect to Sunday observance as it is changing in other areas. We must move with the times.

I am going back to the economic consequences for a moment, Mr. Chairman. The member for Grey-Bruce says—and he says it as a fact—that to keep these great chain stores, these big enterprises, open on Sunday would increase the price of their commodities, food, 14 per cent. I am not sure at all that is so. If you carried that argument to its logical conclusion, why should they not just be open six days a week, five days a week, four days a week, three days a week? Where is the economic apex of their operation?

I am told, in some cities in certain states of the United States where great enterprises do stay open, that they are very happy to be open and that the people of those communities flock to patronize them. It becomes a family day, a family shopping day, receiving great approbation among the people where these stores stay open. And apparently it does not increase the price of food; apparently it has the opposite effect.

I do not know—these are some of the things we would like to have answers on.

The hon. member for Downsview said what criteria does the Attorney General use. The criteria generally is public demand. There is an option in the Act for the Attorney General, designed, I think at least in large part, to permit perhaps a different approach to the enforcement of Sunday law, the observance of Sunday, in different areas of this vast province. The Act was designed for all Canada, very different areas and very different attitudes. The option, I think, was there in order that the Attorney General might exercise his judgment in line with public opinion so far as he could gather it.

Therefore, what I generally do—and I think this is the only way I can move at the present time and as I have moved—is where a complaint is made by the public: we do not generally initiate these prosecutions. A complaint is made by one or more persons or groups or associations that a certain activity is disturbing Sunday, is wrongful, they do not want it in that community, that it should be suppressed, should be prosecuted unless it can be stopped otherwise. Then we move.

The procedure—I am not sure whether the hon. member was really asking me about how the matter comes forward, but a complaint is made to the police usually. He goes to the local Crown attorney and the complaint is sent to the Deputy Attorney General and, after the facts of the matter have been considered a memorandum comes to the Attorney General. He must then make up his mind as to whether he shall consent to the prosecution. Basically the way these prosecutions commence is that almost invariably there is a complaint from the public and in that way we seek to relate to public opinion and that, at least, was one reason why the option was there. That option in the federal Act was designed for all the provinces, for all Canada.

With the large store, the policy which the Prime Minister (Mr. Robarts) stated—I think we have made this clear, and he made it clear—we do distinguish between the large chain—in the sense that the large enterprise is run from a headquarters with an impersonal attitude, impersonal situation—and the milk stores which have been mentioned, which are generally family operations. They may be part of a chain, but it is a husband and wife situation.

In that sense it is a small store because the area is small, it is a family operation. These people are masters of their own situation; they may work 14 or 16 hours a day if they wish, and if they wish to work on Sunday, employees are not being overworked or worked for long and unreasonable hours, contravening some of the provisions of our other Acts. So we do make the distinction between the large chain, which is an impersonal organization, and the one where the family store operates within the chain.

Those are the things which I wanted to mention and I think my final word would have to be to say to you that I did ask the Ontario Law Reform Commission to take this matter under study. I think the problem is as stated by the member for Riverdale and I would agree almost entirely with his words. I think there is much that can be done for us in looking at this matter, giving it a thorough study, even its historical aspect. You find the Sunday laws back in the Saxon days and the time of Emperor Constantine in the fourth century, and so on. Nearly all religions seem to have some day which they feel should be a day of rest, or a day of mediation, or a day of meditation, a day of recreation, or something of that sort.

I think, perhaps, some thought may come to us from the study for which we have

asked, particularly on the trend of our times, the society in which we are living, and which is changing fast, and the economic effect of the legislation we may find it necessary to carry on. I have asked the law reform commission to move as swiftly as possible. They are engaged with some work which requires their concentrated energies at the moment: the family law project and property law, to mention only two. I think we should have the result of this study without waiting too long and I think we can live, even with the Attorney General's performance, until we get that study.

Mr. Singer: Mr. Chairman, may I say that it has been difficult to live with his performance under this statute for some time and I do not suppose it is going to be any more difficult for another week, or month, or several months. But even the criteria that the Attorney General attempted to lay down in general language are completely meaningless. I gave you the example of Knob Hill Farms which is a mile north of the boundaries of Metropolitan Toronto. The member for Scarborough West says he is familiar with that but he says he shops there. It is a great big grocery store and you can buy anything you want in the food line there.

Does it make any sense, Mr. Chairman, that that one carries on with impunity so close to Metropolitan Toronto, when the Attorney General consents to prosecute another store in the town of Whitby that probably has not even got the same variety of goods? I do not understand that and I do not think the Attorney General properly understands it. Is the Attorney General suggesting that if an individual complains about a particular Sunday type of operation and there is a complaint sworn out, he will then consent to prosecution, no matter what it is? I gather not, because he says he does not consider Mac's Milk stores or Becker's milk stores that kind of an operation. They are smaller operations. The fact that it is a multi-million-dollar operation apparently is not the test. I do not understand that either, Mr. Chairman.

Granted, all these points that the Attorney General makes are significant, but the fact remains that you can do all these things presently in Metropolitan Toronto and nobody is concerned. There are no policemen laying informations and bringing them before the Attorney General or the deputy Attorney General.

Hon. Mr. Wishart: Mr. Chairman, that is the very point. There are different attitudes in different situations. In the large metropolitan area there is quite a different attitude than in the quiet little village of 300 or 500 people, or 1,000 persons. In the countryside hamlet it is different than it is in the big city.

I might give another example. Take the trucker on the highway, not hauling perishables, perhaps hauling steel, or dry goods, or electrical appliances, or something of that sort. His brother is working at the plant that manufactures that material; he is working on Sunday. He does his shift and has his day off on Wednesday perhaps. I am told to prosecute the trucker hauling his products out on the highway. I think when you get that complaint you have to weigh the question, and I think this is a factor, not just because the truck is on the highway on Sunday breaking the Sabbath, or breaking the Sunday law, but whether the trucking of industrial products by the great vans and trucks on that day becomes a menace to traffic because many people are out driving on the road for recreation. Then do we reach a point where it is wise to say you must not let industry create a hazard or a danger on the highway? It is not just a question of many church leaders coming to me and saying "This is a breach of the Sunday law".

Mr. Singer: That is exactly right.

Hon. Mr. Wishart: I say these things bear much farther afield than that.

Mr. Singer: Of course they do.

Hon. Mr. Wishart: These are some of the things, I think, which will come from the study. I frankly admit that complaints have occasionally been made about the truck on the highway hauling on Sunday, or perhaps a single complaint over a period of time. I have quite often refused to consent and matters go in the discard. And I have to use that discretion, but if it became a hazardous situation I would weigh that much more seriously than I weigh the mere fact that it is on the highway on Sunday.

Mr. Singer: Can the Attorney General tell me how he differentiates between the large grocery store within the boundaries of Metropolitan Toronto and one a half a mile away from the boundaries? What possible excuse can you have for that?

Hon. Mr. Wishart: If I do not get the complaint I do not hear about the one out there.

Mr. Singer: Again, Mr. Chairman, it is our inability to tell our law enforcement people

what you expect of them; and I say this is a very bad thing.

Hon. Mr. Wishart: They get the complaint and then they bring it to me.

Mr. Singer: All right, that is why I used the example of the car wash in a section of Metropolitan Toronto—and I am quite certain the particular police inspector who was first there, had the complaint emanating from his own personal convictions, so he went and bothered these people Sunday after Sunday. Eventually he was moved to another section of the city. Whether he is bothering people in the other section of the city, I do not know. The fellow who succeeded him there was not concerned with this at all, so the car washes went on on Sunday and apparently there is a demand from people to have their cars washed on Sunday, otherwise the man who owns the car wash operation would not stay open.

When we discussed this some time ago, and when there was a plebiscite here in the city of Toronto as to whether or not we could have Sunday movies, there was great concern—and I am sure the member for Riverdale would be interested in this. There was great concern from the projectionists' union. There was something less than enthusiasm from the theatre owners, because they felt, and I think wrongly, that there was only so many dollars' worth of theatre business in any seven-day period, and they were presently getting it in six days before the Sunday movies. They were of the impression that opening theatres for seven days would bring them additional expense—perhaps the point that my friend from Grey-Bruce was referring to—with little more revenue, so they could not see the point.

The projectionists were not particulary keen on operating seven days a week, but it was the will of the people, the customers wanted to see movies on Sundays and so they opened, and I think any examination of the statistics of moving picture theatres' incomes will show that they have increased as more people go more times a week than they used to go. The owners are not unhappy, they are making more money. The projectionists are not unhappy either because their union which is a good, strong union went to the people who owned the theatres and said, "Now look, if you are going to expect us to work on an unusual day in the week, we want time-and-a-half or double time for Sunday." And the owners said, "All right, if that is the only way we can keep our theatres open on Sunday that is what we will pay." So, that is what they are paying.

Now, when you start to confuse the protection of labour with this whole question, I think that you get the whole situation mixed up. We have another kind of law to deal with that and I think, when we get laws relating to the protection of labour mixed up with a law that relates to one's particular religious or moral convictions, that we produce, as we are doing here, bad law and bad law enforcement. If we are concerned, and we should be, about minimum wages and maximum hours of work, we have statutes to deal with that. If we are concerned, and we should be, about the right of labour to collectively bargain and to bargain in relation to the number of hours they are going to work and the extra pay for overtime, I think our laws guarantee that right. I know there have been many union agreements that bear this sort of thing in mind.

At Stelco in Hamilton, when they go back, I am certain they will be working seven days a week and the people who will be working on Sunday, or doing the overtime shift, will be compensated for that and will be quite happy to get that extra kind of compensation. So it is not a labour problem that gets mixed up in this, it is the question, really, Mr. Chairman, of trying to work out a system which the Attorney General says is his local option that is going to be meaningful to the people of Ontario, the people in particular sections of Ontario and not to make the law looks like "a ass," as Charles Dickens described it.

That is the problem. No one believed several years ago that in the city of Toronto the majority of the people were going to vote in favour of keeping the movie theatres open on a Sunday. Nobody believed that, except Allan Lamport. He was elected mayor on the strength of that. The majority of the people voted and the things that you can do in Toronto on a Sunday are quite obvious. I do not think anyone—I do not think most people in Toronto, at least, are concerned about Sunday openings, Mr. Chairman.

I do not think anyone who is in business and who has the opportunity to open on a Sunday is going to be interfered with if other people can open. No one is saying he has to stay open. I would think that the persons in the large metropolitan cities should—well, they have shown their interest, and they have shown their desire to take part in these activities on a Sunday. And they should be given that privilege. It makes little sense to

me, as I say, that we prosecute a store in Whitby or we would prosecute a store within the metropolitan boundaries of Toronto, but one half a mile north of the boundaries of Toronto, we do not prosecute a store.

Notwithstanding the fact that these studies are going on, Mr. Leal and his associates are not going to be able to come forward with any magic answer. I think the magic answer, if there is one, or the answer, and it is not going to be a magic one—I agree, Mr. Chairman, the Attorney General is going to be damned if he does, and damned if he does not, no matter what authority you have from the commission report. The answer has got to come from government, and the voice of government in this case is the Attorney General. What he is doing now, to my mind, is thoroughly unsatisfactory.

Mr. J. Renwick: Just a very brief plea from a non-religious, non-economic, non-trade union pressure; just an old-fashioned plea that one criterion, nebulous as it may sound, may well be that in large metropolitan areas of the province it is wise from the health and the emotional point of view that there be some quietening down of activity at some point within the rhythm of our society.

I do not think that it is always proper to say that the introduction of the European work week, or compensation by time-and-a-half or double time, really solves the problem. I think that even from this discussion that we have had today, there may well be something to be said for a criterion based on something such as just an old-fashioned social plea of a relative quietening down of what is becoming, for everybody, quite a hectic round.

To the extent that you go on to a seven-day week—168 hours, if that is the number of hours in a week—of constant rhythm, there becomes less and less of an opportunity for people to get out of the game, particularly if you live within the metropolitan type of area. The exodus from the cities which takes place on Sundays may well lead to that kind of relatively nebulous social criteria being a determining factor.

For example, about haulage on the highways: It may make sense when large numbers of people go out in their family cars on a Sunday for a drive around the metropolitan area; it may be that perhaps it is a legitimate reason for prohibiting the big tractor-trailers on the highways for that time.

We are not going to find any perfect solution. Certainly, so far as activities within the city are concerned, I think all of us, if we happen to be up and out on a Sunday morning driving around the city, say to ourselves, "It is nice to have one day when you get from point A to point B in relative safety and comfort without having to appear constantly as if you were a race-course driver".

I leave that for what it is worth; I do not know where it comes in: maybe it is a difficult criterion to establish. But it may well be that something just called quieting down of the rhythm of life in the metropolitan area would be a useful way to approach this difficult problem because in essence and substance, it is a social problem in that sense—rather than one in a role as consumer, or someone else with their economic interest, or someone else with their particular role of protecting the actual working conditions of people—which of course, is the legitimate interest of the trade union.

Mr. Sargent: Mr. Chairman—

Mr. Chairman: Does the Minister wish to reply finally to this?

Hon. Mr. Wishart: No, I think—

Mr. G. Ben (Humber): On this point, I have arisen on a number of occasions to differ with my colleague from Downsview on this question of Sunday opening. I have resisted it strenuously, both here and in other jurisdictions and to a great degree, I have adopted the arguments that have been presented by the hon. member for Riverdale. I do not think it is going to serve us any more to thrash what is getting to be a dying, if not a dead, horse. The fact remains that we are in a technological age. We can solve these problems if we compromise the two viewpoints that have been expressed here on both sides of the House. I do not believe that people ought to be compelled to work on the Lord's day. I believe that they are entitled to a day of rest whether it is called the Lord's day, the Sabbath or any other day. To me, this is a social factor.

I became a Liberal—if anybody is interested why I became a Liberal—because I read how the Liberal Party in Great Britain had fought to reduce the number of hours that people worked, and especially children in the mines and the like. I thought that was great that the people were entitled to rest, a right that was even given to horses. I do not believe in this business of paying double or triple wages to people. If people cannot

shop during the week for the necessities, aside from medicines which crop up unexpectedly, then they should be prepared to pay two or three times the price for those foods or buy them on time.

Hon. Mr. Wishart: Would the hon. member let me ask a question at this point? I think he said he does not believe in people being forced to work on the Sabbath; neither do I of course. I think nobody does, but I wonder if he would deal with this: Does he not realize, does he not agree that many people must work on Sunday if the type of industries we have are to operate at all? Somebody must work on Sundays; you cannot let the furnaces down, you cannot let the operation come to a halt, so it is therefore necessary that some persons work. And more and more, apparently, it seems that as we move into a very complex industrial age, with very much larger complex industries, people do have to work on Sundays. He does agree with this, I am sure.

Mr. Ben: Mr. Chairman, of necessity, I would remind the hon. Minister that whether one is a Jew or whether one is a Christian, their teachers always worked on the day that those two religious sects set aside for observance. In the Christian religion the minister laboured on Sunday, and in the Jewish religion the rabbis laboured on a Saturday, so always somebody has worked on a day set aside for rest by whatever religion you wished to name. I have just named two of them. Always someone has to keep the world spinning on its axis, so to speak. But the reason I rose, Mr. Chairman, is to suggest that if this government strictly enforced the laws and permitted no retailing on Sunday whatsoever, except a pharmacist selling drugs, in no time at all the problem would be solved because industry would develop automatic dispensers which would enable you to buy all your so-called necessities of life by simply putting your quarter in the slot, and we would have the best of two worlds.

We would satisfy the hon. member for Downsview here, who believes that people should get whatever they wanted to get on Sunday, and satisfy the other side who believes nobody should have to labour at what are not essential tasks on Sunday. You load the machines on Friday night—and make them big enough and ample enough—and they could even be built inside a building, so you could have a storage bin running back 30 or 40 feet; and you can find the milk that you did not buy; you can buy the pop you did not buy; you can buy your alcohol mixes that you did not buy when you should have; you could buy your crackers; your onion mixes, and all the like without having to force anybody to work on what has been set aside, at least in our time, as a day of rest.

Mr. Chairman: Vote 205; the hon. member for Grey-Bruce.

Mr. Sargent: Well I think that this whole subject will make water seek its own level. This year of economics will solve it of course. If the big boys start to get hit by the little fellows that open now, they will find some way to equalize, and so they will get the ear of the brass. They will go over there and say: "Let us move boys, we are in trouble." That will solve the matter.

Mr. Singer: That is as good as the NDP solution.

Mr. Sargent: Mr. Chairman, insofar as this section of the vote is concerned, criminal prosecutions, I must apologize I do not have all the chronoligical facts as I had them submitted last week for the debates. But I do have a case of a man who has been four years trying to get acknowledgement from the Attorney General, from the former Minister of Health (Mr. Dymond), of his internment for five months illegally—and we have ample evidence. Top counsel across this city have agreed that he was in gaol illegally, his rights were violated. But for four years nothing has been done about it.

Not that anybody is going to listen to me today; not that any good will be done by bringing this to the Attorney General, because of the very fact that he ignored for four years—or at least during his tenure of office—the plea of this man for justice, for acknowledgement that his rights were violated.

I would like to say that this man was gaoled as an insane person. But today I would say, Mr. Chairman, that there is a parallel here in the story by the candidate running for the Georgia Legislature in the United States. Years before he had been discharged from a mental institution. And his opponents had learned of this. So he made use of it in the campaign. This did not disturb the other man. He simply declared: I am the only man running for office in Georgia who can prove he is not crazy."

Now this man who has been discharged as a sane person is the only person out of the 70 people here—if there are that many—who could prove that he is not crazy. So he has gone over the years trying to get from this

government an acknowledgement that his rights were violated. And the top legal counsel in this city have said that his rights were violated, that he was in prison illegally. But to this day he is trying to get legal aid to take his case to the bar. Even today he cannot get from The Department of Health, Mr. Attorney General, the facts he needs to put before the legal aid committee to use in his case.

So here we are today, four years later, and this man cannot get justice. In no way do I want to take the time of the House to go over things that happened four years ago, but the thing is that the laws that put him in jail then are still in effect today. He has issued writs against the Prime Minister, the Minister of Health (Mr. Wells), and the Attorney General, the former Minister of Health and the Minister of Trade and Development (Mr. Randall), and he says:

> I do solemnly declare the Ontario government, increasingly dependent on suppressive tactics to sustain its office has resorted to gross malfeasance dating back to and beyond the public's objection to the police state bill. The facts in support of this accusation are contained herein.
>
> 1. The illegal use of Metropolitan Toronto Police and the Ontario hospital officials and facilities for suppressive and punitive purposes.
>
> 2. The issuing of a fraudulent certification of mental illnesses for a purpose of discrediting statements of the undersigned repudiating the malpractice of Dominion Stores, Humberview Motors, and L. S. Chalners.
>
> 3. The denial of a fair trial in magistrates court, which is one of our inherent rights.
>
> (a) Refusal of a magistrate to permit counsel perusal of doctor's report, and
>
> (b) The magistrates acted without jurisdiction rendering further proceedings relevant to psychiatry null and void;
>
> 4. False imprisonment of a citizen to conceal a fraudulent certification.
>
> 5. The unjust withholding of Ontario doctors' reports regarded as having no basis in fact with Ontario government officials of The Ontario Department of Health.
>
> 6. Malparctice of Ontario legal aid in its attempt to aid and abet suppressive practice of Ontario government.
>
> It is with extreme regret that I find it necessary to make this declaration of Ontario government misconduct, but feel impelled after four years of obstruction of justice to render at this time my view, as it constitutes a public service.

Now the case is this: Rogers is a 53-year-old truck driver who lacks any history of mental illness. He was charged with exceeding the speed limit by six miles an hour on a Toronto throughway in 1965. He argued with the police officer and was arrested. Following ten days of incarceration in a city jail he appeared in magistrate's court, and the magistrate ordered he be sent to Whitby Thickets psychiatric hospital for observation. Some six weeks later, following one interview with the psychiatrist, he was certified as insane.

Now undoubtedly Rogers would still be in the Whitby psychiatric hospital but for his family's intercession. A lawyer was employed, and threatened the administration with a suit for non-treatment. Rogers was released immediately and committed to return home within hours following the legal action.

It is a shocking thing that a man with no history of any mental disorder, driving on a throughway to Don Valley Parkway, driving six miles above the speed limit, should end up in a mental hospital. He says:

> I spent five months with some of the most hopeless-appearing, pathetic creatures on earth. I had almost given up hope that anyone would believe that I was sane, but my sister employed the lawyer who secured my release. It was hell but, even worse, is the stigma that clings to you when you are released from the hospital and attempt to get a job.

The writer of this article said:

> I knew what he meant. In October 1968, I participated in a tour of Whitby hospital. Despite the beautiful grounds, well cared for by patients, I found men of all ages who suffered from a large spectrum of diseases in the chronic section of that hospital where Rogers was confined.

He goes on to tell about the cases at the hospital—but I am not talking about that—rather:

> Is false commitment to a mental hospital a common thing? Is it a common thing? The subject is one that merits the most careful examination by all who are concerned with preservation of human rights.
>
> "I was astounded," Rogers' sister told me, "on being told that there was some doubt as to whether my brother would ever be able to leave the hospital. Immediately on my return home, I engaged a lawyer

who was able to secure my brother's release within 24 hours."

Lawyer John Weingust, a Toronto lawyer, describes this law "a throwback to the middle ages", describing certain procedures prevailing in some of these courts. "If the accused differs in any manner from the norm when he is remanded for psychiatric examination, there is an excellent chance that he will be ordered to a psychiatric hosiptal for observation."

Hon. Mr. Wishart: Mr. Chairman, I appreciate the concern of the hon. member and his interest in this matter, but I think he is now —if this ever was in criminal prosecutions on this vote—he is now over into criticism of The Mental Health Act. He is actually dealing with the Act under which this man was committed and released which has been amended since very substantially. I do not think his remarks, about what someone says about a Mental Health Act, really bear on this vote.

However, while I am on my feet, I wonder if I could just say that I do not want to be in the position of trying to cut the hon. member off, but this is the man that came on to the floor of this House, July 1966, and sought to approach the Speaker's Throne. This man was committed to a mental hospital in 1964 for examination and detention and when he was offered his discharge, refused to go because he said that that would be an admission that he was there voluntarily. He was not there voluntarily.

I have seen him, let me say, a great many times. He came to me in my office. He came and told his story. We examined his file. I have the latest file here which runs into this year, so thick. He has had legal aid. He has, as the hon. member has said, leading counsel. I do not think I can agree with this. He said he had a case. I think that the opposite is the fact. There is nothing, and I say this most sincerely. We have examined his case to the nth degree. There is nothing and he has no legal claim. He has this obsession which seems to be part of his story.

The document which the hon. member is reading I think was sent to every member of this House. It is a statutory declaration reciting his points of view. Some of it is factual, some far from it. I do not want to appear to be unsympathetic but he has gone to other Ministers, gone to the Minister of Health, and to the Minister of Trade and Development. He spent a great deal of time seeking the hon. Minister, speaking to him here in the hallways this year when the session was on earlier, writing letters to him, contacting him at his home. He hangs around the courts and carries this—

Mr. Sargent: On a point of order, Mr. Chairman.

I have met with this man very many times and I want to say that I am referring to section 5421 of the Criminal Code which makes it possible for a judge, or a magistrate, to remand an accused citizen to a psychiatric hospital for observation on the basis of a medical report supplied by a jail physician who is not required to be a psychiatrist.

Mr. Chairman: What is the point of order?

Mr. Sargent: The point of order is that the Attorney General is saying in smooth terms that we have met this man and we do not think that he has a case. The record shows repeatedly, by the legal opinions brought down, that the magistrate repeatedly acted out of his jurisdiction.

Mr. Chairman: Order. The hon. member is simply continuing the debate, which of course is proper, but he gained the floor on a point of order.

Mr. Sargent: My point of order is that this is part of the vote. He acknowledged that.

Mr. Chairman: Well I think the hon. Minister should complete his remarks and the hon. member may pursue it.

Hon. Mr. Wishart: The only thing I want further, Mr. Chairman, is that having gone to legal aid and being offered very able counsel, they cannot find that he has any case. That is where I take issue with the hon. member. He says that legal opinions are to the effect that he has a case. We have examined this case and we would be delighted, if he has any area where we could do something for him, to do it for him. But he has no case. It is a part of his whole approach, as it was in 1964.

Mr. Sargent: Thank you very much, Mr. Minister. I can see that because of the lack of co-operation between your department and The Department of Health he was not able to acquire from the courts the forms he needed to put his case in proper perspective. I am embarrassed at taking the time of the House, but I want to get a point across.

This law is wrong, I can go on and show where the McRuer report says it is wrong, repeatedly.

Hon. Mr. Wishart: Which law?

Mr. Sargent: Whereby an accused citizen—

Hon. Mr. Wishart: What law?

Mr. Sargent: —can be remanded by a judge or a magistrate for observation on the basis of a medical report supplied by a jail physician.

> The accused awaiting trial in his jail cell has no opportunity to secure an independent medical opinion. He is then brought before a magistrate—

as in Rogers' case—

> —and may be remanded to a psychiatric hospital for observation on the testimony of a medical doctor who may be a full or part time employee of the jail. The danger is that the opinion of any medical practitioner could put a person away in a government mental institution and there is no opportunity to refute the medical practitioner's opinion. Needless to say, this section of the Criminal Code is most dangerous in that a medical practitioner may not be a qualified psychiatrist and the accused is not given any opportunity of retaining a doctor for an independent medical examination, to be included in evidence, in order to rule out human error.

The McRuer Royal commission report on civil rights looks into the abuses here, and this could happen to any one of us in this House. Every one of us is a wee bit crazy in some way and if you get into trouble with the law, those things are bound to come out.

Mr. E. A. Winkler (Grey South): Speak for yourself. Possibly you!

Mr. Sargent: Possibly me. I do not know how I have escaped but it is a very delicate subject in view of the fact that when you are in the hands of the law, you are that far from a mental institution, as has happened in this man's case. I have talked to him for many hours and it could happen to anyone. The framework is here in which it happens, can happen.

Mr. Justice McRuer says that one section of The Mental Health Act is so badly written that he is uncertain as to its meaning, and the future of any one of us could hinge on the interpretation of this law. He says:

> It is very difficult to deal in restrained language with the evil here.

He disagrees strongly with that section of the Act which provides for written reports, by physicians, to the judge on an accused's possible mental state:

> Criminal trials cannot be properly conducted through correspondence with the judge or the magistrate.

Mr. Justice McRuer continues and says:

> It is essential to the good administration of justice that trials be conducted in public and the orders of the court be based on evidence submitted in public. Courts are not set up to make orders in criminal cases, based on written reports to the judge.

The Minister mentions legal aid.

> If recourse to legal aid could result in the release of Rogers, whose offence consisted of a traffic violation, from the psychiatric hospital in a matter of hours despite the negative report from a doctor, one might well question the validity of his detainment and subsequent certification as insane.

The fact is that the man was held for five months but today he is free. There is an insane man running around in Toronto today who should be in there again. He has returned to normal working life, yet he spends five months in a psychiatric hospital because of a traffic violation in our system of justice.

Now, those are irrefutable facts, they did happen, it is a fact of life. The Minister says, "We have talked and we have tried to help the man." I say that is a lot of baloney. If it happened to a wealthy person or a friend of any one of us in here we would say that it would not happen to him, but this man was in the hands of the machinations of the law, and it is hell if you are on the wrong side, believe me.

The average citizen cherishes the democratic dream of elected representatives that we here are ready and willing to listen to and to comment upon, and deal effectively with problems which confront our society, and there are times when one finds himself face to face with just that. It is a dream, it does not happen.

He tried repeatedly to get his case to the bar before your department. Nothing happened. The Minister of Health could see no way he could help the man. Nothing happened, but the hon. member for Downsview, said:

> This section of the Criminal Code should be revised to provide more protection for the second persons when they

become victims of injustice by reason of actions of the Crown.

It would seem to me that where a citizen is remanded to a mental institution by order of the Crown he should be given the opportunity of presenting evidence on his own behalf by at least one qualified medical practitioner.

Under the present law, Mr. Attorney General, conceivably an unscrupulous person may effect the detention of any citizen for psychiatric examination. All that is required is a sworn statement to a justice of the peace alleging a mental disorder on the part of the husband, wife or relative. Noting this in his report, Mr. Justice McRuer says:

> It takes strong issue over the power given to the police to make an arrest when the officer is merely satisfied.

The citizen involved should submit to a psychiatric examination. In this and other matters involving civil rights the lack of checks and balances, human rights can have far-reaching effects, disrupting the person's family, social and business relationships, "An invisible strait-jacket" is the way an ex-patient puts it. He said, "I was rejected, ridiculed and feared, and I heard myself described as some sort of a nut, a bit of a queer. 'He looks all right but you can never tell'—and going on like this."

It happened again. Another woman in 1965 was put away because she had a gall bladder attack. Among the new statutes in the 1967 Act there is provision for a review board to which chronic patients may appeal if detention appears unwarranted.

The question arises, how does a chronic patient, such as this lady become jailed and buried in a hospital ward without access or independent means, so that her legal advisors did not learn of her rights? Mr. John Barber, of Osgoode Law School, told me it is one thing to confer a right on an individual living in a society outside an institution who has money, prestige, and is well informed and aware of his rights, and in a position to secure his independent advice; but he goes on to say it is another thing for those who have no connections.

I suggest to the Minister that the right to appear before a review board is merely a paper right—

Hon. Mr. Wishart: Mr. Chairman, on a point of order, the hon. member now is clearly talking about The Mental Hospitals Act and that is not part of my jurisdiction, it is not part of criminal prosecutions. For a time I understood him to be on section 524 of the criminal code, which he said was out of date, or a not very satisfactory section. It is designed to protect a person who is suspected of being mentally ill from being convicted of a crime. He is sent for observation and where he is sent there are provisions for review and periodic examination.

Perhaps some suggestion should be made to the Minister of Justice; I just do not know what the hon. member proposes in that regard, but certainly now, Mr. Chairman, he is off on The Mental Hospitals Act and it has no bearing on this vote. I must object to the time—

Mr. Sargent: I thank the Minister. The only way I can discuss it with him then—in finality I will say that I have a number of opinions from different solicitors who are highly regarded.

Hon. Mr. Wishart: Why do they not take his case?

Mr. Sargent: You know yourself of all the money spent in Toronto by legal aid people last year, there are only certain people who would take legal aid cases. Top legal counsel will not take legal aid because they cannot afford to.

Hon. Mr. Wishart: That is not right at all.

Mr. Sargent: Well, that is a matter of opinion. These top counsel say that very definitely his rights were violated and that the magistrate acted without jurisdiction in all these cases, and that is where it comes into your ball of wax insofar as—

Hon. Mr. Wishart: I would be interested to see those opinions.

Mr. Sargent: To save the time of the House I will mark out these opinions and send them to you. I think you will agree that they are leading counsel.

I do want to suggest to the Attorney General that a chain is only as strong as its weakest link and I think that these people who are part of our society are important. If it can happen to one man it can happen to any one of us. And I would therefore ask the Attorney General to consider—this man cannot get legal aid working now because he cannot get the material from The Department of Health. I would appreciate the intercession of the Minister to see that this man gets a fair deal.

Mr. Chairman: On vote 205; the hon. member for Riverdale was on his feet.

Mr. J. Renwick: Mr. Chairman, I would like to comment briefly and specifically on a matter dealt with on other occasions. Very succinctly, it deals with the procedural protection of accused persons or what happens to a person when he is arrested. In examining the estimates it would appear to me that this is the appropriate place for it to come because it relates directly to criminal prosecutions as such. If that is right then I will proceed.

Mr. Chairman, very briefly I want to put on record the syllabus, or the outline, of the decision and the points which were made in the United States Supreme Court in the case of Miranda-Arizona, which was decided in 1965, and which established a code for protection of persons who were arrested by the police, to give effect to the provision of the constitution of the United States which protects a person against self-incrimination.

I want specifically, having put it on the record, to ask the Attorney General in what way is a person in the province of Ontario who is arrested for an offence, protected in comparison to the code of protection elaborated by the Supreme Court of the United States? In order to put it, I want to establish this proposition—that in the fifth amendment to the constitution of the United States we find, amongst other things, the following statement: that no person shall be compelled in any criminal case to be a witness against himself. I draw this specific parallel that, as I understand it, in the province of Ontario, apart from the provisions of The Ontario Evidence Act or The Evidence Act of the Parliament of Canada, it is the common law right of a person in this province.

In order to establish that simply we find in The Ontario Evidence Act, as well as in the federal Evidence Act, this statement: if, with respect to a question, a witness objects to answer upon any of the grounds mentioned in subsection 1, which is a statutory requirement to answer questions, and I emphasize this next part—and if, but for this section or any Act of the Parliament of Canada he would therefore be excused from answering such question.

Then it goes on to say that he may plead the protection of the Act. I am saying that apart from the statutory provision of The Canada Evidence Act or The Ontario Evidence Act, at common law in the Province of Ontario we have the identical protection or a person is entitled to the identical protection as is provided in the quoted section of the fifth amendment to the United States constitution.

Hon. Mr. Wishart: I would be glad to discuss this but at this point I wanted to interject that I do not believe that I agree that that protection existed at the common law. I do not think it was there at all. The United States went to the other side and said with no compulsion, no requirement; then, in a sense, we took a middle role and provided a statutory proviso which defines the rights and obligations.

Mr. J. Renwick: I do not know whether we are really that far apart. What I was really saying was apart, from the intervention by statute here, at common law a person in Ontario had the same protection as is provided in the fifth amendment of the United States constitution and that that right has been cut down in certain proceedings which take place where The Evidence Act of Ontario or The Canada Evidence Act is an appropriate statute.

Hon. Mr. Wishart: Maybe we are passing each other by on the road but we are talking about the protection of common law. Is it not a fact that at common law, the witness could be compelled to testify? At our common law, which we inherit and which is part of our problem, the witness could be compelled to testify until we passed the statute. This is my understanding. Now, if we are talking about the same thing, I cannot see the hon. member saying he had a protection at common law—I think he had none.

Mr. J. Renwick: I disagree then, on that fundamental assumption. I thought that it would be a convenient starting point and it may well be that you are right. I certainly defer to that comment. I do not think it affects the substance of the so-called protections that we have as individuals in the society, because it is true that in a criminal court I am not a compellable witness to give evidence against myself in that court. If that is the kind of protection which I have, I have it not by virtue of The Evidence Act of the province of Ontario, or by virtue of The Canada Evidence Act. In other words, I do not have to plead the protection. I do not have to go in and I do not have to give any reason; nor can the judge comment upon my failure to give evidence.

In the United States, of course, in order to give effect to that provision—that is, that I am not a compellable witness in a criminal

case against myself nor can any adverse comment be made about my failure to enter the box—the United States' Supreme Court established this code. I want the House and the Minister, Mr. Chairman, to bear with me while I put the guts of that decision on the record, because I want to ask in what way would a person in the province of Ontario, who is subjected to arrest, be treated in a different manner?

This is, as I mentioned before, the case of Miranda versus Arizona. It was decided by a six to three decision in the United States' Supreme Court on June 13, 1966. In substance, the head note followed by the syllabus simply states that in each of these cases—and there was a series of cases—the defendant, while in police custody, was questioned by police officers, detectives or a prosecuting attorney in a room in which he was cut off from the outside world.

None of the defendants was given a full and effective warning of his rights at the outset of the interrogation process. In all four cases the questioning elicited oral admissions and in three of them signed statements as well, which were admitted at their trials. Then the court went on and held as follows:

1. The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the fifth amendment's privilege against self-incrimination.

(a) The atmosphere and environment of incommunicado interrogation as it exists today is inherently intimidating and works to undermine the privilege against self-incrimination. Unless adequate preventive measures are taken to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

(b) The privilege against self-incrimination, which has had a long and expansive historical development, is the essential mainstay of our adversary system and guarantees to the individual the "right to remain silent unless he chooses to speak in the unfettered exercise of his own will" during a period of custodial interrogation as well as in the courts or during the course of other official investigations.

(c) The decision in Escobedo v. Illinois stressed the need for protective devices to make the process of police interrogation conform to the dictates of the privilege—

That is the privilege against self-incrimination—

(d) In the absence of other effective measures the following procedures to safeguard the fifth amendment privilege must be observed: the person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation and that if he is indigent, a lawyer will be appointed to represent him.

(e) If the individual indicates, prior to, or during questioning, that he wishes to remain silent, the interrogation must cease; if he states that he wants an attorney, the questioning must cease until an attorney is present.

(f) Where an interrogation is conducted without the presence of an attorney and a statement is taken, a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his right to counsel.

(g) Where the individual answers some questions during in-custody interrogation, he has not waived his privilege and may invoke his right to remain silent thereafter.

(h) The warnings required and the waiver needed are, in the absence of a fully effective equivalent, prerequisites to the admissibility of any statement, inculpatory or exculpatory, made by a defendant.

Those items all came under the heading 1.

2. The limitations on the interrogation process required for the protection of the individual's constitutional rights should not cause an undue interference with a proper system of law enforcement, as demonstrated by the procedures of the FBI and the safeguards afforded in other jurisdictions.

3. In each of these cases, the statements were obtained under circumstances that did not meet constitutional standards for protection of the privilege against self-incrimination.

Mr. Chairman, that is a specific delineated code of protection in order to give effect to

the privilege of a person which I state a person has in the province of Ontario, not to incriminate himself, if he is charged with a criminal offence. And I would like to know in what precise way, if I were named Miranda and had been arrested in the province of Ontario and was subjected to in-custody interrogation, which of those specific itemized protections, procedural protections, would I, as a matter of right, have?

Hon. Mr. Wishart: I will answer as best as I can, Mr. Chairman, not having those listed before me but I listened as carefully as I might. First of all, if the hon. member or any citizen were arrested, and volunteered a statement, if he made a remark, if he made an admission, that would be quite admissible, there is no requirement that he must be warned before he says anything. We do not go that far and I by no means am certain that we should.

I think the result of the rules that were developed out of the Escobedo case Arizona, Whitcombe, Miranda, have resulted, if I recall right, in action by the American Congress to change those rules which the Supreme Court of the United States laid down. In any event you would not have, if you made a statement and you had not been warned, there is nothing to prevent it being admissible.

If you ask for a lawyer, if you ask for counsel, you would have the right to have him there. Certainly the right to communicate is a right which you would have. You have the right before any statement is to be offered in evidence, that it must be clear that it is offered freely, voluntarily, and not obtained by promise of reward or threat or intimidation. If those conditions are met, at the time you were told, it may be used in evidence against you, if those conditions are met the statement then is admissible.

There were other conditions. I think many of them derived as it were from our common law, which we were talking about a moment ago and developed over a long period of time, but we do not go, I frankly admit, as far as the Miranda rules. And, as I said, I am not at all convinced we should.

Mr. Chairman: The hon. member for Humber.

Mr. J. Renwick: Just a minute, if I may just deal with that one point; if I may complete it.

Mr. Ben: The member said he was going to take a few minutes and on reading that, he took 20 minutes. I think he could have made the same point—

Mr. J. Renwick: All right, if the member for Humber wants to interrupt the—

Mr. Ben: I am not interrupting—

Interjections by hon. members.

Mr. Ben: I am getting so I know it off by heart now.

Mr. Chairman, one of the topics I wanted to discuss with the Attorney General is that pertaining to trials *de novo* and the exercise of this privilege for trials *de novo* by municipal and other bodies. I suggest, Mr. Chairman, that this system is being abused very much to the detriment of the average citizen, especially in the city of Toronto.

Mr. Chairman, if the Attorney General were to be receiving the agendas for the city of Toronto, almost every agenda has an item in it, where the city solicitor has informed council that—

Mr. C. G. Pilkey (Oshawa): The member said that last year.

Mr. Ben: Then the member is under the influence of drugs, if he says I said that last year.

Mr. Pilkey: I only had an aspirin.

Mr. Ben: Where the city solicitor has informed council that he has in a particular case filed a notice of appeal to come within a prescribed time limit, and he is now asking council to concur in his action—

Hon. Mr. Wishart: Are these criminal prosecutions?

Mr. Ben: They are breaches of bylaws. They are quasi-criminal, they are provided for in the law that is passed in this Legislature. The law provides that it shall be under The Summary Convictions Act and it shall be by way of a trial *de novo* to a county court judge.

I appreciate that a citizen should have this right because often he makes the mistake of going to court without a lawyer. Now, with legal aid perhaps he should not, but there are many who cannot qualify for legal aid and are not prepared to pay the cost of a lawyer. They think if they just go to court, swear on a Bible, and tell what they say is the truth they are going to win.

They find out they are up against a multi-million dollar corporation that is not hesitant to spend money in the prosecution of its

position. So they find they have been convicted, and I do believe they ought to have the right to have a trial *de novo* so they could have a lawyer who could present all the facts, which honestly should have been presented at the first hearing.

Perhaps it is abuse of the privileges of the court in not representing all your facts at the first trial and perhaps some people should argue that you should only appeal by way of law. The fact remains there is a right of a trial *de novo* and I believe it should remain there.

But insofar as the municipalities are concerned, Mr. Chairman, I suggest that they are abusing this privilege. And the city of Toronto is the worst of the lot. They go into these bylaw courts ill-prepared, their bylaws are very poorly written, they need better draftsmanship, and when the magistrate dismisses these hearings, almost invariably they will appeal by way of trial *de novo.*

Almost invariably they get the concurrence of the council *ex post facto,* but that is neither here nor there, the fact is this, that a municipality should not have the right to appeal by way of trial *de novo.* A municipality should only have the right to appeal a decision of a magistrate or, now, a provincial judge sitting in the capacity of a magistrate on a point of law—if the judge misdirected himself as to the law, I do not believe that the citizen should be put in the precarious position where he has to lose his life's savings because the big bad municipality is going to get its pound of flesh come hell or high water.

I would like to see some amendments to our Summary Convictions Act which would prohibit a municipality from appealing by way of trial *de novo,* they could still have the right of appeal but only on a point of law and then to a judge of the high court.

Hon. Mr. Wishart: Mr. Chairman, I would like to deal with this very quickly. The hon. member says that the municipal corporation—specifically, he is speaking of Metro—invariably appeals by way of trial *de novo.* Surely if that is so—and perhaps it is so—I can hardly believe it is 100 per cent—if they invariably ask for trial *de novo* and get it, then it must be that they are succeeding in the upper court in the *de novo* trial, in which case, then, one must conclude the lower court to have been always wrong.

Otherwise, I am sure the corporation would not be invariably going to a trial *de novo* because a judge, surely, sitting at that level for the new trial, would, if he found there were no grounds for appeal, or they were wrong in appealing and asked for a new trial, would send them back and dismiss the case with costs. So if they are invariably doing this, it must be the case that invariably the first trial reached a wrongful result.

The other point I would make is that there must be cases, sometimes, when a court, on first instance, does make a wrongful decision. Surely one could not deny the corporation the right to have that set right, even if it only concerns a bylaw matter. It could have serious consequences if not corrected. I think you could hardly deny that right for trial *de novo.* Perhaps there is some merit in the suggestion that it should be only on a question of law, in other words that the municipality must get its facts before the court in the first instance.

There may be some merit in that. But I can only feel this, that if the situation is as the hon. member describes it, and as he says, to use his own words, invariably the solicitor for the corporation is asking for a new trial, if he is not succeeding, the situation would cure itself. Because if he is wrong in asking for a new trial, the court which hears the trial *de novo* will say so, and after a few cases of being sent back, licking his wounds, would prevent him going forward so often.

I think the situation is largely one which will correct itself, and if, I say, on the other hand, the trial *de novo* invariably gives the municipality a successful result, then it seems to lead me to the direct conclusion that the lower court must always have been wrong. Now, I can hardly conceive that it is that bad, but I think the situation will correct itself.

Mr. Ben: But, Mr. Chairman, I think that the situation occurs. My objection was that the municipality goes into the lower court ill-prepared. I do not say that we should deny municipalities the right to appeal. I said I would restrict it. I would restrict it only to appeal on points of law. And if the magistrate finds on the evidence that has been submitted to the lower court, that the citizen is innocent, then the citizen ought to be discharged.

They should not, or if they do appeal by trial *de novo* then, they should not be permitted to bring in evidence other than that which was brought into the lower court. They have the facilities available to them. They have a legal department. They have the wealth of all the citizens of the municipality behind them. Why should they not do the

job right the first time? The poor citizen cannot afford to continue bites at that apple because that apple has only a bit of core left. So, the Minister says he thinks there might be some merit in making it necessary for them to properly present their case in the lower court. This is exactly my point; that a municipality should be either denied the right to bring an appeal by way of trial *de novo*, except on exactly the same facts, in which case it can appeal to a county court on the transcript, or else appeal on a point of law. And I did not say they invariably succeed by having a trial *de novo*. They do not, and this is what hurts. Too many small people in this city have been hurt because the city legal department takes it as a personal affront if they lose a case. Their feeling is that they are next to god and any prosecution they bring is based on law, and is based on right, although they have been proved wrong in many instances. That is what I want, some law to protect the citizen against this octopus that calls itself municipal government.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, in this vote the Minister is asking for $3,258,000, which is a million dollars more than last year. And this is what the Minister is asking for, a million dollars more than last year; $3,258,000 this year as compared with $2,214,000.

Hon. Mr. Wishart: The increase is $362,000.

Mr. Sargent: All I have here are the 1968 accounts.

Hon. Mr. Wishart: In 1968-1969 our total budget was $2,896,000. This year we asked for $3,258,000. That total increase is $362,000.

Mr. Sargent: How are we to know what your expenditures were last year? I do not have the figures.

Hon. Mr. Wishart: Well, it is all in the public accounts.

Mr. Sargent: I have the 1968 public accounts.

Hon. Mr. Wishart: Yes.

Mr. Sargent: The total for this vote was $2,214,000.

Hon. Mr. Wishart: That would be for the year ending 1968, but the increases, our salary item, is up from $2,217,000 to $2,620,000. Those are normal increments and increases.

Mr. Sargent: You have a 20 per cent increase in salaries, then?

Hon. Mr. Wishart: That accounts for $403,000, and other items were down, which reduced our total of requests to $362,000. So it is really only salaries.

Mr. Sargent: So salaries are responsible for the 20 per cent increase in this amount?

Hon. Mr. Wishart: Yes.

Mr. Sargent: So that is elevating your judges, magistrates, is that right?

Hon. Mr. Wishart: No.

Mr. Sargent: Well, then, who are you elevating?

Hon. Mr. Wishart: This is largely the transfer of the work of the clerk of the Toronto court to the Crown responsibility, and that was $100,000 in round figures, and the ordinary salary increases, $290,000, those were normal increments and increases.

Mr. Sargent: So, where do we come out?

Hon. Mr. Wishart: Well, we come out with an increase overall of $362,000, but as I pointed out, $403,000 of that was salaries. We are down on estimate for Crown counsel and prosecutions. From $230,000 we have dropped to $200,000, a decrease of $30,000. Advance to the centre of criminology: last year we asked for $74,000. This year we have asked for $48,500. That is a decrease of $25,500, and the net result is $362,000.

Mr. Sargent: Where do we study the increase in salaries for the magistrates and judges?

Hon. Mr. Wishart: That is the next vote—206.

Mr. Sargent: I see. Well, under this vote we have Bonnycastle, Bull, Langdon, Rayburn. These are salaries under—

Mr. Singer: Crown attorneys.

Mr. Sargent: Oh. These are Crown attorneys. These salaries run $18,000 a year. Is that the current salary for the Crown attorney, $18,000?

Hon. Mr. Wishart: Current salaries are in the range from $16,000, that is the Crown attorney and Crown counsel, to $22,000. They are in that range, anywhere from $16,000 to $22,000.

Mr. Sargent: How do you get to $22,000?

Hon. Mr. Wishart: Well, if you were the top Crown attorney for a county like York, that is where you would be. York is probably even higher than that.

Mr. Sargent: This is their total income? The Crown attorney has no other source of income?

Hon. Mr. Wishart: No, he gets nothing but his salary.

Mr. Sargent: So how do you get good attorneys when lawyers are making $40,000, $50,000 a year?

Hon. Mr. Wishart: Well, if you gentlemen will grant me a higher figure in my estimates, I might be able to persuade Treasury Board. I do not know. They have to find the money. But we get the men. There is security, the satisfaction of the job, which I think is perhaps more important sometimes than money, although I think they deserve higher pay. And I am told, and I know that the salaries are presently being reviewed by Treasury Board and by people who—

Mr. Sargent: Of the Crown attorneys?

Hon. Mr. Wishart: Yes.

Mr. Sargent: Mr. Justice Wells, Chief Justice Wells, in a press release earlier this year, said that in the not too distant future we would have justice by computerization. Is it forseeable in the next ten years or in a year and a half, that we could do away with the judges and have computerization here?

Hon. Mr. Wishart: I do not think Mr. Justice Wells meant that he was going to do away with himself even with a computer and I do not know what he meant. But certainly, I have no thought that justice is going to be obtained out of a machine.

Mr. Sargent: They are judging cattle that way now.

Hon. Mr. Wishart: Well, I will have to discuss—

Mr. Sargent: We want to know who is putting the facts to the computer. That is where the trouble will—

Hon. Mr. Wishart: I will have to distinguish our people from cattle. The hon. member asks how you get good men to serve at these salaries. Perhaps I could say to him that it is for the same reason that some of us come here to serve when we could be earning much more outside.

Vote 205 agreed to.

On vote 206:

Mr. Chairman: The hon. member for Lakeshore.

Mr. Lawlor: Under vote 206 I wish to discuss two separate items. One will be bail and the second has to do with the sentencing procedures in the province, either by way of making overtures to the federal Minister of Justice, or by reviewing your own bail procedures within your own jurisdiction, under quasi criminal offences within provincial statutes or your summary convictions procedures. A good deal has been said recently and well said too, about bail in the province of Ontario, how it is handled and the very severe impositions, curtailments and suffering imposed upon people placed in our jails pending trial because they cannot raise bail. There are many, many ways of rectifying the situation, some of which have been touched upon by this House previously; the first way in which Professor Friedland, who has made exhaustive studies at least in the city of Toronto on this question, has recommended in his book called "Detention Without Trial" has to do with the use of summons procedure rather than with arrest. As he pointed out in 1966, 90 per cent of the people who come before the courts are arrested, whereas probably just about the contrary condition exists in Great Britain, that a summons is issued to the individual rather than arresting and hauling persons into a police station or a lock-up overnight, and for longer periods of time, in order to ensure their appearance. The British have ancient traditions of decency and justice—of fair play, which we as relative barbarians in some ways, tend to lack.

Our law is suffused, in case you are interested—which I know the member for Huron-Bruce is not—in the spirit of British law, and not with American law. And I am in contempt with that situation. Irishman though I may be. I want the better model, where the model is working and valid, to be recognized here.

There is only one way of beating an Attorney General about the ears, and that is to use a paragon or a parallel, or an analogy from elsewhere, saying that if it works in a certain jurisdiction, it ought therefore to apply equally well here.

In any case, to get back to the ideas which may be used to cure the present conditions

in our administration of bail, 90 per cent of people are arrested when on the contrary they ought to be summonsed. The debate having to do with The Highway Traffic Act last May gave greater girth to the use of the summons procedure on the spot, summonsing by constables arising out of misdemeanours, and minor traffic cases.

The nub is that, in a wider, much wider, dimension of cases, a similar procedure should be used by the police force. There is no doubt that a judgment would have to be made by the police officer, as to whether an individual ought to be pulled into jail overnight, or whether a simple summons in a wide range of instances would not be adequate to protect the appearance of that individual in court. That is the first thing. They give many statistics under this head, but at this time I will not go deeply into it.

On the other side of the fence there is that difficult and troubling business of drunkenness before the courts, and the problems arising there touching incarceration of people. I think we have used up enough time in this Legislature this year with respect to the offence of drunkenness—which I have continued to contend ought to be taken out of the provincial courts completely.

This is not a proper matter for criminal courts, there is no *mens rea*, the intentionality concept is pretty well missing. That is fairly central to criminal justice. The only benefit the Attorney General mentions is the therapeutic effect of drying the boys out, but receiving them back in the next few days, clogging up the court, demeaning the halls, causing all kinds of delays—with a question of stench, and a question of pettiness involved in the court. Until all these gentlemen are dealt with you cannot get on with the cases before the courts.

Hon. Mr. Wishart: Where would the hon. member deal with these cases?

Mr. Lawlor: I would work under the alcoholics research foundation, or something like that, and set up special clinics where these men may be brought and have their cases heard without penal sanction.

When they did appear, 80 per cent of the cases were kept in police custody. These are Friedland's findings—85 per cent of people were kept in police custody until their first court appearance, many for substantial periods of time. And of that 85 per cent who were kept in custody, only 15 per cent were granted bail.

Obviously this 15 per cent were no more entitled to bail as set for them than the 15 per cent who had managed—through The Summary Convictions Act itself—to have the local police sergeant in charge, or whoever was in charge, release them on bail. They were able to call in a justice of the peace in order to set the bail, and had themselves released.

Of course, they are notoriously slow and awkward about this in Toronto, and I suspect in large cities elsewhere. But of this 80 per cent, 40 per cent of those who appeared in court, in custody, for their first appearance pleaded guilty.

Now there may have been many reasons for an accused pleading guilty on his first appearance. Possibly one of the reasons—and we should never let it pass our minds—would be that he was guilty, and wanted to admit it.

On the other hand, the incarceration effect is unquestionably a factor. Not only have they been kept in jail maybe for the first time in their lives, in the notorious conditions that exist particularly at the Don, but they have mingled among hardened criminals, been confined to their cells, not even enjoying the amenities—such as they are, Lord help us—of the place. In other words, you suffer worse deprivation if you are innocent on your arrest by being sent to the Don Jail or to most of our detention places throughout the province, than you do if you are an actual prisoner, despite that you are deemed innocent up to that point.

There are facilities—for instance, a movie to attend or some kind of get-together or entertainment—but if you are in that form of custody, I understand that such is not available to you. You remain in your cell throughout the period, and so there is that aspect of the matter.

Finally coming before the court itself. What the so-called innocent person has undergone up to that time and the prediction, the fatality, of being re-incarcerated because he cannot get bail. He knows he has no resources and this very often acts as a strong lever to have them admit their guilt when they were not guilty at all. All magistrates know it. There is a fair amount of admission of it, that this is used as a coercive device whereby to force guilty pleas when no guilt exists. Surely that goes to the root of any idea of justice which we could have?

This is before trial and before appearance and, having appeared before the magistrate, what are the procedures and methods used by the magistrates in order to grant bail?

The record on this subject is horrendous. The predeliction is against granting bail.

I took occasion to obtain the bible of the magistrates called "The Magistrates Manual of this Province" which has been edited by—

Mr. Singer: Tupper Bigelow?

Mr. Lawlor: Tupper Bigelow. If you look through the sections on chapter 10 as to granting of bail, references are backed—

Mr. Singer: Does it say, "Do not say good morning"?

Mr. Lawlor: I should read you some of his brighter sayings—I wish he would give cognizance in the courtroom himself as to many of the things he says here.

However, rather than crown my own delectation by reading from Tupper Bigelow on this point; he is citing a number of authorities, one of them going back to 1848, as to bail and quoting Lee Robinson of 1854, which is the first case mentioned. Mr. Justice Colleridge said:

> The sole test as to whether or not the accused should be admitted to bail was the consideration to whether he was likely to appear at his trial and in determining that question, three considerations were to be given: the nature of the crime, the probability of conviction, and severity of the penalty.

When I saw the "probability of conviction"—how on earth would a magistrate who has no evidence whatsoever before him—how is it possible for him by some divine divination to reach a conclusion as to the probability of conviction? I think from the utilization of that type of phraseology, and it occurs throughout here, that some kind of predetermination runs through the mind of the magistrate as to the guilt or innocence of the individual prior to granting bail.

Surely, and I am quite certain the Attorney General agrees, this is a grave defect, if such exists in the minds of our magistrates. Very serious matter.

We will hang it up in the hallway. This is a cartoon and down below it says, "You couldn't fine the jail, JP?" and the corpse is being brought in under his arm, completely peeled, skeleton alone. You know, it is like Dickens said in "Bleak House", "We will get justice," the little old lady said, "on the day of justice."

On the day of judgment.

The person appeared, there is a number of factors the magistrate takes into consideration, some which I suggest he ought not to take into consideration.

To jump a little bit, the new recommendations which are before the justice committee of the federal House, tend to reverse this whole business, the whole onus. A man ought to be granted bail unless very good reasons can be shown not to. It is not the other way around. Presently he is not entitled to bail unless he can prove the justification therefor under our present system.

On the basis of reports made by Friedland during the summer months which were reported in a fairly lengthy article in the *Globe and Mail*—no, I am sorry; this is by Sid Linden who worked with Joel Goldenberg. They have brought up charts which I am sure the Attorney General has seen with an appendix of 91 cases during the month of June this year as to what was granted and what was not granted by way of bail. In a short summarization of that article, it comes down to this:

Those are the extremes but justice is absent almost all along the line. Take the people for whom bail was set in three courtrooms in the old City Hall during June, 1968. Seven of them spent from seven to 39 days in custody and then had the charges against them withdrawn; eight spent from seven to 39 days in custody and then, after being tried and convicted, were only fined; two spent 23 days in custody and then had the charges against them dismissed; this is getting up to a fair proportion of the people who were actually tried at the time.

The bail was set unnecessarily high and it is felt, or so Friedland states, it was often set prohibitively high deliberately in order to hold people in custody.

The working of the bail system, therefore, ought to take cognizance of the modern conditions. Sureties, which are often presently required, are not necessary. People in agrarian conditions, where people live closely together, would surely take the trouble of looking after and supervising the return of the prisoner to the court or lose their money. This is no longer the case and what do these sureties lead us to? It leads us to those numerous rather questionable individuals who haunt the halls of the old City Hall, called "bail bondsmen."

They will give a $1,000 bond to see that accused appears and their fee is 10, 15 and maybe even 20 per cent. You give them $150 but you do not put up a dime; you never see the $150 again. This nefarious institution

defeats the whole purpose of bail as it presently exists because, again, only those who can afford to pay these bail bondsmen are the ones released on bail.

Sixty-two per cent of people are not released, cannot afford their bail, so the figures show. There are 62 per cent who remain in custody, who cannot enjoy their freedom which is so necessary to the preparation of cases. Again statistically, in the United States it has been proven that of those who are released on bail, a far greater percentage are finally acquitted compared to those who remain in custody. First of all, because those in custody have not got access to the evidence which might be the very evidence necessary to establish their innocence.

Secondly, the problems of consulting with legal staff and attorney are made infinitely more difficult when it has to be done under the artificial conditions of speaking through glass as it has to be in the Don jail or the other jails of the province where you are separated from the accused. You feel a little claustrophobic and unjustifiably perhaps, but also sneaking in the back of your mind is the thought that they are overhearing me, they are listening in. Whether they can produce it in court or not is beside the point; it is a privilege of communication. The fact of the matter is that that may give them a lead which may have a most detrimental effect on the client that you are seeking to represent.

All these things enter into this nefarious institution of bail as it presently operates in Ontario. So it comes down to this. While The Probation Act of the province of Ontario shows good sense in this regard, it has more to do with the sentencing techniques and I will come to that. Granting bail almost invariably, except where there is overwhelming reason against so granting the bail, ought to be the norm followed by the courts, particularly where 97 per cent of the cases are heard by the provincial criminal judges of this province.

I would ask that the Attorney General in his overtures to them—he meets them very often—ought to give thought to and voice opinions along the lines that I am indicating this afternoon as to the future policy of the magistrates in order simply to recognize the fundamental justice as operative.

Mr. Singer: Mr. Chairman, the whole question of bail, I think, is sufficiently important that the remarks such as those made by the member for Lakeshore and remarks of the many other members should become a constant part of the record of the proceedings of this Legislature until we bring about some real change.

In the ten years that I have been here, I think I have made a speech about bail and the abuses of that system as they exist in this province every year. And substantially, Mr. Chairman, there has been no improvement. Frequently the Attorney General of the day will rise in his place, and say: "Yes, the points that are made are valid, but really it is all the fault of those fellows up in Ottawa, they will not change the criminal code."

An hon. member: They are about to do it.

Mr. Singer: All right, they may be about to do it and you can change what is on the statute books. But unless you impress upon those persons charged with the responsibility for the way in which these matters should be handled, merely changing a statute is not going to remove the abuses of the system.

I told the Attorney General earlier in this session about two young men. He did not like the word I used, but I am going to use it again, they concern—I will modify the word—concern His Honour Judge Bigelow. They were not on hand precisely at the moment the judge thought they should be. They had previously only been charged by summons; they came into court a few minutes late when the magistrate had kept them waiting for a couple of hours. He said: "you were not here when you were supposed to be; I am going to remand you on $25 bail"— they were charged with common assault, a very minor charge, and off they went. It happened to be a Friday, and they were remanded on $25 bail each, not a large sum, but neither of them had that much money with him. Nobody bothered to try and find out, nobody bothered—suddenly there they were into the prisoners' dock downstairs, into the police van, off to the Don Jail, fingerprinted, searched, and then their relatives started to try and find out how to get them out.

There was a series of difficulties presented. They got into difficulties with parking meters outside the Don Jail so that while the money was there on Friday afternoon at the Don Jail, the time of the justice of the peace was so valuable that he could not wait while somebody went outside to put some money in the parking meter, and one fellow got out and the other fellow stayed in. In due course they got on to me, and in due course I spoke to various police officials and jail officials and so on, and in the middle of the night on

Saturday finally we produced a justice of the peace at the Don Jail. Somebody ran down to the jail with $25, the justice of the peace turned out to be more of a humanitarian than Magistrate Bigelow—His Honour Judge Bigelow—and released the fellow on his own recognizance. I do not know whether he had any right to do that or not, but he did it. So in the middle of the night he got out, the provincial judge having fixed the bail at $25. I do not know that the justice of the peace had any right to release the individual on his own recognizance; in any event, he did.

Fascinatingly enough, Mr. Chairman, the cause of justice was served. Both these gentlemen appeared back on the day for trial; the charge against them, incidentally, was laid by some other people, whom they had charged with assault, and was laid as a sort of counter-irritant; the other people were convicted of assault, they were acquitted.

Now, what kind of an explanation do we have for that sort of thing? There is just not any. I raised this in the House, and the Attorney General will recall it, and he did not choose at that time particularly to blame the provincial judge. I think blame should attach to him because, even though these two gentlemen did not appear at the precise moment, they did appear in court, they had a reasonable excuse as to why they were late; they had trouble finding a parking place. In downtown Toronto today that is not unusual; they were there, and if he wanted to say that they had shown a discourtesy to the court and should not do it again, fine.

But to say, "I am going to remand you on $25 bail, and off you go into custody," without even making the most casual enquiry as to find out whether or not that was going to mean they were off to jail, I think, was a terrible injustice. And then, following that, once the wheels of justice start rolling, there is just no way of stopping them. Following that, into the prisoners' box, downstairs, into the courtyard, into the police van, out to Don Jail, fingerprinting, searching, try to contact your relatives, you have one phone call, and on and on and on. What sense did it make? How was the cause of justice advanced one iota? The cause of justice was seriously hurt in this case, Mr. Chairman.

We have had some sort of effort to inquire into the suitability of people for bail, so that advice could be given to the provincial judges when various accused come before them. This started, and is still continuing, and I do not know how successful it is, but it is continuing. I have seen it often operate in provincial courts. Insofar as staff is available they do enquire and they present reports to the courts. As a result of these reports certain people are admitted to bail who would not otherwise be admitted to bail.

But the sad thing about this system which was founded on the basis of the Vera Foundation in New York City, and was inaugurated here in Metropolitan Toronto by the Downsview Rotary Club, is that it still operates as a voluntary system. It has not become important enough to the government of the province of Ontario that it should be taken over as a governmental function, and I think this is very wrong. In New York after a few years of experimentation, those in authority in that city and in that state, decided that this kind of a procedure was so important to the administration of justice there that the public authority took it on. And the public authority manages the former Vera Foundation scheme of investigating people who come before the courts and who need bail.

But not in Ontario, and not in Toronto; it is still done on a voluntary basis. The system has done much good, I am sure, in our magistrates' courts or our provincial judges' courts under the present system, but there are certainly substantial limitations insofar as funds are concerned, and the ability of the system to function as efficiently as it might is severely limited because it has not the full backing of the government of Ontario.

Mr. Chairman, earlier in this debate, I referred to the Ouimet report. There is a chapter here on bail, and many of the things that the Ouimet report recommends are within the control of the province, not solely within the control of the government of Canada. I want to make some references here to some of the recommendations that the Ouimet report has made. They are new, these are recommendations that were made by Friedland, these were recommendations that have been made in newspaper articles over the years, and many of the things that the Ouimet report deals with were suggested by the member for Lakeshore. They are obvious, and as I read some of them, Mr. Chairman, it will appear just how obvious they are.

They start off with their chapter on bail, and it starts at page 99; it says this:

> Pre-trial detention, in the view of the committee, can only be justified where it is necessary—

and the word necessary is in italics—

in the public interest,

1. To ensure the appearance of the accused at trial, and

2. To protect the public pending the trial of the accused.

Now, that has got to be the basic starting point, to ensure the appearance of the accused at trial, or secondly to protect the public, pending the trial of the accused.

I wonder if the Attorney General, or any of his officials have ever gone through our jails and asked the people who are in jail pending trial, or enquired into the circumstances surrounding their incarceration at that particular point, as to whether or not the fact that they are there is the only way of ensuring their presence at trial. And I go back to these two young Scottish immigrant lads who had this horrible weekend experience with Toronto justice, because Tupper Bigelow got mad.

Was there any necessity of ensuring their appearance at trial by putting them in jail? What public interest was being protected by keeping them there? Two nice young men who happened to get into a fight on the street with some young toughs who had forced their car off the road, so by either of those tests, neither of them had any reason at all to be there. And this very basic point is the first thing that the Ouimet commission says in this chapter.

Then they say—and I think this is important and I think that the Attorney General should send a note to this effect to every provincial judge and every justice of the peace, and perhaps to the police too—that pre-trial detention to obtain pleas of guilty or to inflict punishment on a person whose guilt is not established is indefensible. These are just like axioms, starting points.

It should not be necessary to have to stand here in the Legislature of the province of Ontario in 1969 and make what would appear to be perhaps even a factual statement that pre-trial detention to obtain pleas of guilty or to inflict punishment on a person whose guilt is not established is indefensible. It happens every day in Metropolitan Toronto and I am sure in other places throughout the province of Ontario.

The Attorney General knows it and I know it and the member for Lakeshore knows it, and most of the members who have had anything to do with courts know it. But it goes on. And it is within the control of the Attorney General to minimize this. I do not say that we are ever going to have a perfect system of administration of justice but certainly he could minimize many of the defects.

Hon. Mr. Wishart: Would you read that one again?

Mr. Singer: Yes, "Pre-trial detention to obtain pleas of guilty or to inflict punishment on a person whose guilt is not established is indefensible."

I go back to my two young men who were being punished. They were being punished by Magistrate Bigelow before they had even been tried on a charge of common assault because they did not happen to arrive at court at the precise moment that their case was called. So it is a pre-trial punishment before they had been proved guilty. They say it is indefensible. As I say, this is almost a basic axiom that you have to start with when you are beginning to understand this sort of thing.

Hon. Mr. Wishart: I think the hon. member simplifies this too much for my stomach. Those two men that he speaks so much about —true, it was perhaps a lighter offence but it was an indictable offence, it was assault, common assault, indictable, it could have been tried in that manner. They were not arrested, they could have been arrested. They were summonsed to court, so they could have been brought to court under arrest. They were given the opportunity to come to court. They did not turn up on time, and there was considerable inconvenience caused by their failure to regard the fact that they were summonsed to court and not arrested. They came into court in their own good time.

Maybe they had an excuse, but let us not forget that they could have been arrested and brought to court and then they would have been before the justice and the question of bail would have arisen depending on their circumstances and the nature of the crime, their background and so on.

The provincial judge in that case said, "When you are summonsed to court, you must get here; court opens at a certain time and just to let you realize that there is an obligation upon you when you are brought to court by summons, it is going to be $25 that you will post to make sure that you are here on time." True, they were not prepared for that, they did not have it and they had quite a difficulty in getting cognizance. But, it is not just quite as pure as the hon. member makes it sound.

Mr. Singer: The Attorney General, Mr. Chairman, is at his best when defending the indefensible. He did it again, he did it last night insofar as John Bennett was concerned because, after all, if his remarks were correct, the wrongful arrest of John Bennett was a little item. Who was John Bennett? He was a drifter and the fact that he spent two days in jail was not that important.

And the fact that these two fellows were charged with an offence that could have been charged by indictment really meant that the law was doing them a favour by not arresting them. Is that what you mean? If that is what the Attorney General means, then I am really shocked at his approach to this whole problem.

Let us go back; what is the primary object of bail? To ensure the appearance of the accused at trial. All right, they were there, these two fellows were there, they were there late, okay. Now, to what extent would anybody in the whole court procedure be inconvenienced? As you go down the list all the time, and the Attorney General should—I have urged him to do this before—spend a Monday morning in magistrate's court up there. Go in and sit and listen and see how those lists go and how many people answer their names as these things are called. And see how many times this kind of punishment is inflicted.

To ensure the appearance of the accused at his trial or to protect the public pending the trial of the accused are the two tests. Those are the tests that are not being applied here in the city, in the municipality of Toronto. And I say that the Attorney General is again defending the indefensible—

Mr. Lewis: His reply is indefensible. Speechless, too, I am surprised at him—

Mr. Singer: Then, and this is a point made by the member for Lakeshore, the onus of justifying pre-trial detention should rest upon the prosecution rather than the accused having to justify his release from custody.

Hon. Mr. Wishart: That is the way it is.

Mr. Singer: No, it is not.

Mr. Lawlor: Oh, come!

Mr. Singer: Nothing like that at all.

Mr. Lawlor: Not even theoretically.

Mr. Singer: Was that the test that Judge Bigelow applied? Is that the test that the magistrates apply? Of course it is not.

Hon. Mr. Wishart: What the law is—

Mr. Lewis: Judge Bigelow applies the Accutron wristwatch test, Timex fashion—

Mr. Lawlor: It has never been interpreted that way by the judges.

Mr. Singer: Then going on, the committee says, on page 100 and running on to page 101, that English and Canadian law places a great deal of stress on the necessity for surety having a genuine motive to see that the accused attends at the trial and for that reason, regards the indemnification of the surety by the accused as an act seriously to pervert or defeat the course of public justice.

I think that has some kind of relationship to the criminal offence of being a bail bondsman. Mr. Chairman, it is no secret, everyone knows, it has been written about and spoken about here in the Legislature that there are professional bail bondsmen who operate at least in the municipality of Metropolitan Toronto. We know that. Never once has there been a prosecution to my knowledge for acting as a professional bail bondsman.

A couple of years ago, I brought a specific instance to the Attorney General's attention and he said he would look into it. That is the last we ever heard about it. But the committee goes on substantially to talk about the evil of bail bondsmen; again the member for Lakeshore mentioned that and what he said is absolutely right. You do not have to be a clever detective to go and find that this offence is being committed regularly at the old City Hall in the municipality of Metropolitan Toronto. Why do we let this go on? I do not know, and the Attorney General has never mentioned it, nor has the law enforcement arm of the administration of justice in the province of Ontario ever done anything about it.

Let me go on. On page 101 the committee suggests it is desirable that every accused awaiting trial be released on bail unless the desirability of releasing the accused is outweighed by the public interest. The detention of the accused while awaiting trial may unfairly damage a person who is subsequently acquitted and unnecessarily damage a person who is subsequently convicted. Now here again, surely he has got to have reasonable opportunity to prepare himself to answer the charges and he is denied that opportunity. And, the figures, produced by Friedland prove that beyond any possibility of doubt.

Going on further, the committee considers that it is self-evident from the standpoint of

human rights that an accused should not be incarcerated pending trial unless it is required for the protection of the public. That is a question, Mr. Chairman, that has got to be constantly in the minds of the justices of the peace and the provincial judges and it is a question, I dare say, that many of them never bother to ask at all.

The release of the accused pending his trial avoids the infliction of punishment on a person not yet proved to be guilty who, under Canadian law, is presumed to be innocent. I have said before, and it is now perhaps a trite phrase, but today bail means jail for the poor people. You are punishing them in advance of a trial, and you are punishing them at a time when they are presumed to be innocent. I say there is a great deal of control that lies within The Department of the Attorney General and at the behest of this Minister of the Crown, that is not being exercised, or no attempts are being made to exercise it.

The committee goes on. Page 105:

> In practice, where the accused is admitted to bail on his own recognizance, no effort is made to establish that he is of sufficient worth to make the forfeiture clause of any value. It is to be noted, however, that an accused commits a criminal offence if, without lawful excuse, he fails to appear in accordance with his undertaking, whether or not he is ultimately found to be guilty.

What the committee is saying is that even when an accused is released on his own recognizance, nobody ever bothers to inquire whether or not he is able to live up to that recognizance which he has given.

Then they deal with sureties. The whole question of sureties is really a joke—there is no legal requirement that sureties be landowners, although they customarily are. It is regarded as an inflexible procedure on occasion. I do not know how inflexible it is but certainly a practice has grown up that you have to go to the office of the justice of the peace, wherever he is, with a title deed. I do not know what that particularly proves, and then the sureties are there. Whether the sureties have been produced by the professional bondsman or not is a question that apparently we turn a blind eye to.

> The committee is of the opinion that it would be highly desirable to conduct a continuing educational programme for justices of the peace, who frequently have to make decisions of great consequences to the individuals directly affected by them, and to the community at large, sometimes with very little preparation for the heavy responsibility involved. The committee strongly urges the preparation of a booklet on the subject of bail to serve as a guide to justices of the peace and the police. Such a booklet should be prepared by The Department of Justice—

I would query that and I will in just a moment:

> —and departments of Justice or the departments of the Attorney Generals of the different provinces in collaboration.

All right, if you want the federal people to help you write a book, go ahead. But the justices of the peace are your people. You appoint them, you direct them and I think it stands without saying, Mr. Chairman, that the committee's opinion is absolutely correct. There should be a continuing education programme for the justices of the peace who have to make these decisions. You should give them guidelines, and should lay out for them, both in lectures and in pamphlet form, what they do about bail.

I would like the Attorney General to tell me how one finds the bail magistrate in Metropolitan Toronto after six o'clock in the afternoon. How do you find one? There are two or three that are going around and I suppose if you start to play this game of where is the accused, and where is the justice of the peace, in due course one gets a little more aware of the system whereby we operate. But to bring those two people together is difficult, particularly when the police are not anxious to tell you where the accused is. They move him from station to station so you will not be able to get him together with the justice of the peace; or, as I suspect happens on some occasions, when the police are not anxious to have the accused found and they are asking him questions while sitting in a police cruiser. It makes it almost impossible to find where the accused is.

Where do you find a justice of the peace? Because you do not know, there is no schedule that says the justices of the peace will be available in the Scarborough police station or the North York police station or the Don Jail at specific hours. If you happen to find one in the middle of the night you are awfully lucky or else have some good friends who know the particular travelling pattern of these fellows.

Is that any way to run the system of justice, Mr. Chairman? It is not going to

be enough for the Attorney General to stand up and say, "Only in Ottawa they would change the criminal code". There is a big responsibility on this cabinet Minister and I do not think he is discharging it at all properly.

Dealing with how quickly people can be released, the committee recommendation at page 112 says:

> This committee is also of the opinion that a great many people were eventually released on bail or not released as speedily as justice dictates they should. We think these inequities are caused in large measure by inadequate and, in some situations, archaic, procedures, insufficient and inadequately trained justices of the peace in some places and by rigid attitudes bearing no relationship to the only legitimate basis for pre-trial detention.

Now what could better sum up the whole bail procedure in the province of Ontario than the contents of that last paragraph? I think it is important enough to say once more.

> —the committee is also of the opinion that a great many people who are eventually released on bail are not released as speedily as justice dictates they should. We think that these inequities are caused in large measure by inadequate and, in some situations, archaic, procedures, insufficient and inadequately trained justices of the peace in some places and by rigid attitudes bearing no relationship to the only legitimate basis of pre-trial detention.

There it is, Mr. Chairman. It really escapes me, notwithstanding all the comments that have been made by learned legal offices, by members of the Legislature over many years why the system has not begun to improve even to the least extent.

This is a long chapter. There is specific reference to professional bonds, and maybe I will conclude on this; it is not too long a section. The almost unanimous opinion, expressed in written and oral submissions to the committee, was one in opposition to the recognition of professional bondsmen. This is not only their own view, it is the view of all the people who made representations to them. The view was supported strongly by prominent members of the bar and of the correctional services in several parts of the United States with whom the committee has had discussions.

> Studies in Philadelphia have shown that private sureties are more efficient in producing defendants for trial than professional bondsmen. The defendant for whom a relative or friend has become surety knows that if he absconds a loss will fall on the friend or relative who has assumed the risk for the purpose of freeing him from custody. There is no doubt that the unwillingness to inflict loss on a friend or relative operates as a powerful deterrent.
>
> The accused, however, feels no obligation to a professional bondsman to whom he has paid a fee to be indemnified.
>
> In the committee's view, the recognition of professional bondsmen would institutionalize and formalize financial discrimination in bail practice. It is also conducive to other evils and unhealthy relationships with the bar and court officials. It may result in the bondsman controlling the accused's choice of a lawyer and depriving the defendant of his freedom of choice in selecting his counsel.
>
> Restricting professional bondsmen to licensed surety companies does not prevent the undesirable side effects of professional bail since corporations can only act through human representatives.

That speaks for itself, Mr. Chairman, and certainly there is no suggestion, I hope, in anybody's mind that we recognize professional bondsmen. All I ask for is an admission that they are here and to send somebody down to wander around those courtrooms for a few hours; you will find them and charge them. Perhaps you should give them bail. I am sure they could find a bail bond, but charge them under the provisions of the Criminal Code.

It being 6.00 o'clock, p.m. the House took recess.

Legislature of Ontario
Debates

No. 189



ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Tuesday, October 21, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Tuesday, October 21, 1969

Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7357

Motion to adjourn, Mr. Welch, agreed to 7394

LEGISLATIVE ASSEMBLY OF ONTARIO

The House resumed at 8.00 o'clock, p.m.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE
(continued)

One vote 206:

Mr. Chairman: The member for Riverdale was on his feet.

Mr. V. M. Singer (Downsview): Oh, I was in—

Mr. Chairman: Were you in the middle of a presentation?

Mr. Singer: Yes, I was. I am sorry to have to interrupt my good friend from Riverdale, but I was in the midst of making a great presentation.

Mr. Chairman: In view of that—

Mr. J. Renwick (Riverdale): Mr. Chairman, on a point of order.

Mr. Singer: On a point of order, yes, on a point of order. I am sure the member for Riverdale would be most courteous, as I am to him at all times, and give way and let me finish my brief remarks that I have in connection with the bail system.

Mr. Chairman: I believe we should hear the member for Downsview.

Mr. J. Renwick: Do you think we should hear the balance of his remarks? Do you think it will be worthwhile?

Mr. Chaiman: I would not say that we will hear him out.

Mr. J. Renwick: I graciously yield to the member for Downsview.

Mr. Singer: Mr. Chairman, I appreciate, just no end, the very kind remarks from my friend from Riverdale.

I thought you might be interested, Mr. Chairman, to know that over the supper hour we communicated with our leader (Mr. Nixon), who is in London, England, at the moment, along with other leaders. We advised him of what was going on and he asked me to convey to the Attorney General (Mr. Wishart), through you, Mr. Chairman, the fact that he agrees completely and wholeheartedly about the fact that the bail system in the province of Ontario is completely inexcusable as it presently exists. He would want us to express to the Attorney General his great unhappiness and disgust at the way in which the system is presently being administered.

An hon. member: What other bail system is he studying tonight?

Mr. Singer: We did not review that; we just brought him up to date on the extent to which the debates have progressed this afternoon. He did not have any message from the member for York South (Mr. MacDonald); we asked him about that.

Mr. Chairman, substantially I want to say this in summary to the remarks that I was making earlier this afternoon. The final recommendation of the committee on corrections, the Ouimet committee, as I have been referring to through the course of these debates, is to say at page 119 that the committee is unanimous in recommending the use of professional bondsmen be prohibited. I think that is done at present in the code, but there is the question of enforcement, and that legislation is desirable to remove the doubt which exists under the present provisions of the Criminal Code as to whether the payment of a fee, either by the accused or a third person as surety, or the acceptance of such a fee as surety, constitutes an offence.

My only appeal, Mr. Chairman, to the Attorney General is this: In my humble opinion—and I am sure the hon. member for Riverdale is going to disagree; every time I venture a legal opinion he does disagree—there are abundant provisions now existing in the Criminal Code whereby if in his righteous indignation he wanted to descend on bail bondsmen, he could do so. I would urge him

to instruct several people in his department—perhaps the Deputy Attorney General, who is a bright young man—to go down and have a look at what goes on in the magistrates' courts in Metropolitan Toronto and see if he could ascertain quickly, and I think he could, whether or not there are professional bondsmen who carry on their business there, and whether or not perhaps the Deputy Attorney General could lay the necessary informations.

I am certain it would take him just a few moments to ascertain what was really going on there, and he could swear out the necessary informations. So if there really was an intention on the part of the present administration to make sure that the bail system operated even in accordance with the present laws, the Deputy Attorney General could be the agent whereby this sort of new era would descend upon the administration of bail.

But more important than that, I urge upon the Attorney General the recommendations as contained in this important volume. Mr. Chairman, let you remember with me that he controls the appointment, the instruction and the removal if necessary of the important office of justice of the peace. I would urge upon him, Mr. Chairman, that he instruct those officials whom he appoints to do the job that we believe is necessary to be done—and not we alone but we together with the Canadian committee on corrections urge that it be done, together with Professor Friedland and together with all right-thinking people in the province—urge it be done, so that some day reasonably soon we can have a bail system that is meaningful, that is fair and that is equitable, and so that the word "bail" no longer means jail to the poor person and freedom for the rich person.

Mr. J. Renwick: Mr. Chairman, there is just the one aspect of the bail system that I would like to comment about. I think it is an essential element and at the risk of oversimplifying it I would like to deal with it.

Until such time as the bail system abolishes the provision for putting up in advance, property or cash, you are going to have this essential inequality in the system which allows for so many diverse expressions of opinion on this question. The basic and fundamental inequity is that there is a classification of persons who are accused of committing offences, depending on whether or not they have property or do not have property. I have ruminated off and on for some considerable period of time—

Mr. Singer: That is a good word, "ruminated."

Mr. J. Renwick: Some people call it thinking, I call it ruminating.

Mr. Singer: It is particularly appropriate for certain members.

Mr. J. Renwick: —on this question that perhaps somewhere, somehow, there was some solution that was an equitable solution without still retaining in the bail system this provision that certain persons can put up cash or property and get out while others stay in. We are not in fact, Mr. Chairman, going to make any progress on the reform of the bail system until such time as bail is granted only on recognizance, with the bond conditioned at whatever amount that the judge sees fit, with no requirement that an amount of cash or security by way of property be deposited on the one hand, or you retain the person in custody until such time as the trial takes place.

Until we remove this middle ground dealing with whether the person has the dollars or has the property, you are going to divide our system of justice between those who have property and those who do not, and by and large most of the people who come before the court do not have that kind of readily available property.

The net effect, therefore, is that when bail is granted, those who get it are either persons who themselves in their personal capacity are well to do, or, by a play of emotions because of the situation which is involved, are able to rope into the game those persons, be they their parents or their brothers or their sisters or their uncles and aunts, who happen to have the funds, and they make those persons go surety for them. But those persons are in no way able to ensure the presence of that person in the court to stand trial.

I am suggesting a very simple way of cutting through the Gordian knot of this bail problem and that is to abolish bail where bail is granted by the provision, in advance, of cash or of property, so that every person who comes before a justice of the peace or before a magistrate for the purpose of a bail application, is faced with the very clear alternative either that bail is granted on his own recognizance on the one hand, or the person is retained in custody.

Mr. Singer: Mr. Chairman, I wonder if the hon. member would permit a question? He provides a very simplistic solution to the

whole problem of bail, but I wonder if he believes that we have within our legislative power the ability to implement the solution that he is now recommending.

Mr. J. Renwick: Mr. Chairman, I think it is quite possible, to the extent that the provincial court judges are judges whose appointment is made by this government, that if as a matter of custom and routine they were to adopt this system, there is no reason why they could not so adopt it in the hope, as I have stated on many other occasions, that some improvement made in this province would ultimately result and be reflected in the federal government's control over the problem of criminal law.

Mr. Singer: I wonder, with respect if the hon. member would permit a further question? I do not disagree with him, but I wonder in view of what he said earlier about my suggestion insofar as the Attorney General's control about The Lord's Day Act was concerned, if he can rationalize the theory he advanced at that time with the theory he now advances?

Mr. J. Renwick: In those same dulcet tones I would say yes, I can certainly rationalize the two points. One would not be rendering nugatory a provision at all, because perhaps I should now go back to the—

Mr. Singer: He says it with one face but not with the other.

Mr. J. Renwick: Perhaps I should go back to the elementary provision of a person being put on his own recognizance. He has to sign a bond which is conditioned upon the fact that if he fails to perform the condition—namely, appear in court at a specific time—he is therefore liable for a payment in a penal sum of so many dollars. That would still remain; I am not talking about eliminating that.

I am talking about the automatic classifications of persons who appear in the courts, depending on whether or not they have the funds which can be put up. Without at all commenting on a case which is at present before the court, we are well aware of the situation where, in fact, certain persons remain in jail because they cannot raise the bail. Others have been able—not from their own resources (not necessarily that that would be accepted in any event) but because they have been able to play emotionally, as a result of the surrounding circumstances, upon other persons, on whom in my judgment they have no such just claim to put that kind of pressure—to produce the kind of money which is required in order to go out and be free on bail.

I think that simple solution, and I do not believe it is over-simplistic, if used as a guideline about the reform of the bail system would have two results.

One is that it would clarify in the minds of the provincial court judges who have to deal with this question, that they must look only to the basic fundamental principles of bail, the principal one of which being—and I do not believe that there is only a single one—the likelihood of the person returning for his trial.

I think the second one does have a bearing on the protection of the public, and incidentally the protection of the person. If it should be assumed that perhaps there is a balance of probability that the man might commit the same offence again, or a similar offence, within those confines a provincial court judge can then make up his mind without having to take into consideration this question of whether it should be this number of dollars or this amount of property the person should put up. If that were done, I think that over a period of time the provincial court judges would, in fact, be placed in the position that they were releasing more and more people on their own recognizance, and those whom they kept in custody would be kept in custody only because it was really warranted that they be kept in custody, and not because of the question of whether X number of dollars could be garnered from within the family group, or within the group of friends. And that, of course, would be conditioned upon an increased efficiency in the judicial system in order to make certain that such persons were not retained in custody any longer than the minimum period that was absolutely necessary.

Hon. A. A. Wishart (Minister of Justice): Would there not still be cases where, on the recognizance system, the person before the justice might not be able to raise the sum by himself, or by friends, and would he then not be back in the same position of being kept in custody because he could not find money?

Mr. J. Renwick: No. Well, the question as I understand it is that a person can be released on his own recognizance conditioned upon a bond being signed without having to produce anything. In other words, the bond can be conditioned on the fact that if I default and I fail to appear, I would be penalized in the sum of $1,000 or $2,000, but I

do not have to put any money up in advance. If you go to the other side of that picture, the fact of the matter is that when bail is defaulted, it is in many instances a long time before it is, in fact, enforced and estreated to the Crown. In the one instance—

Hon. Mr. Wishart: I would just like to get this clear, and we can discuss it right at the moment. Provisions are in the code now whereby a justice may do exactly what the hon. member suggests. He takes the recognizance conditioned upon a sum. Is it realistic, is there any sense in taking a bond from someone on making application for bail to a justice, where his bond would not, let us say, be worth the paper it is written on?

Mr. Singer: We do not know. I wonder, Mr. Chairman—

Hon. J. H. White (Minister of Revenue): Oh, let the man finish. You have had your turn.

Mr. Singer: Other than the unusually unreasonable remark from the Minister of Revenue, I would have decided gladly in favour of my friend the Attorney General, which I will. I would say if the Minister of Revenue has some views on this, would he get up and express them.

Hon. Mr. Wishart: I was expressing my remarks to the hon. member for Riverdale primarily, but also to all the House, through you, sir. The question was, would there be any realism in taking a bond conditioned upon a sum which the justice would set, when there is no possibility of the man finding the sum, and it is well known that the bond of the person applying for bail is a worthless piece of paper. What then?

Mr. J. Renwick: Mr. Chairman, I think that the first comment is that you do not know it is a worthless piece of paper. In the second instance, taking a young fellow aged 22 or 23 who has no property of his own and who is up on one charge of some kind or another, the fact of the matter is that a judgment in court against a person who has not got any funds, would nevertheless be renewed because of the likelihood that at some point that fellow would have some form of property that could be levied against him.

I would think, in most cases, the seriousness of being charged with a criminal offence, and a proper explanation of the terms and conditions in which the bond on his own recognizance is granted, would mean that a person would realize that if he did default—and of course remain in the jurisdiction rather than flee the jurisdiction—that would, in fact, be the equivalent of a judgment against him for a continuing period of time. I think the compulsion to attend in the court on the day given, would be just as great as it would be if, in fact, a person was deciding to skip the country and the persons who had put up the money for him were his mother, his father, his sister, brother or some old family friend.

I think it is fundamentally wrong that a person should be allowed to make that imposition on other people close by because of the circumstances in which he finds himself. It is very much like in the olden days when an unscrupulous undertaker, for example, would take advantage of the period of bereavement to charge a family an additional amount of money. It is an undue pressure which is put on members of the family to come up with the funds.

Hon. Mr. Wishart: Would the hon. member permit another question? Let me take a purely hypothetical case. Let me say the offence is kidnapping and let me say that the bail is set very high and the judge would take the recognizance of the person in the sum of, say, $50,000. Might not the person facing that charge, believing that the punishment would be quite severe, decide to leave the country and not turn up? Therefore he escapes punishment. Does the hon. member's proposal fit those circumstances?

Mr. J. Renwick: Yes. In the same hypothetical circumstances, I would be concerned if, in fact, a group of people had conspired together in such an attempt and were apprehended and charged with such an offence. I would be very concerned that perhaps one or two of them might importune their families or others close to them to put up money and might very well also decide to leave the country. In this case, our system would do nothing but penalize those who should not be punished and not punish the person who had in fact left. The decision, really, being made is whether on balance he is likely to return for his trial. I do not think that the distinction in our system should be that whether or not one has his own property, or available to him other people property—decides whether he should be out on bail or not out on bail. That is the net effect of our system.

The great bulk of the people are persons who are not able to put up money. The

great bulk of the instances which come up every now and then of persons being unduly detained result because they have not been able to put up money, whereas others are out on bail simply because they have been able to put up the property in advance.

Well, I have made the point. I just happen to think that there has been so much written and so much talked about bail that perhaps for the purpose of providing a guideline which would provide a very real solution to it, we should seriously consider abolishing bail based on the proposition that it must be put up in advance, and have either the recognizance system itself on the one hand, or that the person remain in custody. Then we do not perpetuate this difference which everybody criticizes between the well-to-do and the poor and those whose family group have money and those who do not. This in fact does penalize certain people within the system.

I am also inclined to think, of course, that that system of doing it eliminates, for example, the problem of the illegal bail bondsmen. You do not have a system whereby people deposit the title deeds to their property with a person who becomes known as a bail bondsman on the grounds that, "All right, I can make myself a nice little thing over the course of time because my property can go up on bail and I will get paid a fee of $500," or some such thing as that. And the man does get out, not because he has been able to put up bail of $10,000 or $15,000 but he gets out because he is able to pay, say, $1,000 or $1,200 and get out on bail. That, I think, is another way in which this particular guideline would clear up that kind of a problem which is involved in the cases.

The other point that I want to make on this same system is not related to that point, but I commend those remarks for some serious consideration as to whether or not it does not provide some ray of light by which we can solve this problem and avoid a continuing debate about it.

Mr. Singer: Now get down to your second point.

Mr. J. Renwick: Oh yes. Well, the second point is very brief and I just throw it in for what it is worth. One of the things in the administration of justice that bothers me very much in the provincial courts is when a person comes up before a magistrate on the question of bail. Generally the "dope sheet" or some résumé of the information sheet is read out to the magistrate, including in some cases an indirect reference to the previous record or otherwise of that particular man.

Now that provincial judge is consciously or otherwise seized with information which might very well a week or two later, without him consciously doing it, affect his judgment when that person reappeared in the court. Should there not be a system to protect him against appearing before the same provincial judge? I do not mean that there should be a special designation of provincial court judges who deal only with bail. I think that would be quite wrong. But I think it would be very wise to institute a system whereby the particular provincial court judge who dealt with the bail application of that man, was either by his own volition or by some roster rule of the court excluded from sitting on the bench when that man came before him again for his actual trial. All of us know that there may be some little quirk or complexion of recognition that would come across to the judge. Somewhere at the back of his mind, he would know that perhaps this man had a previous record, or perhaps he recalled some incident when the man appeared before. I would just suggest that there must be some roster system which could be devised that would preclude that particular hazard for the accused person.

Mr. Singer: Mr. Chairman, if I may—

Hon. Mr. Wishart: On that last point, just quickly, I agree. I just want to say this, and I think I can dispose of it. I agree that that would be quite the proper way to proceed; a judge having sat on a bail application and learned about the case should not take the trial of that case. I think this is the general rule. I do not know of many infractions of that proceeding.

Mr. J. Renwick: I do not think it is systematized.

Hon. Mr. Wishart: Perhaps not. Anyway I should follow that up. In Toronto, of course, most of the bail is set by justices of the peace, and we seldom have a case where the judge trying the case has been involved in the application for bail.

Mr. Singer: There was Magistrate Bigelow in the case I quoted you earlier—

Hon. Mr. Wishart: That was right in the course of the case—

Mr. J. Renwick: If I might just interrupt the Attorney General. It is not all that true in Toronto, because on Monday morning in

21 or 22 court, there are many men who have been held over, who are before a provincial court judge on bail applications. The justice of the peace either has not arrived or has declined to give bail.

Mr. Singer: May I say, sir, that without nitpicking at the remarks of my hon. friend from Riverdale, I think he makes some abundant sense.

I do not think the solution is completely within the control of the Attorney General, but I say that over the years as we have debated this matter, the Attorney General has passed by on the other side. He said if only those fellows in Ottawa would change the law everything would be fine. Now without referring at any greater length than I already have to chapter 7 in the Ouimet report, I suggest there are a number of suggestions there that have been repeated by the hon. member for Riverdale, and that can be implemented by the Attorney General, without any recourse to any amendment to the Criminal Code.

I suggest it lies within the control of the Attorney General of the province of Ontario to make our bail system sufficiently meaningful so that from October 21, 1969, the test will be that the only two reasons for which we detain a person in jail shall be, (1) to ensure his appearance at trial, and (2) to protect the public pending the trial of the accused.

Now I suggest, sir, in the simplest language that I have at my command, that this is not what happens today in Toronto and in the province of Ontario. I suggest the Attorney General could remedy this situation if he would instruct his justices of the peace and his provincial judges, and I suggest, sir, that he is not in the mood to do this.

I would like to hear from him a clear and unreserved statement saying that at long last we of Ontario are going to adopt this approach. Until we get that kind of a statement the complaints of the members in the Opposition will keep bringing this matter before the Ontario Legislature year after year. It must remain a condemnation of our system of justice. Bail today is, and is going to continue to be, jail for the poor and freedom for the rich. Unless the Attorney General is prepared to move in this regard, then that system of injustice is going to continue. It is up to him to stand here and tell us and to tell his justices of the peace and his provincial judges that this is the way that we in Ontario insist it should be done. Until he does that, his explanations are meaningless, his distinctions are meaningless, his anger is meaningless.

Earlier tonight he got very incensed at the fact that I was defending two young Scottish immigrants who had been jailed at the whim of His Honour Provincial Judge Bigelow, because they had the unmitigated cheek to show up a few minutes late for a provincial court. He thought that was the incident that had to be distinguished, but I say this kind of pettifogging excuse to his lack of action is no longer any good.

The Attorney General is a mild man and reasonably impresses us with the idea that he is a just man. But unless he is prepared to say in clear and unmistakable language that he is going to do what he can within his jurisdiction of control to remedy the present inequitable and unfair system of bail, then we really cannot believe the words to which he gives mouth.

Mr. Chairman: The hon. member for High Park.

Mr. J. Renwick: I want to make one very brief comment on this same point. The reason I urge it is not only from the point of the administration of justice; it is also for the same reason that I brought up the Miranda decision and the same reasons flow through the whole thing. It is the only consistent position that we in a party such as the New Democratic Party can possibly take—to believe that distinctions between persons based on property in all its ramifications is not the distinction which should decide the status or the position of the citizen when he comes in confrontation with the administration of justice.

Mr. Chairman: The hon. member for High Park.

Mr. M. Shulman (High Park): Mr. Chairman, I enter this debate with some diffidence. I do not have the experience in this field of any of the previous speakers, but I do have some interest in bail problems. I became very interested because of one particular man, a Mr. Alex Forbes, who was arrested last year on a highjacking charge. The bail that was offered him was $1,000 cash or $2,000 property. His wife found a bail bondsman and he was released after his bail bond was put up for $1,000. She was told that she had to make monthly payments of $200. When she was unable to meet these payments, the bail bondsman went to the court and had her husband rearrested and put back in jail. The thing that struck me at that

time was that I wondered if bail bondsmen are illegal in this province. If they are not illegal, perhaps the Attorney General, before I go on, could explain if they are legal, are they licensed, is there any control over these gentlemen?

Mr. Singer: They are absolutely illegal.

Mr. Shulman: But the Attorney General says they are legal. Will some of the lawyers here inform me whether they are legal or illegal?

Mr. Singer: Absolutely illegal.

Mr. Shulman: Being a non-lawyer, Mr. Chairman, I am at a bit of a loss—

Interjections by hon. members.

Mr. Chairman: Perhaps the member for High Park will proceed when the Minister—

Mr. S. Lewis (Scarborough West): Let the *Hansard* record show that the member for Downsview made his comment from under the seat.

Mr. Shulman: I am not quite sure where to proceed from here since the Attorney General says they are legal—

Hon. Mr. Wishart: The section in the code is section 119. There is nothing in that section to say that it is illegal to go as bondsmen. What makes the illegality is this. I quote:

> Everyone—without restricting the generality and so on and so on—shall be deemed wilfully to attempt to obstruct, pervert and defeat the course of justice who, in a judicial proceeding existing or proposed, being a bondsman—

Note there is nothing wrong with being a bondsman.

> —who being a bondsman accepts or agrees to accept indemnity in whole or in part—

Interjections by hon. members.

Mr. Shulman: I understand now. It is as though one is saying it is perfectly legal to sell cars as long as you do not make a profit—

Hon. Mr. Wishart: You can hold bond for any number of people if you wish, there is nothing wrong with that kind of profit; but do not make it a business, do not take indemnity for it.

Mr. Shulman: I think I have narrowed it down to this effect. I think this is cutting this very fine. Obviously you cannot have bondsmen if they are not allowed to make a profit. However you word it, for all practical purposes they must work in a *sub rosa,* illegal way and they do. I say to the Attorney General, whose responsibility is the law in this province, either you should make them legal or you should drive them out of business. This situation, where they work so openly and anyone can get a bail bondsman without any difficulty whatsoever in this city, certainly is a bad one. But this is not really the point I was coming at. The point I was coming at—in fact, there are two points I want to make—is that I am interested in this bail situation because of this particular case but—

Hon. Mr. Wishart: However, let me make this very clear. The offence is not taking the bond or even taking, perhaps, a fee for it, but it is taking it from a person who is released from custody on that bond payment so that that person can take that opportunity to escape justice and not return to the court. This is what becomes the offence because it is perverting or obstructing the course of justice.

Mr. Shulman: So in fact and effect, there are no bondsmen, no legal professional bondsmen in this province. Is that correct?

There is one other point that came up in this discussion—

Interjection by an hon. member.

Mr. Shulman: There are many people who do not have rich parents like some of the members in this House. When they do not have parents to bond them, they have to go to professional bondsmen. That is a problem for the Minister of Financial and Commercial Affairs (Mr. Rowntree).

There is one point which has come up here in this discussion with which I must dissent. I will dissent with not only members to my right and opposite me, but with members of my own party. In this hypothetical case which we have heard discussed here, of persons standing together to commit a felony and indulging in a little kidnapping, there is worry that if the bail is allowed on a reasonable level those persons might fear the penalty would be so high that they would flee the country. This brings me to the first major point I want to make which is—so what?

I think sometimes we lose sight of the purpose of the whole system. It is not a punishment, at least I do not think it is a punishment. It is to protect the public and

if we are rid of those people, if they go elsewhere, I should think that would be the end of the worry as far as the Attorney General's Department of Justice goes.

However, I would like to come to the major point I want to make. As a result of becoming disturbed with the bail system, and I am sure everyone is disturbed by it—

Hon. Mr. Wishart: I wonder if the hon. member felt we were right in trying to get Hal Banks back into the country—

Mr. Shulman: The only reason to bring Harold Banks back, as far as I could see, was to get the information about the Liberal Party that he was going to spill.

Interjections by hon. members.

Mr. Shulman: We have many, many persons who have fled Ontario and gone to a certain other country which perhaps I should not mention. And there is no great effort to bring them back, nor do I think there should be. We are rid of them and that is really what the purpose should be.

But I want to inform the Attorney General and perhaps other members who may not be aware of it, this problem of bail is not in Ontario alone. It has been a very serious problem in the United States and in 1966 they brought in a model bail reform Act which did not work out as they had hoped. Last year a very distinguished committee was set up to see what could be done to solve the bail problem.

I think it applies just as well to Ontario as it does to the U.S., and I want to say who is on this committee because these people are so well qualified: there is Carl Brandt, professor of economic policy at Stamford; Dr. Coes, professor of economics at Chicago; Milton Freedman, the distinguished service professor of economics at Chicago; Godfrey Haberer, from Harvard University; the professor of economics at Columbia, Seloe Harris; Lloyd Henderson, professor of foreign relations, American University; Sammy Parry, the professor of political science at Trinity College; Dr. Stassen, the dean emeritus of law school at the University of Michigan, and George Taylor, the director of Far Eastern and Russian studies at the University of Washington.

They spent over a year studying the bail problem in the various states and they came out with a recommendation which to me makes very good sense. I hope the Attorney General will take a moment and listen to it. In effect, in order to avoid reading it all, they say there is only one thing to really consider when bail is being set. That one thing is not whether or not the person is going to come back for his trial, or flee the country, but that one thing is whether or not, while they are out on bail, they are likely to commit another crime.

They say that should be the one overriding factor in making the decision. In many cases —crimes of passion for example, obviously where a man has committed one crime in his whole life—the chance of him committing another crime before his trial is extremely unlikely. They consider a low bail there very reasonable, while on the other hand, with a professional criminal, they believe a very, very high bail should be set.

The final paragraph, to me, sums the whole bail problem up beautifully:

> A suggested alternative is to try suspects so quickly that the pre-trial freedom or detention of suspects is so brief as to be acceptable as a practical matter. This would require additional judicial manpower and the expenditure of larger amounts of public funds for the courts and supporting agencies. Aside from the problem of bail reform as such, this approach can be expected to have a definite beneficial impact on the crime rate itself. Accordingly, it is argued that we cannot afford not to spend whatever is necessary to deal with the crime crisis.

This really is a beautiful idea, because it cuts down the crime rate, it cuts down the period of time that people are either, (a) out on bail awaiting trial or, (b) in jail awaiting trial. Although it costs more money on the one hand—we have to have more judges, we have to have more courts—it will save equally as much or perhaps more on the other hand.

These men, who are leaders in their field, come out after a great deal of thought with this suggestion or these two suggestions. This is very recent—it was published a very few weeks ago—and I hope the Attorney General will get a copy. It is available from American Enterprises Public Policy Research, on 17th Street, in Washington, D.C. I think if he will study it, it could be of very great practical value in Ontario.

Mr. Singer: Mr. Chairman, if I may, I want to answer two suggestions that have been put forward. Perhaps I can deal with them in reverse order.

The suggestions put forward by the hon. member for High Park are fine in theory, but

had he been here this afternoon he would have recognized they have been made by an abundance of authorities in Canada and in Ontario, and were substantially referred to by me and by others as being reflected in the report of the Canadian committee on corrections, which report has recently been tabled.

I am not sure whether the hon. member for High Park appreciates the fact that we have a different system of criminal law in this country than they have in the United States. Each state in the United States has its own criminal law, and has, by the Constitution of the United States, the power and ability to determine its own criminal rules subject only to those limitations imposed by the Supreme Court of the United States insofar as basic rights are concerned, as are reflected in the Constitution of the United States and the various amendments to it.

In Canada, by a different system, our British North America Act assigns to the government of Canada the complete and absolute responsibility to legislate insofar as our criminal law is concerned. I would think that notwithstanding the very intelligent remarks in the committee report that the hon. member read from, the report of the Canadian committee on corrections is more pertinent and more applicable to our Canadian situation.

Insofar as the remarks that were made earlier this afternoon in this debate by the hon. member for Lakeshore (Mr. Lawlor), by myself and by the hon. member for Riverdale, we were suggesting that without the necessity of any amendments to the Criminal Code, the ability resided with the Attorney General of the province of Ontario, through the medium of instructing his justices of the peace and teaching them as to the methods by which bail should be administered, and by the medium of instructing the provincial judges that he appoints from time to time. We would think—and this, as I understood it, was the thrust of the remarks of the hon. member for Riverdale earlier this evening—that it lies within the aegis and the control of the Attorney General to do nothing more tonight than to instruct his officials that henceforth the justices of the peace in the province of Ontario shall carry on their business in the manner as outlined. The manner as outlined is outlined within the provisions and the recommendations of chapter 7 of this most current report.

I think that is most important, Mr. Chairman; I do not think we can confuse the issue. I think there is the machinery and the ability here within the control and under the direction of the Attorney General of this province to change the inequitable system of bail insofar as it is being carried out at present in this province.

One other thing that I want to lay at rest—and I am very disappointed in the Attorney General—is his suggestion even by the remotest implication that the profession of being a professional bondsman is by any remote consideration legal in the Dominion of Canada. The Attorney General must well know that any references made by the member for Lakeshore, by the member for Riverdale and by myself to the business of being a professional bondsman were always prefaced with the adjective "professional". I sent for the Criminal Code and I now have it here in front of me. He referred to the provisions of section 119, and let me read them. There can be no doubt, and the Attorney General in his mildest terms cannot explain it away. Section 119, subsection 2(e) says:

> —being a bondsman, accepts or agrees to accept indemnity in whole or in part from a person who is released, or is to be released, from custody under a recognizance.

This means putting up a bond for a fee. This is illegal, it has been illegal for many, many years. I do not suggest—I state—that there are professional bondsmen operating in the municipality of Metropolitan Toronto, they have been operating here for many, many years, they have been defeating the whole purpose of our bail system, it would take no intelligence at all to discover who they are and to charge them, and this charge has been made year after year in this Legislature by me and by others. The charge also has been written by Professor Friedland in his recent book.

Notwithstanding these direct charges and the urging directed to the Attorney General that he investigate and lay charges against these professional bondsmen, no action has ever been taken in the municipality of Metropolitan Toronto, or insofar as I know, elsewhere in the province of Ontario. I say that the Attorney General has departed from his duty, which is to enforce the laws set out in this Criminal Code, and that he knows there are professional bondsmen operating who defeat the system, and that there are professional bondsmen operating who allow the rich to go free and the poor to go to jail. I suggest to you, sir, that no amount of explanation on his behalf, no amount of soft talk, is going to explain away the fact

there is no will residing in him, or in his administration, to make the bail system a fair and equitable one.

Mr. Lewis: Are we through with bail?

Mr. Chairman: Does the hon. Minister wish to reply? If not, the hon. member for Wentworth (Mr. Deans) was on his feet.

Mr. Lewis: Are we through with bail? I would like to ask something on bail, Mr. Chairman.

I have just been listening to this debate, Mr. Chairman, since it began in mid-afternoon and I cannot pretend to understand the intricacies of it. I think—like most of the members of the House—that I have grasped what has been placed before you. Can you tell the Legislature why it is not possible for you, as the Attorney General, to embrace those propositions read from the Ouimet report which are within your province and make those amendments before the end of this month by way of instruction to the various judges? Is that not a legitimate question at this point?

Hon. Mr. Wishart: I will answer that in my general reply if we are through with bail.

Mr. Lewis: Oh, fine.

Mr. Chairman: Are there any more questions dealing with bail? If not, perhaps the hon. Attorney General would answer.

Hon. Mr. Wishart: Mr. Chairman, we have had a very thorough discussion on the subject of bail. Notwithstanding the strictures placed upon me, particularly by the hon. member for Downsview, I must point out at the beginning of my remarks that the bail procedures are procedural law and the sections relating to bail are contained in the Criminal Code.

That is where the law relating to bail is found. That is where the law relating to bail is changed or amended if it is to be changed. That is what the Ouimet committee suggests. That is where the recommendations of the Ouimet committee point to the amendment of the Criminal Code and I shall have something to say about those recommendations.

The bail procedures, the way you get bail and all the procedures relating to bail, are set forth clearly in the code and they are found, if anyone is interested, in section 463 particularly, and in section 451. The one relating to bondsmen is section 119, which we have discussed here tonight, and perhaps I might just go to that latter part of our discussion at this moment.

In the Ouimet report, which is fairly recent, and was just received a couple of weeks ago, the gentlemen who formed this committee, the Canadian committee on corrections, have a section. On page 118, they talk about professional bondsmen.

Mr. Singer: I referred to that earlier.

Hon. Mr. Wishart: I want to refer to it a little more thoroughly. They say:

> The almost unanimous opinion in written and oral submissions to the committee was one of opposition to the recognition of professional bondsmen. This view is supported strongly by prominent members of the bar and of the correctional services in several parts of the United States, with whom the committee has had discussions.

Mr. Singer: About 5:30 I read that.

Hon. Mr. Wishart: To continue:

> Studies in Philadelphia have shown that private sureties are more efficient in producing defendants for trial than professional bondsmen.

At the end of that discussion, on page 119, this is what the committee says about the fee:

> It has been assumed that the payment of a fee to a bondsman or surety for the service provided is an offence under section 119, subsection 2(e) of the Criminal Code—

That is what the hon. member read a few moments ago and was so firm in his opinion:

> —which provides that every one is guilty of an attempt to pervert or defeat the course of justice, who, being a bondsman, accepts or agrees to accept indemnity in whole or in part from a person who is released, or is to be released, from custody under a recognizance, or if not an offence under the provisions of subsection 2, is guilty under the general provisions of section 119.

That paragraph starts out: "It has generally been assumed that this is so."

It goes on:

> It should be noted, however, that section 119, 2(e) prohibits the bondsman from accepting indemnity in whole or in part from a person who is released, or is to be released, from custody under a recognizance.
>
> The subsection does not prohibit the bondsman from accepting indemnity from a third person. Moreover, it is doubtful whether the payment of a fee for the service constitutes indemnity.

Mr. Singer: Could I ask the Attorney General a question? In view of the charges that have been made by me, by Professor Friedland, by others in this House and in written works commissioned here or elsewhere, why has the Attorney General—if there is some doubt in his mind about the legal phraseology of section 119, either subsection 1, or subsection 2(e)—never once charged anyone with being a professional bondsman? Why have you walked by on the other side unless you want to excuse the whole thing?

Hon. Mr. Wishart: I was not expressing any doubt on my part, I was reading the doubt expressed, and that is the word they used—

Mr. Singer: Then why do you not try it? It is going on at the city hall right now.

Hon. Mr. Wishart: Because there is no doubt in my mind that indemnity is not a fee.

Mr. Singer: What a pallid and weak excuse.

Hon. Mr. Wishart: Can the hon. member not understand that?

Mr. Singer: Shameful. Absolutely shameful.

Hon. Mr. Wishart: The whole section is premised on the idea that the offence is perverting or defeating justice.

Mr. Singer: The offence is accepting a fee for being a bondsman.

Hon. Mr. Wishart: It is not.

Mr. Singer: Until the judicial interpretation to the contrary, that is the way I read it. Why do you not try it?

Hon. Mr. Wishart: The offence is perverting justice.

Mr. Singer: Oh, come on!

Hon. Mr. Wishart: Well, if the hon. member would listen perhaps he would understand.

Mr. Singer: I have listened and I have read that carefully. I know what is going on and you know what is going on and you will not take action.

Hon. Mr. Wishart: I did not interrupt him in this manner, Mr. Chairman. If he could listen to me for just a moment. This is the situation that section 119 is designed to prevent. The bondsman puts up $1,000 which is the bail. That lets the accused out. He then indemnifies the bondsman and he goes away.

Mr. Singer: That is right.

Hon. Mr. Wishart: That is not a fee. He pays back the $1,000 or maybe something—

Mr. Singer: Have you ever brought that before the court to try it?

Hon. Mr. Wishart: Try to prove that. Try to prove that is what happened.

Mr. Chairman: Order. Perhaps the hon. Attorney General could have the opportunity to reply.

Hon. Mr. Wishart: The Ouimet committee at the foot of page 119 in big black letters makes its recommendations:

> The committee is unanimous in recommending that the use of professional bondsmen be prohibited.

This is a recommendation to my friend, the Minister of Justice at Ottawa, and that is the only place that recommendation can be implemented.

Mr. Singer: He has never been weaker than he is now.

Hon. Mr. Wishart: Surely the hon. member is not suggesting that I can amend the bail procedures of the Criminal Code?

Mr. Singer: I am suggesting that if the law is tried and found wanting that then you could make an appeal to Ottawa. But you have never tried it.

Hon. Mr. Wishart: Well, the Ouimet committee recommends to the Minister of Justice at Ottawa—and not to this province, or not to any other province, because the province has no jurisdiction to do it—that legislation be enacted to prohibit professional bondsmen, and—

Mr. Singer: Send your investigators down and you will find it going on in the Don jail now.

Hon. Mr. Wishart: If the hon. member will just wait until I even read the recommendation. Let me read the language of the recommendation.

> The committee is unanimous in recommending that the use of professional bondsmen be prohibited and that legislation is desirable to remove the doubt which exists under the present provisions of the Criminal Code as to whether the

> payment of a fee, either by the accused or a third person to a surety, or the acceptance of such a fee, constitutes an offence.

So apparently nobody in this wide country of Canada has ever determined that doubt.

Mr. Singer: Be brave then, and try. Just for once be brave.

Hon. Mr. Wishart: I am sure the company of the other Attorneys General who presently serve, or who have gone before, is good company.

Now, Mr. Chairman, the committee on the subject of bail, to which the hon. member for Downsview particularly referred, at page 112 made five major recommendations.

> The committee therefore recommends that legislation be enacted to give effect to the following principles: that a person charged with an offence shall be admitted to bail by the court, judge, magistrate or justice of the peace having jurisdiction to do so on proper application being made, or upon the appearance of such person before such court, judge, magistrate or justice of the peace, unless—

And here I would like the particular attention of the hon. member for High Park. This committee made two bases upon which bail might be granted or might be refused:

> —unless, first, it is made to appear that there are reasonable grounds for believing that the accused will not attend to stand his trial if released on bail—

Mr. Singer: That was 4.00 o'clock this afternoon.

Hon. Mr. Wishart: That is the first one, just one that the hon. member put forward. Two:

> —it is made to appear that there are reasonable grounds for believing that the protection of the public requires that the accused be kept in custody pending his trial.

Mr. Shulman: That is important.

Hon. Mr. Wishart: They are both important. They are both important. It is important that people be brought to justice. That is an important feature. The first one in this recommendation had some bearing on the question I asked: How about bringing back such a person as Harold Banks? Was our effort wrongful? Was it wasted in that? I think I should tell the hon. member that his words were—I think he said—"The only reason I wanted him back was—"

Mr. Shulman: Did you not mean—

Hon. Mr. Wishart: The hon. member said the only reason he wanted Banks back was for political purposes.

Mr. Shulman: I think that is wild paraphrasing.

Hon. Mr. Wishart: Let me tell him that that would be the one reason, the one good reason, that would justify the Secretary of State of the United States not granting the extradition. If it were ever made to appear, if it were a fact, that that man Banks was wanted back in this country for political reasons, that would be the first and finest reason the Secretary of State could seek to have to refuse extradiction.

Mr. Shulman: Will the Attorney General allow me to interject so that there will be no misunderstanding of my comment? The point I was making is that I see no purpose in chasing Hal Banks or any other person who has gone to another country and will trouble us no more. This is the point I am making. I interjected, jocularly, I thought, but apparently it was not greeted that way, that the only reason I would want him back would be to hear his comments about the Liberal Party, so let there be no misunderstanding on that subject.

Mr. M. Gaunt (Huron-Bruce): What about the NDP?

Mr. Chairman: On vote 206, the hon. member for Wentworth was up.

Mr. G. Ben (Humber): Had the hon. Attorney General finished?

Hon. Mr. Wishart: I sat down to give the member for High Park an opportunity for a moment.

There are a number of other things I would like to say about bail and I am sorry the hon. member for Downsview has left the House, because he was enquiring about this matter.

Interjections by hon. members.

Hon. Mr. Wishart: One of the things about which he seemed to be very concerned, and which he did not seem to be aware of—perhaps I might have told him in the course of his remarks and maybe shortened them—was that we do instruct our justices of the peace. We have prepared and used—and all our

justices of the peace have it, I believe since April, 1968—a handbook for justices of the peace. This has gone out to all of them; they have been instructed in the book and we have had seminars and discussions with them and they have been instructed by our Crown attorneys on all their duties in connection with their office of justice of the peace and I want to read into the record what we say in this handbook for the justices of the peace regarding bail.

Mr. Lawlor: Could we have a copy of that sometime?

Hon. Mr. Wishart: I will be glad to make copies available. It is widely distributed and I would be glad to distribute it more widely. Page 24; this will not take too long, but since bail is our subject and this deals specifically with bail, I would like to read this into *Hansard*. Headed—Bail; part 8:

> One: The troublesome matter of bail only arises where the justice of the peace has exercised his discretion to issue a warrant for the arrest of the accused, rather than a summons. It is suggested that the tendency should be to issue summonses in all summary conviction offences, also in the less serious criminal offences.

Mr. Singer: Could I ask the Attorney General a question here?

Mr. Lawlor: The first point he made was that "the troublesome problem of bail arises only when the justice of the peace has issued a warrant for the arrest"—

Hon. Mr. Wishart: For the arrest of the accused rather than a summons.

Mr. Singer: What happens to those people who are arrested by the police, who have never been summoned?

Interjections by hon. members.

Hon. Mr. Wishart: This is directed to the justice of the peace.

Mr. Singer: My Scottish fellow who was in jail was never summoned by a warrant issued by the justice of the peace.

Hon. Mr. Wishart: This is directed to the duties of the justice of the peace, when he issues a warrant for arrest, rather than a summons.

Interjections by hon. members.

Hon. Mr. Wishart: Perhaps the hon. member will allow me to read what we said to the justices of the peace and then we can deal with some other questions.

Interjections by hon. members.

Hon. Mr. Wishart: Let me conclude this—

> Two: It is suggested that the tendency should be to issue summonses in all summary conviction offences, also in the less serious criminal offences. Even in more serious criminal offences, a summons should be issued if the justice of the peace is satisfied that the accused will appear to stand his trial. Three: In the matter of an application for bail, it should be borne in mind that, except under very special circumstances, every accused person has a right to be released on bail pending his trial. Bail should have some relationship to what it can be reasonably expected that the accused is able to post, and should not be fixed at a figure which really amounts to a denial of bail. Four: If, because of the extremely serious nature of the accusation, the severity of the punishment with the conviction will entail a past record of the accused, particularly if he has a record of skipping bail or the commission of a criminal offence while on bail, the justice is satisfied that bail should be refused, he has a right to refuse anything.

Mr. E. Sargent (Grey-Bruce): Who wrote that for you?

Hon. Mr. Wishart: That is what we have written and sent out to our justices of the peace.

> Five: In such a case the accused still has the right to apply to the magistrate or the district judge to reverse the order of the justice of the peace. Six: If bail is granted, the justice of the peace may require one or more bondsmen in addition to the accused to post bail or, if he sees fit to do so, release the accused on his own recognizance to appear. Bail may be posted either in cash or security or property.

Then it goes on about the provisions of paying out bail after the disposition of the matter. I would like to refer to this manual which runs for some 60 pages and has been in use over the past year and a half by our justices of the peace. We have the instruction continuously going forward to our justices of the peace and to the new ones as they are appointed, and renewal seminars and refresher courses with the ones who are acting.

Mr. Singer: Could I ask the Attorney General a couple of questions about the manual?

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): Can you not sit down?

Hon. Mr. Wishart: Would you just allow me to say something more about bail before you interrupt?

Mr. Singer: If he does not want to answer—

Hon. Mr. Wishart: I will answer, but I just want to finish some of the thoughts I have in respect to bail. We have had a great deal said about bail from the point of view of the person before the court. In a great deal of that, I agree with the attitude expressed. I think we have indicated that we have that attitude and are doing things to improve the situation of bail.

There are two or three things I must say. No Minister, particularly the Attorney General, because his happens to be the department concerned with the administration of justice, has the right to go to a judge and tell him to act or how to handle a bail matter or any other matter. We can have, as we do have, seminars for our judges, who are addressed by senior judges, Crown attorneys and officials of the department. We have seminars and gatherings of our Crown attorneys, whom we can instruct in the principles which should govern the granting of bail so that they may, in the courts, make their submission to the judge sitting on the bench.

But it is out of line and out of thought entirely that the Attorney General should say to the judge, which way he must go. He has before him the law, which is the Criminal Code; all the permission, all the authority is there, and the judge actually has the final word. All we can do is endeavour to lead and indicate an attitude, a policy which he should follow.

There is one other thing I should like to say about this. Bail is not just a matter of caring for the interests of the person who comes before the court. There is the protection of the public also involved.

Mr. J. Renwick: And the principle of equality before the law.

Hon. Mr. Wishart: No, I think the protection of the public is an important matter, too. One of the things which makes bail difficult to get was raised when the hon. member for Downsview said: How do I find a justice of the peace? The police sometimes make it very difficult to find where he is, or to catch up with him.

Mr. Singer: That is exactly it.

Hon. Mr. Wishart: You might be glad to know—

Mr. Singer: You chase through four or five police stations and several cruisers, if you know where they are.

Hon. Mr. Wishart: Right. You might be glad to know I have just recommended the appointment, today, of two additional night justices of the peace to serve in Metro Toronto at night time, and we have three more coming forward who I think will be available very shortly. That will perhaps help to solve that problem. But the police have an attitude, too, which must be controlled and directed, and this we are doing. But let me come to protection of the public.

Mr. Sargent: For a change.

Hon. Mr. Wishart: Someone has said that bail is not just a revolving door, and even if you had all the justices of the peace sitting in a central area, in a central court, or in every division in Toronto, if you had a JP there every hour of the day, you could not bring an accused in and just say, "He wants bail", and have the justice deal with him.

There is a need for the public or the person to be protected. Say he is brought in on a breaking-and-entry charge, and there is a question of whether some of the goods found upon him are stolen. He has to be fingerprinted. There has to be an opportunity to see if he has a record. If he has committed an assault or if he has been seen breaking into a store, it is probably necessary to put him in a lineup, at the time of the commission of the crime or as soon after as possible, to see if he can be identified by those persons who said they saw him.

These things take time. You just cannot immediately march him to the JP. The police have a duty, an obligation, a responsibility to take some measures of investigation. This may take an hour, or three hours, or six hours, to properly investigate the circumstances surrounding that crime and that accused before he can be freely granted bail. You just cannot bring him in—

Mr. Sargent: In their opinion; in their opinion.

Hon. Mr. Wishart: If you had any regard—

Mr. Sargent: In your opinion.

Hon. Mr. Wishart: If you had any regard for the investigation of crime, for the protection of the public—how is crime to be controlled if a policeman, catching someone red-handed, cannot have time to investigate, to fingerprint him, put him in a lineup, to see if he has a record? I am sure the community would suffer if we did not offer that opportunity to law enforcement people. All I am saying is that bail is not an immediate, revolving-door procedure. We can make as many justices of the peace available as you like; that is not going to mean that someone can march in the door of the district police station and march out two minutes later. That I do not think is likely to happen—

Mr. Sargent: If you have money.

Hon. Mr. Wishart: These are some of the things I think I should point out to you.

Finally I would like to say this. Mr. Turner, the federal Minister of Justice, has said that he is going to change the provisions of the Criminal Code with respect to bail. I think I quote him correctly when I say we are looking very strongly at the possibility of creating statutory protection in favour of the accused. We are going to put the burden of proof on the Crown to show why bail should not be granted, and eliminating the cash bail concept. This was something along the lines of what the hon. member for Riverdale suggested.

I do not think Mr. Turner needs to have legislation to put the burden of proof on the Crown, because that is the law today, in my humble opinion. But he is moving to change the law and the recommendations of the Ouimet committee, the committee on corrections, I trust he will see fit to follow.

We will do what we can to persuade our magistrates, our justices of the peace, our Crown attorneys, our policemen to take a different, more sympathetic look along the lines that have been suggested by hon. members opposite—

Mr. Sargent: How are you doing that?

Hon. Mr. Wishart: —towards the subject of bail, by—

Mr. Sargent: How are you doing that?

Hon. Mr. Wishart: I have just mentioned it twice already in my few remarks. By getting our Crown attorneys together and instructing them.

Mr. Sargent: By instructions in the mail.

Hon. Mr. Wishart: By instructions to our justices of the peace, by seminars of our judges, and we have our provincial judges now—

Mr. Sargent: Is the public aware of this?

Mr. Chairman: Order, the hon. Minister has the floor.

Hon. Mr. Wishart: If the hon. member will give me the opportunity maybe I can make the public aware, through the records of this House. At the present time our provincial judges are meeting. When I returned to Sault Ste. Marie on Saturday of this week, a large group of the provincial judges were there, having been addressed by officials of the Justice Department in Ottawa, about these very things we are talking of tonight, the changes that are coming forward in the matter of sentences and bail. We have four more meetings of those judges scheduled to deal with this very subject. I just want the House to know that we are moving and will continue to do so.

Mr. Sargent: Well, it sounds pretty good. We will see what happens.

Mr. Chairman: The hon. member for High Park was on his feet first.

Mr. Shulman: I will be very brief. Mr. Chairman, there is just one comment of the Attorney General I would like to pursue, when he is ready. He made one comment which upset me a bit. He said: "We cannot tell the judges what to do." But what happens in a case like one I have here—it is very brief—where the judge obviously does something wrong?

This is a case that took place last January 10, in which four boys were arrested as a result of having been in a car which had been stolen by a fifth lad. I quote:

> Last Monday there was a preliminary hearing before Judge Taylor in which the four young men were charged with possession of a stolen auto. Evidence indicated they were in the auto last September 17 and the car, driven by a fifth person, crashed into a hydro pole while being chased by a police cruiser. All four were arrested at the scene or shortly after. So was the driver, who is still to face trial. Judge Taylor, 57, a magistrate for 11 years and before that a court clerk, decided there was enough evidence to send the case on to a higher court and then he decided not to make any bail order.

> It is a highly unusual decision in a case of this nature, and astounded Kevin Jones, lawyer for Fowler, who was on his feet immediately to protest. Judge Taylor told him to make bail application to a county court judge. The effect was a jail sentence for the boys until the matter could get before a higher court judge.

I am ending the quote there. Of course, they did go to a higher court judge and two or three days later the boys were out of jail. Now obviously there should have been a bail order. If the Attorney General cannot speak to the head judge, who can?

Hon. Mr. Wishart: That is the provision of the code, which provides that if a magistrate refuses bail or acts improperly and sets the bail too high, your redress is to go to the judge. There is one other recourse. The Attorney General cannot go to the judge, and the Attorney General will not go to the judge. The first Attorney General who does so, I think, will be completely out of order, and I hope that the party that he represents will not survive long, because that would be interfering with the course of justice by a political figure, which I could not tolerate for a moment.

The other recourse which perhaps we are not too familiar with is that in our new Provincial Judges Act, we did provide a judicial counsel, as the section here says, to hear complaints about judges. That is wide enough, perhaps, to take in a complaint that he was misinformed, or out of line. I am not talking about an appeal from his judgment which was provided here. But if a judge quite apparently acted capriciously or arbitrarily, a quiet complaint can be made by that lawyer. It is heard in camera. Some of these complaints are made. They are not publicized, they are not supposed to be under the Act, and the judge can perhaps be set on the right course. But the main redress to our courts is by way of appeal, and this is what happened here.

Mr. Shulman: The Attorney General mentioned that there were seminars held for the judges. Now you may recall at one time I worked in that department and there were seminars held for the persons who held my position at that time. I found to my dismay that many of these persons involved did not take the seminars. I would like to ask the Attorney General, through you, sir, are these seminars compulsory? And if they are not compulsory, how many of the judges are taking them?

Hon. Mr. Wishart: We have regional seminars, such as the one that was held in Sault Ste. Marie on Saturday, and we have an annual meeting which lasts two or three days and these subjects are discussed. At the annual meeting the attendance is generally better than 80 per cent; at the regional sessions, it is higher. We get a very good attendance.

Mr. Shulman: What about the 20 per cent of the judges who do not attend the seminars? Is there any way of bringing them up to scratch or do they just go along until retirement time?

Hon. Mr. Wishart: It is not always the same 20. The judges are very good about attending, and they look forward to these refresher courses, these seminars. Not the same 20 are away all the time.

I would like to answer the question from the hon. member for Downsview.

Mr. Shulman: Would the Attorney General mind looking in his records and tell me, not necessarily tonight, whether in Toronto over the past, let us say, two years, there have been any judges who have not attended any seminars?

Hon. Mr. Wishart: I will see what I can do. We do not mark down attendance.

Mr. Shulman: Perhaps you could keep an attendance record in future.

Hon. Mr. Wishart: I might be able to check it out, but the judges are very faithful in coming out.

The hon. member for Downsview asked what happens to the accused person, or the arrested person, brought in by the policeman before the justice of peace. It is the same procedure; the same principles apply. Perhaps the first paragraph said, "You will only be concerned with those—"

Mr. Singer: That is not what you said.

Hon. Mr. Wishart: If that causes him any confusion, I will be glad to change that language.

Mr. Singer: Mr. Chairman, substantially I wanted to pursue the point the Attorney General just raised. I think, certainly, the first paragraph that he read to us from those instructions is far from clear; it would seem to indicate to the justice of the peace, who is different from the provincial judge, that there are two different procedures.

And the second thing that I would like to know is, he said those instructions he read from are 18 months old. I would like to know if there are any records available in his department that indicate that every justice of the peace not only has received this, but has given an acknowledgement that he has received and read them and that he understands them. In other words, to what extent can we be sure that every justice of the peace at presently carrying on his duties in the province of Ontario has not only received a copy of this in the mail, but has read it and understands it? Have you got any figures on that?

Hon. Mr. Wishart: This book went through three drafts before we were satisfied with it. The senior Crown attorney, Josanial Colbick, was very helpful in the final preparation of it. Prior to that, Claud Savage had the thing under consideration and preparation for some time. Shortly after I became Attorney General, he was working on it, and the late Henry Bull and, I think, Chief Judge Cleine, and the officials of my own department worked on it. We have revised and checked and framed it very carefully. I have to point out that the hon. member should bear in mind, as we did, that justices of the peace are not lawyers. They are laymen.

Mr. Sargent: How do they get these jobs?

Hon. Mr. Wishart: It is necessary to devise their instructions—just let me finish my sentence and I will answer the hon. member. It is necessary to devise the instructions in simple, clear language.

Maybe we did not make the first paragraph as clear as the hon. member for Downsview thinks it should be and I will have a look at it. But I think we have a very good handbook. If the hon. member for Grey-Bruce will give me a moment, I will come to his question.

I would like to point out that since this book went out, there have been meetings—we call them the justice-of-the-peace instruction—and as of September 8 this year, in the county of Carleton, meetings are planned for this fall; the same in Algoma, under the auspices and the direction of the Crown attorney. In Cochrane, meetings were held by Mr. Colbick, the justice-of-the-peace there; in Timmins, on July 26, 1968; in Kapuskasing on August 8, 1968, and in Cochrane, again, on August 27, 1968, and again in Cochrane, on March 8, 1969. In Dufferin a meeting was held in August, 1969. We are waiting for the report of that meeting. In Elgin, under the auspices of Peter Lorin, the Crown attorney, two justices of the peace, we find, handle about 90 per cent of the work and meetings are being held for the instruction of their successors.

In Frontenac, meetings of instruction were held by Mr. Samson, and he is holding further meetings in the near future. In Haldimand, meetings are tbeing organized this fall. In Halton, a meeting for instruction was held on June 19, 1969, and arrangements are made to meet on a quarterly basis hereafter. In Hastings, the justices of the peace there were instructed by Mr. Samson as long as two years ago. Mr. Pringle is planning further instruction in that area. These are the Crown attorneys who have had these.

In Huron, under Mr. Cochrane, a meeting is arranged for this month, and so it goes through Kenora, Kent, Lambton, Lanark—

Mr. Singer: How about York county, where there is 40 per cent of the population of Ontario? What meetings have you had there and how many justices have attended?

Hon. Mr. Wishart: In York county, as perhaps the hon. member knows, they have their own justice-of-the-peace association, and they have regular meetings, at which these principles of bail—

Mr. Singer: I do not know that they have regular meetings or what they discuss other than discussing the ability of my colleague from Sudbury.

Mr. Sargent: Tory propaganda.

Mr. Singer: No, quite seriously, Mr. Chairman, these are fine statistics but here in Metropolitan Toronto, in the county of York, where we have something slightly less than 40 per cent of the population of Ontario, notwithstanding his book, notwithstanding the statistics, the Attorney General is not able to tell us that every justice of the peace is aware of the procedures, or is aware of the contents of the book.

Hon. Mr. Wishart: They are.

Mr. Singer: How do you know? Have they ever been at a meeting?

Hon. Mr. Wishart: I do not think the hon. member wants to accept any statements. In the county of York, the matter is so important and there are sufficient justices of the peace that they have their own association

like the magistrates. They do meet, they all have the book, they know the book, they discuss the principles which we have laid down in it, the directives. More than that I cannot say.

They are instructed by the Crown attorneys. They have meetings and they are addressed by the judges and by officials of the department. I cannot tell the hon. member more than that. But if he does not want to accept it, I cannot force him to.

Mr. Singer: It is not a question of not wanting to accept it, Mr. Chairman, I am just not satisfied with what the Attorney General has told us.

The other point I wanted some clarification about is this: The Attorney General said we are appointing how many more—two, three more—justices of the peace?

Hon. Mr. Wishart: Two today and there will be three more shortly; that will be five more.

Mr. Singer: All right. Can you tell me now, tonight, at 9.30, October 21, 1969, where I could find a justice of the peace who will grant bail in Toronto, right now?

Mr. J. Renwick: He is driving along the the Gardiner.

Mr. Sargent: What phone number could you call?

Mr. Singer: Yes, tell me where I can find one.

Hon. G. A. Kerr (Minister of Energy and Resources Management): My brother-in-law.

Mr. Sargent: He is in Burlington, and he is a Tory and we are Liberals. He would charge double.

Hon. Mr. Wishart: Mr. Chairman, there is one at this particular moment; there is a JP for the easterly half of Toronto and one for the westerly half.

Mr. Singer: Where would we find him?

Hon. Mr. Wishart: I have proposed to the Metropolitan police commission—

Interjections by hon. members.

Hon. Mr. Wishart: Mr. Chairman, perhaps this is the simplest way to answer. I will read from a letter I addressed to His Honour Judge Charles Bick, dated October 10, 1969. This is the letter concerning the matters having to do with the police attitude and the provision of bail. This is a long letter of direction, four and a half pages, single spacing.

The paragraph at the foot of page four is where we were talking about the possibility of a central remand area, the possibility of further justices of the peace, which I am providing, and how to reach the justices of the peace, which the hon. member for Downsview is asking about, if the hon. member for Grey-Bruce will allow me to answer. I said this:

> The other alternative, which did have a certain appeal to us, was that we would increase the number of justices of the peace throughout Metropolitan Toronto during the night hours and these men would be available upon request at any police lock-up within the Metropolitan area. Associated with this, we would consider that the police force would provide a central location at which one man would be located who would receive all the incoming requests for a justice of the peace. This gentleman would then be responsible for advising the appropriate justice of the peace of the request and the location from which it emanated. In this way we felt that the police force itself could save the time of the policemen in transporting prisoners to and from a central bail facility, while at the same time the police would perhaps be the most logical persons to ensure that the justices of the peace are directed to the appropriate police station. I suggest this alternative primarily because of my concern for the best use of the policemen on the Metropolitan Toronto police force.

That was one way which I felt would be a very effective way; having a central telephone operator, a policeman, assigned to that duty, who would know where the justices of the peace are and would contact them and tell them where the request emanated from for bail and see that he got there. I think this would work out.

Mr. Singer: I would suggest, Mr. Chairman, that if what the Attorney General says is ever carried out, it would make some sense. But let me ask him this simple question: I go home this evening and my telephone rings several hours from now—it has happened frequently—and Mrs. Smith is on the phone and says, "Mr. Singer, my husband has been arrested, I don't know where he is, it is a terrible thing, can you please get him home?"

I then embark—and I have on many nights

—on a search by telephone from police station to police station to find where he is. Having once located him, if I do, then I have to embark on a second search to find a justice of the peace. Then I have to get the justice of the peace in the same place where this gentleman is who has been arrested and detained by the police, bring the two of them together and make arrangements for release on bail.

Mr. Sargent: What a laugh!

Mr. Singer: What I am asking, Mr. Chairman, is this—

Mr. Lewis: By that time, the estimates are here again.

Mr. Singer: I am asking very simply, is there not some system that can be devised within the imagination—no, that can be now, that is, available here on Oct. 21, at 9:37½—whereby, when a lawyer is advised that his client has been arrested and is in jail, he can locate him with a minimum of difficulty. I am sure my colleague, the member for Sudbury, can locate his clients who arrive in jail in Sudbury very quickly, but in Toronto it is not that simple at all.

Mr. E. W. Sopha (Sudbury): Most of mine never leave there.

Mr. Singer: He can then locate the justice of the peace, bring the two of them together and go and make his representations. I will tell you, if this happens to me when I go home this evening, I will spend the better part of tonight trying to find out, first of all, where the man is in jail, and secondly, where and when I can find a justice of the peace. Finally if, by any mischance, he has got into the Don Jail, I can give up, because to try and locate somebody at the Don who is going to have authority to give permission to let the justice of the peace get in at that hour of the night is an unfathomable task to overcome.

I am asking the Attorney General if it is not possible to devise in the municipality of Metropolitan Toronto a system whereby an accused person can have reasonable access, or someone on his behalf can have reasonable access, to a solicitor, so that the proper representations can be made in short order to a person who has authority to grant bail, if bail is appropriate in the particular case. I say that does not exist now and nothing that the Attorney General has told us as yet indicates it is going to exist in the foreseeable future.

Mr. Chairman: The hon. member for Wentworth.

Mr. Sargent: Let him answer the question, Mr. Chairman.

Mr. I. Deans (Wentworth): I want to ask if we have completed bail; is bail over?

Mr. Lewis: Just a moment. The hon. member for Downsview is going to receive a call tonight. Now what are you going to say to him when he then calls you?

Mr. Deans: I want to deal with jurors for a moment. I think it falls within this vote, the matter of jury duty and the exemptions from jury duty.

I had occasion early this month, I think it was, perhaps late last month, to speak with the Deputy Attorney General about the matter of exemption from jury duty of a chiropractor. I dug through the chapters of the Revised Statutes of Ontario and came up in the course of the statutes with The Jurors Act, which lays out the exemptions from duty. I know for the sake of this House, perhaps, you do not require that I read it into the record, but I think for the sake of the edification of people outside this House, we ought to read into the record what kinds of people are exempted.

Mr. W. G. Pitman (Peterborough): I would like to know that.

Mr. Deans: The member would like to?

Mr. Pitman: I would very much like to know.

Mr. Deans: I am pleased to hear that; let me tell the member.

There are 23 kinds of exemptions. Every person 70 years of age or more; every member of the Privy Council of Canada or the Executive Council of Ontario; every member of the Senate, the House of Commons or an assembly; the secretaries of the Governor General or the Lieutenant-Governor; every judge; every magistrate; every sheriff; coroner; jailer; keeper of a house of correction or lockup; every sheriff's officer and constable; every police officer and constable; every minister, priest, or ecclesiastic under any form of/or profession of religious faith or worship; every woman who is a vowed member of a religious order and who lives in a convent or other religious community; every barrister; every solicitor of the supreme court actually practising; every student at law; every officer of any court of justice—and I think

that there probably is some justification for most of these people—every physician, surgeon, dental surgeon, pharmaceutical chemist, and veterinary surgeon actually practising.

Mr. Lewis: Oh, shame. Veterinary surgeon?

Mr. Deans: Every registered nurse.

Mr. Lewis: Shame.

Mr. Deans: Let me finish it. Every member of Her Majesty's navy, army, air force on full pay; every pilot and seaman engaged in the pursuit of his calling; every head of a municipal council; every editor, reporter, and printer of any public newspaper or journal; every person employed in the actual working of a railway, street railway, or public commission, carrying on the business of developing, transmitting, or distributing electrical power or energy; every telegraph or telephone operator; every fire fighter who falls within the scope of The Fire Fighters' Exemption Act.

Hon. Mr. Wishart: I do not object to the hon. member trying to read all that.

Mr. Deans: I am finished.

Hon. Mr. Wishart: One can make a good argument for those exemptions but I wonder if he is suggesting that this be shortened or lengthened?

Mr. Deans: I am going to tell you. I was just about to tell you. The final sentence, of course, says, "and the wife or husband of every person mentioned in paragraph such and such and so and so", and that is fine.

All that I am concerned about is the 14th group, which says, "every physician, surgeon, dental surgeon, pharmaceutical chemist, and veterinary surgeon, actually practising". This apparently does not include those people in the practice of chiropractic.

An hon. member: Shame!

Mr. Deans: Now it is not inconceivable that another branch of this government, the workmen's compensation board, could have authorized or instructed a workman to be taken care of, if you want, by a chiropractor and who would have to be there on certain days. This chiropractor could have established a pattern of dealing with this particular problem, and yet he could be called for jury duty and be unable to do it.

I think if we are going to exempt veterinary surgeons, physicians, surgeons, dental surgeons, pharmaceutical chemists and registered nurses, I think we could extend it to chiropractors.

Hon. Mr. Wishart: I think I would agree with the hon. member.

Mr. Deans: You agree? Are you going to do it?

Hon. Mr. Wishart: I cannot do it alone; I will have to persuade a number of persons.

Mr. Lewis: Not very many. You have all of us.

Mr. Deans: Why do you not introduce it into the House now and we will vote on it?

Hon. Mr. Wishart: I am saying I agree with the hon. member that there are some new professions that have arisen in recent years which were not prominent when that section was written. I think his argument is a sensible one.

Mr. Shulman: I hope the Attorney General will agree with the point I am going to bring up.

Mr. Sopha: There is a capitulation.

Mr. Deans: You know why he did that? He is afraid of another long bail discussion.

Mr. Lewis: He may be the only Minister who understands those issues on which your future hinges.

Mr. J. Renwick: This instantaneous legal change is too much for me.

Mr. Shulman: There is an organization in the United States—and I hate to be always referring to the United States, but so often we do not have similar organizations here—which is a sub-body of a national safety council. One of their jobs is to go around and look at traffic courts.

A few years ago, in the early 1960s, this group came to Ontario to look at our traffic courts and their findings were never made public because they were supplied confidentially and they were hired on a confidential basis. But I have them here and the reason I want to discuss them tonight is that absolutely none of the recommendations they made has been followed, not one.

Hon. Mr. Wishart: Who did they make them to?

Mr. Shulman: Let us see, I think I have all the correspondence here. They were sent to the chief magistrate of the city of Toronto,

and where they went from there, I do know, one copy went to the deputy chief of police of the city of Toronto because there was a copy in his files.

Hon. Mr. Wishart: How long ago was that?

Mr. Shulman: Just a moment, I will give you the exact date. It was in 1961, I do not have the exact date.

Hon. Mr. Wishart: Before my time.

Mr. Shulman: I am not blaming the Attorney General for what happened then. I am blaming him for what is going on now, but because the problems that we have now are exactly the same problems as then I would like to read—it is a lengthy report—a few paragraphs.

Hon. Mr. Wishart: I do not wish to lengthen this either. I wonder if the hon. member would mention, before he proceeds, who commissioned that study?

Mr. Shulman: This was before my time also, but I understand that it was ordered by deputy chief Murray who, I believe, was the gentleman who received the correspondence. I presume that he gave the authorization for them to proceed.

The point that they make in a very lengthy preamble is—

Mr. Sargent: Who wrote this one?

Mr. Shulman: It was written by the National Safety Council.

Mr. Sargent: As long as it was not a ghost writer.

Mr. Shulman: The point which they attempt to make in these recommendations is that traffic courts should be primarily set up in an effort not to rise money for the jurisdiction involved but in an effort to reduce traffic accidents.

They point out that there are several differences between Canadian and United States procedures but they go ahead on the basic things on which they presume everyone agrees. The heading is:

> TRAFFIC COURT TRIAL PROCEDURE
>
> The traffic court inventory reported the court had not adopted any written rules to govern procedures in traffic cases. We suggest you write to the ABA for a copy of a suggested set of model rules on this subject.
>
> The inventory indicated that appropriate remarks about traffic safety were not made at each session. Judges handling traffic offences have an opportunity, indeed, a responsibility, to discourage future violation which is as important as punishing for violations already committed.
>
> Through appropriate remarks about traffic safety at each session of the court, the judges can impress defendants with their aim to deter rather than merely to punish.
>
> A prosecuting attorney was not regularly assigned to traffic court in Toronto. Such an assignment is desirable.
>
> The judge did not attend any traffic court or judicial conferences during the year. Experience has shown that by attending such meetings they are able to become more familiar with the various aspects of the traffic problems, and this is of help to them in the handling of traffic cases.
>
> The prosecutor did not attend any traffic court or judicial conferences during the year. Experience has shown that by attending such meetings they are able to become more familiar with the various aspects of the traffic problems, and this is of help to them in the handling of traffic cases.
>
> We would make five recommendations to improve your procedures.
>
> 1. A written set of rules governing procedures in traffic cases be prepared for the guidance of the court and all persons having to attend court.
>
> 2. That the judge make appropriate remarks about traffic safety at each session.
>
> 3. That a prosecutor be regularly assigned to traffic court.
>
> 4. That the judge participate in one of the regional traffic court conferences held in various law schools.
>
> 5. That the prosecutor participate in one of the regional traffic court conferences held at various law schools.

A few months ago, Mr. Chairman, I went down and spent several evenings in traffic court so that I could see if any of these suggestions had been followed, and with great regret I must report that none of them has been followed. Our traffic courts are purely and simply, as far as I could see, a way of punishing and a way of extracting and raising money.

I took the trouble to get one transcript of one case. It is not lengthy, but it sums up everything that is wrong with our whole traffic court procedure, and I would like to

read it into the record because it just is so very bad.

Mr. Sargent: Now hear this. This is the answer.

Mr. Shulman: This case took place before His Worship Justice of the Peace L. Taylor, in night court J, November 12, 1968. There was no Crown attorney present; a policeman acted as the prosecutor, a Mr. M. Donaldson.

This is the first case I came in to hear and quite frankly after having read this report, I was extremely disturbed.

Mr. Donaldson: Guiseppe Gretto, August 12, officer, 10.13 a.m.

Clerk of the Court: Guiseppe Gretto?

Answer: Yes.

Clerk of the Court: You were charged on August 12, 1968, you were charged with speeding, doing 48 miles per hour in a 30-mile-per-hour zone. How do you plead, guilty or not guilty?

Mr. Gretto: Not guilty.

Clerk of the Court: Just have a seat, please.

Mr. Gretto: Excuse, please, this guy can he talk for me?

The Court: Why? You sound as if you can talk English all right. If you run into difficulty we can bring him in afterward. Does he speak English, sergeant? Do you speak English, Mr. Gretto?

Mr. Gretto: Just a little bit, not very much.

The Court: You sound pretty good to me. If you run into difficulty we will bring your friend up.

Joseph Seward, police constable, sworn, testified as follows: Your worship, on August 12 of this year, I was operating the police radar on Weston Road, near 1415. At 10.13 a.m. I observed a southbound Ford, bearing markers 418650. This vehicle approached the radar transmitter at a speed of 48 miles per hour. This is a 30-mile-per-hour zone. I stopped this vehicle and the driver identified himself as G. Gretto, presenting a chauffeur's licence for the current year. This vehicle was leading other vehicles travelling south in the second lane. I tested the radar set and found it working correctly, and also tested it while dismantled and found it working correctly.

The Court: Mr. Gretto, the officer says you were speeding at 48 miles per hour in a 30-mile zone on Weston Road southbound at 10.13 a.m. according to the graph, and according to the radar. Do you understand that?

Mr. Gretto: Please, how can I explain to you, I do not speak English.

The Court: Well, you are doing pretty good so far. Are there any questions you want to ask the officer about that? Do you have any difficulty understanding this man? (to the officer)

The Officer: No, I don't. I understand him, your worship.

The Court: Do you think he understands what you are saying to him?

The Officer: Yes.

The Court: When you asked him for his driver's licence did he show it to you?

Answer: Yes, I have no notation where I had trouble with him.

The Court: All right, you have it written down, the chauffeur's licence?

Answer: Yes.

The Court: All right, thank you. Come around here, Mr. Gretto.

Guiseppe Gretto, the accused, being duly called, sworn, under direct examination by Mr. M. Donaldson for the Crown.

The Court: So far, you have understood the oath, understood the charge, yet you cannot speak English. What do you want to tell me about the speed?

Answer: I want to tell you because I was stopped on a red light.

The Court: A red light, where?

Answer: The green light come, I go away. My car was parked, myself, my brother, how could it be 48 miles per hour in 20 feet? How could it be 48 miles per hour?

The Court: You carry on from here, Mr. Donaldson.

The Crown: What street were you stopped at on the red light, Mr. Gretto? You say you were stopped. What intersection were you stopped at?

Answer: I do not know the street. It was Weston Road I know, but I do not know the street anyway.

Question: Then how far past the light was it the officer stopped you?

Answer: I was so close that I tried to see whether it was worth parking the car.

Question: Well how far would it be? A block, half a block?

Mr. Sopha: What is the national ancestry of this fellow?

Mr. Shulman: Italian.

Mr. Sopha: He was confused by the red light, poor devil.

Mr. Shulman: I am disappointed by that comment. I really would have expected better from that member.

Hon. Mr. Kerr: You are losing your sense of humour.

Mr. Shulman: There is no sense of humour when there is no justice given in our courts. This is not a subject for humour. There is no humour in the remark.

Mr. Sopha: What is the point?

Mr. Shulman: The point is there is no justice in this court.

Mr. Sopha: Who was the provincial judge?

Mr. P. D. Lawlor (Lakeshore): Judge Taylor.

Mr. Shulman: Continuing to quote:

Mr. Seward: How fast were your driving, Mr. Gretto?

Mr. Gretto: I don't know where I was going. My son was in the car, he was in the front seat, and he tell me, "Papa, you don't go 48 miles an hour."

Question: How old is your son?

Answer: Eleven.

(No question)

Answer: Yes, sir.

Question: He is more accurate than the speedometer, maybe?

No answer.

The Court: What kind of a car are you driving?

Answer: 1967.

The Court: 1967 which?

Answer: Galaxie.

The Court: Galaxie?

Answer: Galaxie.

The Court: Did you ever have your speedometer checked?

Answer: Every other week. Every two weeks.

The Court: Oh I see. Why do you have your speedometer checked every two weeks?

Answer: I don't know. Because.

The Court: The speedometer, not your car, the speedometer. The needle that goes up and down.

Answer: I know.

The Court: How was it checked?

Answer: How do they check it at the garage?

The Court: Well, what do they do to it?

Answer: I don't know what they do with it.

The Court: Did they give a little card showing the difference in the speed on it?

Answer: No.

The Court: All right, what garage did you take it to?

Answer (indiscernible): Lawrence and Birchmount.

The Court: Lawrence and Birchmount. Is that all you have to say?

Answer: Nothing.

The Court: Is that all you have to say?

Answer: It is all I can say.

The Court: All right.

Clerk of the Court: Step right down here, please.

The Court: There will be a conviction on the evidence. $15 or three days.

Clerk of the Court: $15. Can you pay that tonight?

That is the traffic court in Toronto. The accused had not the foggiest notion what was going on. Afterwards I went to speak to him to ask if he knew what was going on. I said, "Did you understand what they were talking about?" He said, "I am sorry, I don't speak English."

This was not a case where the judge did not realize it. This was a case where the man got up and said, "I cannot speak English," and the judge said, "It doesn't matter, you are doing fine, let us go ahead anyway, you are guilty." And this is just so wrong. Cannot something be done about this? Was it eight years ago that people came into this city, into this province and examined our traffic courts, found how bad they were, and rated them in comparison with other cities? The rating you should get for a court procedure is 100, under the various basic things that are given in order to get justice. Our courts were rated at 65. The lowest rating I have on anything is 49.

Mr. Sopha: Where is that?

Mr. Shulman: For the member for Sudbury, who was not here at the beginning of this, this is the National Safety Council who have been in every state in the United States;

they have been in British Columbia, and they have made studies in one of the eastern states, I am not sure which, and in Ontario. And that is the way we rate. It is bad.

Mr. Sophia: I am just trying to find out—

Mr. Shulman: The report was made in 1961, as a result of a study made in 1960. But the point I wish to make to the Attorney General is that nothing has changed since then. I have been back to traffic court five times this last year, on five separate nights. This particular one is the most flagrant that I happened to hear.

Mr. Sopha: What were you charged with?

Mr. Shulman: I was not charged. I was there to try to teach you, and to try to teach the members here, particularly this particular member who does not seem to care, and who should care because he is a member of the bar.

Mr. Sopha: I am trying to pick up a client, a well-heeled one, and that is you.

Mr. Shulman: Mr. Chairman, I hope the Attorney General would care to make some comments, because at least we can carry out these recommendations of the National Safety Council now, even though they have not been implemented up to now. Something should be done about our traffic courts so that we do not get another Guiseppe Gretto case. Will the Attorney General make any comment?

Hon. Mr. Wishart: Mr. Chairman, I can only say that if the hon. member will send me that report of 1961, I will look at the recommendations. I would like to check and see. I have a strong feeling that many of the things listed in it have been changed since. Perhaps the courts do not meet with all our feelings as to what they should be, or with the hon. member's standard, nor do I suggest for a moment that they are perfect. You can pick out the odd case where, to read it off the transcript and not see it, can give an impression that is quite different from what one would get watching it in court.

However, if the hon. member would send me those recommendations, I will check them. The report of 1961 seems to be what he based his case on, and I would like to check those recommendations and give him a report as to how our courts are operating. I know he goes to see them, and you can go down and find a case which might not meet your idea of justice, even if he were a practising lawyer, defending in the court. One often comes out of court with the feeling that one should have won, should have got the client off, but that does not mean that your view is right, or that the judge is wrong and that justice did not prevail.

Mr. Shulman: Mr. Chairman, surely this is not the point I was making. It is not a question of whether someone should have got off or not got off. How can a court be held, when a person does not understand the language and asks for an interpreter and is refused? That is the point I was trying to make, the first point I was trying to make for the Attorney General.

The second point is that the basic atmosphere in our night traffic court is not the one it should be, which should be: We are here in an effort to reduce traffic offences and therefore traffic fatalities and traffic injuries. The feeling in there is: We are here, (a) to punish, (b) to collect money, and let us get through as fast as we can. I sat there in amazement. I do not know how many people here have been down to these night courts. I hope the Attorney General has. I cannot believe that he has, because the whole atmosphere is not what the bar association and the National Safety Council say the purpose of a traffic court should be, and this is the point I wanted to make.

Unless someone wishes to speak further on this subject I would like to go on to another one. Traffic courts, unfortunately, are not the only bad courts we have in this province. This summer, on August 2, I went to court 24 of the old city hall and in order to keep the facts before me I jotted down what I saw, and it was quite surprising. I would just like to read it to the Legislature.

> This morning, August 2, I spent in court 24 of the old city hall. Court 24 is in the basement, and the four rows of benches were completely filled with spectators, accused on bail, police and lawyers. When I arrived at 11.30 a.m. the area for the prisoners, which is separated from the rest of the court room by a screen, contained 14 prisoners. As there was space allowed for only nine, there were chairs for nine. The other five were standing in around the chairs and were packed somewhat more efficiently than Brunswick sardines.

I am really not exaggerating, there was room for nine people in there and the other five had been sort of squeezed in, they were pressed up against each other.

Of these 14 prisoners, two were women. The method by which justice was handed out left something to be desired.

I am not referring to whether the judge was right or wrong in each individual case; I am referring to the way justice was handed out.

As the case of each accused was called, in turn, the accused did not leave this communal cage—

it is a wire cage, a complete wire cage, all the way up. This was not a mass trial, these were 14 different trails:

—but when him name was called he would either stand up if he was sitting or if he was already standing he would wave, and the clerk would then read the charge.

Most of the prisoners pleaded guilty and the Crown attorney relayed the details of the charge to the magistrate who was sitting that day, Mr. Green; the duty counsel who acts for everyone would next present whatever mitigating circumstances he felt would be helpful. The magistrate would ask the accused if he had anything to say and then pass judgment.

I was quite surprised to find that although there was a Bible present on the judge's desk, no one was ever sworn in.

This surprised me; perhaps this is not the custom in that particular court.

This included the accused who were speaking on their own behalf.

I guess the reason they were not sworn in was because they did not speak from the box. They spoke from this communal cage I am speaking of and it was not practical to pass the Bible into them because it is a very fine-wire cage.

Hon. Mr. Wishart: This was a case of persons who are going to plead guilty. When they plead guilty, then the magistrate or provincial judge asks, could he be given a summary of the facts. The person has pleaded guilty and then in order to determine the question of sentence, a statement of fact is requested. This is the procedure that is followed.

Mr. Shulman: To continue:

Justice was dispensed very quickly. The cases averaged five minutes each.

Quite efficient.

The prisoners were hauled away rapidly as soon as sentences had been pronounced and with relative compassion. It was obvious the magistrate was a kind man and he was as disturbed about the whole situation as everybody else in that courtroom.

The treatment of the prisoners resembled tremendously the kind, rapid, efficient way in which Canada Packers handle the animals going into that particular place. It was done efficiently; no one was hurt unnecessarily, but the circumstances were such that it was impossible to be truly humane. There just was not room for the prisoners to stand.

Is it not the custom, may I ask the Attorney General, to have each prisoner taken out individually to have his case heard? This business of never leaving the communal box upset me somewhat. Is this normal routine?

Hon. Mr. Wishart: This apparently is a case where the persons had indicated they wished to plead guilty and justice is swift. I do not like the hon. member's comment that—I suppose he is entitled to make them—they were like Brunswick sardines or like Canada Packers handling cattle.

Mr. Shulman: Well, go down and look.

Mr. Lawlor: Conditions are truly dreadful.

Hon. Mr. Wishart: I do not think that type of language is really called for. I do not think that is right. These people had said they wanted to plead guilty—

Mr. Shulman: Not all of them; of the 14, 11 had pleaded guilty and three not guilty.

Hon. Mr. Wishart: If they did not plead guilty, then they would have a trial.

Mr. Shulman: But none of the 14 ever left the cage. The three who decided to plead innocent were then put off to another day.

Surely this is not the way to dispense justice, putting 14 people in a cage and having a judge sitting up on a pedestal above them.

Mr. Lawlor: Of course it is not.

Mr. Shulman: Perhaps I am wrong.

Mr. D. M. De Monte: What were those men charged with?

Mr. Shulman: There was one man charged with auto theft, a series of offences, primarily minor offences. But the way the justice was dispensed was sickening, it really was.

Hon. Mr. Wishart: I am not trying to condone the conditions under which this occurred. We have been improving the city hall, expanding the number of court rooms, trying to get out of the basement. We have been

working very steadily since we took over the administration of justice, now in the second year. We have made a lot of improvements. We have got some extra space. We have to accomplish it as best we can and we are making progress. I think the hon. member will not be able to describe those conditions much longer.

Mr. Shulman: I certainly hope not. Can the hon. Attorney General explain to me why all the prisoners have to be squeezed in at once? Why can they not bring in just enough that they have space for and when they have gone, bring others in?

Hon. Mr. Wishart: Was the member up on the second and third floors where we have established new court rooms?

Mr. Shulman: I am getting there, I will be there very shortly.

This particular court room which I described was down in the basement; it was the worst, I guess.

On October 2 I went to court 23 at city hall. The magistrate presiding was magistrate Bolsby. As in court 24, the prisoners are kept in a cage, but in this particular cage there are no chairs for some reason. This morning there were 11 prisoners in the cage, all young men and women between the ages of 17 and 30.

When the individual prisoner's case is called, he also does not step from the cage but he holds up his hand to indicate it is his case that is being heard. And basically it is the same problem. If justice is being dispensed, it certainly does not give the impression of justice.

I ask the Attorney General again; it is quite true as you go up higher in the city hall the courts become somewhat better, but on the first floor, as well as in the basement, they are abominable. It seems to me as you ascend higher, the cases become more important, the amounts of money in the civil cases are higher, the criminal charges are more serious and you seem to get a better appearance of justice. I do not know if you get any better level of justice; you get a better appearance of justice.

Hon. Mr. Wishart: There are no civil cases now tried in the city hall; it is all criminal courts entirely. It is only very recently that the supreme court sat in the city hall in those court rooms and now of course they are in the new court house. But the city hall is now used entirely, as far as the administration of justice is concerned, for the trial of criminal cases. We are, as I say, expanding and acquiring additional facilities just as fast as we can.

Mr. Shulman: Is there some sort of a deadline at which time these atrocious conditions will be cleaned up? I mean, is it going to be done in a month or a year or five years, or has the Attorney General any idea?

Hon. Mr. Wishart: One of the things is to find the money, and we have asked for a lot of money from Treasury. Metro Toronto is not the only place in the province where conditions need to be bettered. We have spent a great deal of money and we are still demanding from Treasury the funds we need to make courtroom facilities improved. Metro Toronto has had a lot of attention and we are still giving our attention there. I cannot say that I have a deadline next week or next month, but it will not be too long before we will be in pretty fair condition, I think.

Mr. Singer: Mr. Chairman, on the same point—

Mr. Chairman: The hon. member for Port Arthur was on his feet first.

Mr. R. H. Knight (Port Arthur): Mr. Chairman, the member for High Park brought up the matter of court interpreters and I had the distinguished honour of being a court interpreter up in Fort William for a year or two. It brought back to mind how I came to become a court interpreter.

I happened to be sitting in court one day covering the cases on behalf of the local radio station and the usual French-Canadian English-French interpreter was not available. Someone said, "Knight speaks French," and they said, "Oh, do you? Would you like to be the court interpreter for this gentleman who does not speak any English?" I said, "Fine," so up I went, I was sworn in and for that case I was the interpreter. Fortunately, the man was acquitted.

But let us say that I had, for some reason, not done my job sufficiently well; let us say that I did not know the French language as well as I pretended to know it, or that I had something against this gentleman and did not properly convey the true meaning of what he was saying to the court or vice versa. I think the case of justice would have been thwarted here.

What I want to get at is what standards are followed? How do we really go about selecting court interpreters? I understand that a gentleman who was interpreting for Ukranian, Polish and Slovak people in the

same court was a fine gentleman. I was told in several of the cases where he interpreted he had not interpreted properly what the person accused was saying and that in some cases he may have helped the gentleman possibly to lose the case or be convicted wrongly Not that he was not well intentioned or anything but he was interpreting in, I think, about four or five different Slovak languages.

The question I bring up now is what standard is followed in checking the qualifications of people who are accepted as magistrate's court interpreters? I can see where the cause of justice in these magistrates' courts could be thwarted in some way. Certainly it could be weak, if we are not very careful in the manner in which we select these court interpreters.

Hon. Mr. Wishart: We have certain checks on interpreters, which we ask interpreters to take from time to time, but, generally, first of all the interpreter takes an oath, as you took, to truly and correctly interpret the question and the answer. That should be sufficient, one would almost think. The oath that they will interpret correctly the question and the answer is one of the great safeguards. The other thing is that in your case, there was a person who spoke French standing there for whom you would have to translate—or at least from the English asked by the counsel, you would have to speak to him in French. Then when he spoke in French you would translate back into English. I think he would have a check on the ability of the interpreter. There are usually some other persons, either counsel or the judge, who have some knowledge, particularly if it is French in this country. With other languages there might be difficulty, but the witness who is giving the evidence or the accused has a check, himself, on the facility of the interpreter. He would soon, I think, be wise if that were not carried out properly. He would soon get an understanding that the interpreter was not able to interpret or was not interpreting rightly. Those are the only things I can say to that. The hon. member is speculating, really, on what could happen. We have a pretty capable situation; a group of people who do interpret. Interpreters are provided in every case where there is any question except, I am afraid, in the one where the hon. member for High Park felt there should have been an interpreter. I listened to the transcript. It seemed to me the man was able to say: "Well, I stopped at a red light, I went on, how could I be speeding?" He seemed to speak English, as the judge said, pretty well.

Mr. Lewis: The judge said "pretty good" because the judge could not speak English.

Mr. Knight: Well, in all fairness I am not entirely satisfied with the hon. Attorney General's answer to me at this time. I think the weakness remains. I have actually been in courts—and I have covered many in my 14 years as a reporter—where, let us say, a person of Italian descent has come into the box. suddenly it was discovered that he could not speak the English language. And someone has said: "Well, Joe Boloney down the street speaks it, run down and get him. Or we will hold the case up until we can bring him in." And in no time flat this fellow is interpreting.

Granted, I do not question the man's intentions inasmuch as he has taken an oath, but this does not cover, perhaps, his ignorance of the language, or his ability to interpret ideas. Because, after all, it seems to me, it is not the exact words but rather the ideas that have got to be conveyed back and forth between counsel and the accused, and the accused and the magistrate and so forth.

Some people, although they may be conversant in the language, may not be intelligent enough or sufficiently able to properly convey those feelings. I think it is a weak link in our system. Now that we are boasting about being a multi-lingual, multi-cultural country, if we do place the importance that we claim to place on this great multi-lingualism and multi-culturalism—the great mosaic —and if we do truly place the importance on justice that we say we do, then I think we should strengthen that link. There should be a better way.

Perhaps, here in the city of Toronto, you would not have the problem that we would have up at the Lakehead or they might have in some other remote, smaller community in a small magistrate's court where intelligent people speaking those languages may not be readily available.

But I think that the Attorney General, and we as legislators, have a responsibility to make sure the interpreting aspect of our legal process is just as strong as possible.

There is just one more question. Who has the ultimate responsibility of seeing to it that there is proper interpretation and whose hands are those?

Hon. Mr. Wishart: The judge presiding in the case and the attorney acting as counsel for the Crown in a criminal case. The hon. member is saying that a weakness remains, but he is not speaking of any weakness in

any particular court or any particular individual. He is saying, "This could be." Really, that is what he is saying. "There could be a weakness here" in the selection and training of interpreters in legislative work.

Well, he does not put his finger on court number so-and-so or the court in the city of Ottawa or Hamilton, or London or Windsor. He just says, "There could be a weakness here, this is a weakness."

If he could tell me there is a weakness, that he knows of a case, it would be more impressive. But I think if there were a weakness in the man's ability it would soon be discovered by those he was dealing with. The fact that he takes the oath, that he knows the language and will properly interpret English and the other language, is a pretty good safeguard.

Mr. De Monte: Well, Mr. Chairman, on this very point I can say that I have defended as many people in the magistrate's court and the county courts as any person in this assembly. I can say, understanding two languages, Italian and English, that in my opinion the Italian interpretation, or interpreters' services, here in Toronto at least, are excellent and that they do interpret concepts rather than just words and they idiomatically interpret when they have to. I suggest that if a man asks for an Italian interpreter at the city hall there is no question but that one is available. If an interpreter is not available, Mr. Chairman, then the case is remanded until one is available. There might be a question of a man having to come another day which in itself might cause some—

Mr. Sopha: Bring your own.

Mr. De Monte: That is right, if you do not have any confidence in an interpreter that is provided—and I am not saying that the interpreters at the city hall are not good interpreters—but if you want to make sure, you bring your own.

Mr. Sopha: Sometimes I think he knows the story better than the accused.

Mr. W. Ferrier (Cochrane South): I wonder if I could ask the Attorney General if there is any progress being made in those areas of the province which are largely French-speaking to have the provincial court procedings carried on in French. I think that we have moved to a bilingual province and there are a number of unilingual French people in places of northeastern Ontario where this kind of court proceeding would be of great help to them. I wonder if any thought is being given to that or what kind of progress you are making in this regard.

Hon. Mr. Wishart: The Judicature Act requires that a record of the court be in English. It can be translated. There are French-speaking judges, French-speaking Crown attorneys, French-speaking officials, particularly in those areas of northern and eastern Ontario where the French population forms a large part of the area population.

I am told that actually some courts have been held in French. This may be a civil case, where counsel has been French speaking, the clients or the parties have been French speaking, and the judge has been French speaking.

Mr. Sopha: It often happens in Sudbury.

Hon. Mr. Wishart: That often happens in Sudbury, but I believe our Judicature Act requires that the record be taken in English. It can be translated. There is a very considerable development in French-speaking officials, judges, Crown attorneys, and court officials generally in those areas where the French population forms a good part of the area population.

Mr. Singer: The criticism addressed to some of the provincial judges' courts in Toronto, I think, has substantial basis in fact. We still have the basement courtrooms with the fans beating and the noise, bawling policeman standing outside the door yelling: "Sit down and take the gum out of your mouth."

We still have the crowded prisoners' pens. We have the distinction between those accused in custody and those accused who appear on the basis of a summons. We have the distinction between allowing an accused person to sit beside his counsel at the counsel table and having to sit in a separate spot.

We have the difficulty of having policemen as prosecutors in traffic courts, which I think is very wrong. Not in the more senior courts, but certainly in traffic courts the policemen are prosecutors and often appear in uniform. I think this is seriously wrong.

Above all, we have this nonsense that arises —to my mind, not only in provincial judges' courts but in the senior courts—of enshrining on high the judicial person who is going to make the decision. You can take a nice, capable friendly lawyer and suddenly some day, someone bestows upon him the mantle of judicial discretion and it is as though he had a visitation from on high.

Mr. Sopha: He is translated.

Mr. Singer: Suddenly on the highest level he must be addressed as "My Lord," and some of them really believe that quite apart from the importance of their office they are entitled to some sort of extra respect and dignity from the general populace.

Some of them even write articles in quarterly magazines, saying that it is not right to say "Good morning, Your Honour" because that would be a bit too friendly. Some of them feel called upon to concern themselves with the dress of counsel who appear before them, not to what counsel had to say, but whether they are properly garbed. I wonder if we do not lose something, Mr. Chairman, on the way by surrounding the process of justice with excess dignity.

Certainly, I would be the last one in the world to say that we should do anything that would bring disrespect to our judicial system. Certainly, it has to have the utmost respect. Periodically I observe the procedure in our courts, all of the magic that apparently surrounds the wearing of gown and our judges compete for the grandeur of the various coloured sashes they wear across their bosoms. I fail, really, to see how that sort of thing is important.

Hon. Mr. Wishart: What is the Attorney General to do about this?

Mr. Singer: You are in charge of the administration of the courts—

Hon. Mr. Wishart: My colleague in Ottawa appoints the supreme court—

Mr. Singer: Yes, I agree.

Hon. Mr. Wishart: —and they sit on the bench as they do in other countries. Am I to demote them down to the floor of the building?

Mr. Singer: No, I am not suggesting that you demote them, but I am suggesting that you make it a little difficult to have them sitting four levels above the people they are dealing with. I am suggesting that when you look at your estimates perhaps you might not be so anxious and eager to include the sum that is going to purchase a new sash with a fresh colour on it. I think you pay for that, or the province of Ontario pays for it. I have seen certain provincial judges appear in city hall in sports jackets, who listen in a friendly way to what is being presented to them, who administer good justice, who do not feel that it is important that no one should say, "Good morning" to them, or are particularly concerned about the length of counsel's hair or the colour of their shoes or the style of their sports jacket. I think pretty good justice emerges from them.

I do not think that the trappings to which so many of our judges on the various levels sometimes pay so much serious attention, add to a better system of justice in the province of Ontario. Is it the Attorney General's associate, the Minister of Public Works (Mr. Simonett), who foots the bill for the building of these courtrooms? I wonder when somebody is looking over the plans whether he questions why the judge's chair should be so high above the level of the courtroom. I think you have that control; if you just said, "We will have it reasonably close to the level of the rest of the floor," the thing would not take more than that.

Hon. Mr. Wishart: I think, Mr. Chairman, that the hon. member and I ought to debate this over some dinner party some evening, rather than take the time of these estimates, because these things are traditional. When I go to church, which is perhaps not as often as should be, I find the minister is elevated and he is probably wearing a gown and certain symbols of office. I think this is good; likewise with the courts. I think the hon. member and I could have a very pleasant discussion—

Mr. Sopha: The last time I was at the Attorney General's church, the minister was just leaving.

Hon. Mr. Wishart: The hon. member and I could have a very pleasant discussion sometime over dinner in the later part of the evening. I am sure we would enjoy it.

Mr. Singer: Maybe the Attorney General made a point; it is to a certain extent that kind of a discussion. But to a greater extent, Mr. Chairman, it is disturbing. The member for High Park was talking about those pens in city hall, and I talked about them many years in the past, and certainly they are undignified. They destroy the atmosphere that one would believe should exist in a court of law. Certainly when I appear as counsel in one of those courts and I want to consult with my client and I have to walk to a cage to talk to him—

Interjection by an hon. member.

Hon. Mr. Wishart: I might manage to say that if we could get some decision from the city of Toronto about the old city hall, we

could maybe do more things. The Administration of Justice Act, when we took over the administration of justice, provided we could take over by arrangement the facilities which the municipalities had for justice under certain arrangements. We have been endeavouring to reach these arrangements. We accomplished this with many municipalities.

We have not yet been able to get a decision as to what is going to happen in Metro Toronto, but I certainly agree with the latter part of the hon. member's argument that we should dignify and improve facilities for justice.

Perhaps we have gone to extremes, but I do not think it is too serious a subject when we get to the other side, where he feels perhaps there is too much dignity, too much trappings and too much elevation. I would be glad to talk to him about that, but I am looking at the clock and realize what a great amount of work this Legislature has to accomplish. I thought maybe we would talk about that some other time.

Interjections by hon. members.

Mr. Singer: I would imagine the Attorney General has at his finger tips an up-to-date list of the backlog of cases in provincial courts, county courts and the supreme courts. I have had occasion recently to observe the length of time it takes to get on for trial in the provincial court. I would urge upon the Attorney General a visit and I would be very happy to accompany him early in the morning and perhaps later that day we could have that dinner he was talking about. Let us spend a day touring the city hall. The day would be over, fascinatingly enough, at about 1:00 o'clock.

Mr. J. Renwick: The old city hall—

Mr. Singer: The old city hall in the morning is the busiest place you can imagine. There are policemen running backwards and forwards and lawyers and accused and witnesses and magistrates and Crown attorneys. The busiest place in the world. And people yelling and wondering where they should go. When a clock suddenly—as if it is Cinderella's—what happened to Cinderella at midnight?

Hon. Mr. Wishart: The clock struck 12.

Mr. Singer: The clock struck 12. Everybody vanishes and from 1:00 o'clock on you can shoot a cannon down any corridor there and not hit a single soul. I noticed the Attorney General recently made several new appointments of provincial judges in Metropolitan Toronto and I noticed the three men are pretty good appointments, by and large, but it seems to me, Mr. Chairman—

Mr. J. Renwick: They were Liberals, all of them.

Mr. Singer: Yes, I think they were pretty good. Perhaps you should have shocked the member for Riverdale, he is looking for some place to go. But I think he would not make a bad provincial judge; maybe that is where you should put him—

Mr. Sophia: Not as good as Morty.

Mr. Singer: However, Mr. Chairman, what bothers me very much is, notwithstanding the difficulties there are in getting on to trial within what I think is a reasonable time, it is the rare provincial judge who works after 1:00 o'clock in the afternoon. I am sure they have business to do. They are involved in their appointments that keep them busy in the afternoons, and I am sure they are considering the cases before them and presentence reports and that sort of thing. But you really have to search very hard to find a court that is sitting in the afternoon.

It would seem to me, Mr. Chairman, that with the increased number of provincial judges we have available in Metropolitan Toronto, perhaps a system could be arrived at where our courts would sit, say, from 9:00 to 1:00 and from 2:00 to 5:00 every day, five days a week. That would provide for more availability of the courts insofar as accused persons are concerned; civil cases could be held in a similar way, division courts and that sort of thing. We would be able to cut these lists down by a very material extent and justice would be carried out in a speedier fashion.

There is an old saying, Mr. Chairman, that justice delayed is justice denied. I am afraid in many cases in Metropolitan Toronto justice is indeed delayed because it is very, very difficult to get the average provincial criminal court to sit after 1:00 o'clock in the afternoon.

Mr. Sopha: Could I add a word on this particular subject? There is no question about it, as my friend points out, that there was a long-standing mythology in the magistrates' courts in this province that they were not to sit in the afternoon. I do not know the situation in Metropolitan Toronto. If my friend tells me that they do not sit in the afternoon I would not be surprised.

I observe that out in the boondocks they are now sitting in the afternoon, but that is of very recent origin. I can recall counsel being in a court one day and telling the magistrate, when they were trying to fix a time for a trial, that he did not accept the proposition that their day ended at 12:30 or 1:00 o'clock, as historically it always had. We know the type of activity in which they engage in the afternoon, and particularly in the summer.

Mr. Singer: They were considering judgments.

Mr. Sopha: I would think that the Attorney General, responsible for the administration of justice, should send out a directive from headquarters to his Crown attorneys. He does not need to importune the judges at all, lest he interfere with their judicial sanctity, but he can send it to the Crown attorneys, telling them that he expects them to schedule the hearing of cases from 10:00 o'clock in the morning until 5:00 in the afternoon, with an adequate break for refreshment at the luncheon period.

I always believed the morning was half over at 9:00 o'clock but 10:00 is not too great an imposition. I must frankly admit that it is really revealing to see how few lawyers you can get hold of at 9:00 o'clock. A lot of them do not arrive at their offices until 9:30 or 9:45, or even later. But I would think 10:00 o'clock would be a modest hour for the provincial courts to start to sit; perhaps an hour and a half for lunch and then right through to 5:00 o'clock.

That leads me to say that I firmly believe that the day is not far distant when we have got to put a surcease to this two-month holiday in the summer. That has got to come to an end—this closing down of the civil courts for a period of two full months. Let me inform the lay members of the House that in addition to the months of July and August—when the civil courts are closed totally across this province, except for chambers, applications, and some urgent matters that must be attended to—in addition to that they are also closed for a lengthly period at Easter and another equal period at Christmas.

I calculate that the total closing of the courts in the calendar year is at least three months, in which none of the public's business is done at all. Those traditions that the Attorney General so lovingly speaks of that is where it comes from. It is traditional; it is imported from over there, that is where it all began. I just read a book "In Search of Justice", written by two lawyers. It is a recent survey of the English courts and that is one of the things they question. England, apparently, has a tremendous backlog of civil cases—motor negligence, running down cases, I think that is what they call them in England —and they are beginning to look at this system.

The Attorney General wants the House to believe, and I listened carefully to what he had to say, that he cannot go in and interfere with the administration of the courts. That is not so. The Attorney General is responsible under the Constitution for the administration of justice in Ontario.

Hon. Mr. Wishart: I agree. I wonder if the hon. member would permit—he was not here yesterday or the day before—

Mr. Sopha: On a point of order, I am glad you raised that I was not here; it is true I was not here.

Mr. Chairman: I think we should hear the Minister.

Hon. Mr. Wishart: I just wanted to say that I recited to this House, a day or so ago—I cannot recall, it is in *Hansard*—the complete effort that we are making, having sent out a task force all across this province of some 20 students headed by four or five very capable lawyers, to assess the work that is being done by our courts, in particular the provincial judges' courts, and to be able to see what the judges are doing, what time they are spending, what their backlog is, what case load they have. I recited this all in one of the earlier votes.

Mr. Sopha: Yes. You are in the wrong court.

Hon. Mr. Wishart: I know that the hon. member would have been very interested to have heard what we were doing and I hope he will read that portion of *Hansard.*

I am not saying that I cannot get into the court to change those administrative procedures.

Mr. Sopha: You were telling my friend that a minute ago.

Hon. Mr. Wishart: No—to change a judge's decision. But administrative procedure is a different thing and we are doing this. I am moving to that, and moving very thoroughly to it, I think.

Mr. Sopha: You are in the wrong court.

Hon. Mr. Wishart: Well, we—

Mr. Sopha: If you are examining the provincial statutes—

Hon. Mr. Wishart: We are doing it in all the courts.

Interjections by hon. members.

Mr. Sopha: You are in the wrong court. I am talking about the civil courts. The magistrates' courts, we all know, run full blast 12 months of the year. It is the civil courts.

Hon. Mr. Wishart: We are doing it in all the courts.

Mr. Sopha: You just told me a minute ago that they are in the provincial courts.

Mr. Shulman: Read yesterday's *Hansard.*

Hon. Mr. Wishart: It is in *Hansard.*

Mr. Sopha: I was not here; I was engaged on Her Majesty's business. The Attorney General would approve of what I was doing when I tell him in a private communication that there is peace in the Sudbury police department tonight. Judge Waisberg is indeed a modern-day Solomon.

I want to make a brief reference. The Attorney General downgraded my friend's remarks saying that they will talk about it over a couple of draughts that only have five or six ounces nowadays for 20 cents—the price has doubled—some night. I want to say that I do not know how we can begin to civilize the judicial process and bring the judicial process close to the people which it seeks to serve, until we get rid of those horrid gowns and those trappings in the senior courts. I think the impetus will have to come from here to get rid of all that paraphernalia, the Batman costumes, the sheriff with his three-cornered hat and his sword and all the other ludicrous nonsense that surrounds the administration of justice in this province.

Mr. Lawlor: How do you like the "oyez, oyez" situation?

Mr. Sopha: I think their days are numbered. If we wait for the Law Society of Upper Canada to do it, it is never going to happen, because they are really married to that type of traditionalism. Remember last year they brought in their statute, "Our late Majesty, George the Third" and "Our late Majesty, William the Fourth"? Two great swingers who would have ended the British monarchy if they had been left there long enough; they nearly ruined it, those two.

I am really serious. If you have to, go into the courts and examine the usefulness, in 1969, of all that folderol that surrounds the administration of justice and determine how it can be brought closer to the people. This is a priestly cult and it does not suit the modern age and it does not suit the attitude of our questioning youth.

I think, furthermore, that the courtroom on the top floor of that building on University Avenue is an abomination of democracy and Justice Rand, may he rest in peace, agreed with me. He thought it was terrible, the elaborate nature of that courtroom. Its plush reds, the judge half-way up the wall, the satrap platoon—like the Jordanian army—of equerries and satraps that sit around there, one to pour the judge's water. It really is something to behold. How The Department of Public Works, in a modern democratic state, could have permitted that in this democracy we call Canada is beyond my understanding.

A goodly portion of what is wrong with the administration of justice in Canada is that it is separated from the common people it is supposed to serve.

Hon. Mr. Wishart: Mr. Chairman, I wonder if the hon. member would permit me to tell him that we cannot charge that carpet to Public Works. That was conceived, designed, built, paid for by the city of Metropolitan Toronto.

Mr. Sopha: I am going to end it by putting it on the record that Justice Rand told me in the courtroom in Sudbury, on the occasion of his visit, that when the Supreme Court of Canada was redesigned, he fought like blazes to get the judges at eye-level with the litigagants. In a democratic state, really, should a litigant go into court surrounded by those priestly creatures and have to look up, elevate his eyes 45 degrees, to talk to the person who is administering justice?

Then there is the prisoners dock. Another abomination. Marching the prisoner in, putting him in a dock where he cannot confer continually with the person appointed or retained to defend him. What useful purpose does that serve, to segregate the man? Do you know what it does to the jury?

From the very outset it gives the impression that he is some kind of a felon who is being held at bay. That is the impression given, and it is not consistent with the hoary old principle that a man is presumed innocent until the Crown proves him guilty.

We should hasten to the day when he is permitted to sit at the counsel table with his lawyer, and make free communication instead of leaning over tables. The sheriff points to the lawyer and says, "Your client is trying to talk to you." The lawyer gets up and interrupts the proceedings to go over and speak to him, and draw attention to the fact that he is a prisoner. Now where is the consistency with the just society and that sort of thing? I have practised in the courts for 15 years and I see these items of foolishness that are perpetuated by those that are married to tradition, and never examine the traditions; never examine their utilitarianism. They never read Jeremy Bentham. If you mention Jeremy Bentham to them they would want to know how much a year he made as a lawyer, what his fees were.

That is the safest philosophy of jurisprudence: to determine its utility to the people that it serves. And my friend is right to raise these important matters and they are the Attorney General's responsibility. Let us get up to date so that we can command the respect of our young people. I see more and more of them attending the courts; the teachers are bringing them there. During the assizes now on in Sudbury, they appear to have two or three classes a day there, and what kind of mumbo-jumbo for the sheriff to come in, and say—I cannot repeat the words but it is a command—

An hon. member: Oyez.

Mr. Sopha: No, no, the command to keep silent. When he says—would you believe what he says?—he commands them to keep silent while "My Lord the Queen's Justice delivers his charge to the grand jury on pain of imprisonment." That is what he says.

Mr. Lawlor: Would the hon. member care to answer a question? You inveigh against the high seating and what-not, but there are some people who say that the awe and majesty of the law must be firmly felt and impressed on people's minds. Is there any virtue in that?

Mr. Sopha: Well, I am just going to end by making an allusion to the remark of Somerset Maugham that I never forgot. I will be very brief and I will remind my friend that he has probably read it, and offer all apologies to the distaff member in the press gallery. Somerset Maugham referred to the custom of having the bowl of posies or flowers on the judicial bench. You know the origin of that custom. The air was so putrid in the courtrooms, there was no ventilation, that they had a bowl of flowers there to sweeten the atmosphere. And they still do that in England, they have that bowl of flowers. Somerset Maugham suggested that they take away that bowl of flowers, and replace it with a roll of toilet paper, to remind themselves they were human.

Mr. Chairman: The hon. member for High Park.

Mr. Shulman: The member for Downsview made some reference to the appointing of judges, and there was one appointment that was made last year that puzzled me, and I wanted to ask the Attorney General about it. It was the appointment of a man who had only been a lawyer for some 59 days, as I understand it, in this province. He was qualified for 59 days. I asked the Attorney General on the day of that appointment how long it took to get a QC, which I believe is rather a minor appointment in this province. And he told me 12 years.

Mr. Sopha: Do you want one?

Mr. Shulman: Not really. It is not of too much value, but it intrigues me that it takes 12 years to get a QC and only 59 days to become a judge. Well, looking back at the man's background, I asked if he had a distinguished background. He was a supreme court judge under one of the African dictators, Mr. Nkrumah, and this apparently was what persuaded the Attorney General that this man was better qualified, presumably, than the other people who had put in enough time here in Ontario to be able to handle criminal cases. I want to ask the Attorney General what thinking went into that particular appointment?

Hon. Mr. Wishart: As usual, the hon. member cannot get his facts right, or he cannot state them correctly. The man was not a lawyer for only 59 days. It is perhaps correct to say that he was only a member of the bar of Ontario for 59 days, but he was a graduate of the Middle Temple and Gray's Inn, two of the most eminent institutions in British tradition in the training of lawyers, and he—

Mr. Shulman: On a point of order, Mr. Chairman, the point I made was that he was a lawyer in Ontario for 59 days.

Hon. Mr. Wishart: The member did not say that.

Mr. Shulman: I said it very clearly. In Ontario.

Hon. Mr. Wishart: Well, anyway, let me put it right. He has been a lawyer for many years.

Mr. Lewis: Of the Middle Temple!

Hon. Mr. Wishart: Of the British system. I think a graduate of Oxford, if I remember—

Mr. Lewis: You see, redbrick.

Hon. Mr. Wishart: —so that he was not ill-trained, or untrained. He was a lawyer in his home country of Guiana, now Guyana.

Mr. Lewis: Just a second, was it Guyana, or Ghana?

Hon. Mr. Wishart: It was Guiana, now Guyana, and then he went at the request of—

Mr. Lewis: Guyana?

Hon. Mr. Wishart: Guiana, now Guyana. That was his home country. That was where he practised and where he served in the profession of law. And then he went, at the request of Guiana—

Mr. Lewis: Oh, he went from the British dictatorship, to the Ghanian dictatorship, to John Robarts.

Hon. Mr. Wishart: He went from Guiana—

Mr. Lewis: To Ontario, that is interesting.

Hon. Mr. Wishart: —to Ghana, at their request, to help them set up their system of jurisprudence, to serve on their high courts. And there he served for some time, I think two or three years, and then he left there, not being satisfied with some of the conditions under which he had to live. So he did not come, as a dictator-trained person. He came from British training to Ontario.

Mr. Shulman: To Ontario.

Hon. Mr. Wishart: Well, the hon. member makes much of the thing, and states the facts, not fully, so I cleared them up for him.

Mr. Shulman: Would the Attorney General care to answer the question that I asked, which was: What was it that persuaded him to appoint this man a judge, rather than someone who had put in the requisite five years of training as a member of the bar of Ontario? Surely there must have been people who were qualified, or were there not?

Hon. Mr. Wishart: He was appointed because he had some services to offer in Ontario by appointing him to the bench, and that is where he is serving.

Mr. Shulman: Did the Attorney General feel that he was the most qualified man that was available?

Hon. Mr. Wishart: Well, there are lots there, perhaps other qualified persons, some less, some more qualified.

Mr. Chairman: On vote 206.

Mr. Ben: Mr. Chairman—

Mr. Chairman: The member for Humber.

Mr. Shulman: On this point?

Mr. Ben: No. Sorry. It is on this vote.

Mr. Shulman: I would just like to continue, in that case.

Mr. Ben: You are talking about this judge, this particular magistrate.

Mr. Shulman: Did you wish to talk about him? If so, I will yield the floor.

Mr. Ben: No, no.

Mr. Shulman: All right, I would like to go on to another matter where the Attorney General and I have had considerable correspondence—

Mr. Ben: I just wanted to pursue the—

Mr. Shulman: I have the floor. I am willing to yield it to you if you wish.

Mr. Ben: I was going to yield it to you if you—

Mr. Shulman: Mr. Chairman.

Mr. Chairman: Order. If it is on this particular point, the member for Humber should speak.

Mr. Ben: I rose after the Attorney General sat down and I said that if the hon. member for High Park wanted to pursue this point, I would yield.

Mr. Chairman: This is the same point.

Mr. Ben: Well, I am asking him. Is it on the same point?

Mr. Chairman: Is the point you wish to pursue—

Mr. Ben: No.

Mr. Chairman: Well, the member for High Park please continue.

Mr. Shulman: Mr. Chairman, through you to the Attorney General. I do not wish to use

names in this particular discussion, but I want to get this straight because we have had considerable correspondence, the Attorney General and I, and I want to get something straight in my own mind, because apparently his and my ideas of justice differ on many matters.

Is it legitimate for a judge to sit on a case and judge that case if there is some relationship? Let us say the person being judged is godfather to the judge's daughter. Is this a legitimate case for the judge to go ahead and judge on? Now, if he does judge, and finds the person not guilty, and if the Attorney General is subsequently notified of this, should the Attorney General not take some action?

Hon. Mr. Wishart: I know the case to which the hon. member refers. I have the correspondence in my office. I did take action. I did investigate the suggestions which the hon. member made. I found they were not true. And then he wrote again and said the judge was godfather of one of the parties' children. I investigated that and found it to be not so. I got the judge in question in my office and asked him directly, and there was no truth to that whatsoever.

Mr. Shulman: In that case, will the Attorney General pass my apologies to that particular judge?

Interjections by hon. members.

Mr. Sopha: Is there any way you can get the member before that judge?

Mr. Shulman: The reason I asked the question in the House was that I had not received a reply to my last letter, which I sent the Attorney General some month and a half ago.

In an earlier estimate we discussed the matter of our liquor laws, and the problems that have arisen as a result of them. I would like to discuss their administration in the courts, because there is a very, very wild case that came up quite recently which shows the absurdity of this particular way of handling things. The accused, in this case the man who was arrested, was one Barry Callaghan, who happens to be one of Canada's leading writers and also a professor at York University, and he was charged with being a found-in.

Hon. Mr. Wishart: Morley or Barry? Not Morley Callaghan?

Mr. Shulman: This is Barry Callaghan, I think.

Mr. Lewis: Barry Callaghan, the fellow who chats with Keith Davey on "Weekend."

Mr. Shulman: The guilty deed that he was charged with consisted in taking his wife out for dinner on Saturday, February 1, 1969, and they made the mistake of choosing the Patria Tavern on Spadina, near College Street.

> A few minutes after 11:30 p.m. police operatives who had been disguised as people—

I am quoting now from the Attorney General's favourite columnist, Mr. Haggart:

> —had been cleverly placed in the tavern and had ordered a drink—the tavern is licensed—but what was worse, they were served, and what was worse, they were served five minutes after the end of the legal time at which liquor could be served. Suddenly at 11:45 p.m. Callaghan and his wife, his friend and fellow professor, Stan Fefferman and his wife, got up to leave. On the way out, unfortunately, Fefferman stopped to buy a package of cigarettes. Now, if Fefferman had not made that crucial error, Callaghan and he would not have been arrested. But, anyway, as they were buying the package of cigarettes—

Mr. Singer: Was it on a Sunday?

Mr. Shulman: No, no, this was a Saturday.

Mr. Singer: Probably after midnight.

Mr. Shulman: Quoting again:

> As they proceeded to walk out the door, suddenly the door became obstructed by a very large man, and as Callaghan said later, "Knowing that this was a rather tough area I certainly did not want to interfere with this monster's progress so I waited for him to move past me, except he did not move. So I finally said, 'Excuse me,' and he said we could not leave, we were being arrested."
>
> To quote the policeman: "You will have to stay, you are a found-in, sir." And for this reason, Barry Callaghan and 67 other Toronto residents were summoned to appear in court 24 on Tuesday, April 22, to answer the heinous Ontario crime of having been found in a tavern where liquor had been served five minutes after the deadline.
>
> The case came up on April 22, and Callaghan and the other 67 accused all arrived to face justice and to serve whatever time was to be meted out to them, and as they arrived in the court they were told, "Never mind, go home, it is all over,

we are not going ahead with it." There had been a decision to withdraw the charges. The decision to withdraw the charge against the found-ins was made early in March by Mr. Martin Kelso, a full-time liquor—

Hon. Mr. Wishart: Mr. Chairman, I wonder if the hon. member would permit—I recall that the member for York South, the hon. gentleman's leader, asked me a question and we discussed this in the House, in this Legislature, back shortly after it happened. At that time, I indicated my feeling that the court should have found some method of notifying those persons that they were not going to proceed. We had quite a full question regarding this on the order paper. I gave quite a complete answer and indicated my attitude that there would be some direction going forth as a result.

Again I do not want to shorten the hon. member's remarks but we did discuss this. It came out in Ron Haggart's column, and I was aware of it, and I think there was no excuse for the court not giving those people some notice that they were not going to be needed.

Mr. Shulman: That is the point I am coming to. I am quite aware that there was a question asked, and at the time the Attorney General stated that notice should be given. Just to sum it up very briefly, these people were all summoned to court and when they arrived at court, they found that a month before, or six weeks before, the case had been dropped but nobody bothered to notify them. At the time, the Attorney General said this was wrong and the point I am coming to is, what has been done about it?

Hon. Mr. Wishart: I can answer you. I think the onus there is on our Crown attorney. He is the official who was in charge of the court and should have been aware of the situation. If he was not going to proceed, he should have told those people. He has been corrected and told how to conduct himself in these situations and that did follow the question in the House. In fact, I think I had been moving on that when the question was asked.

Mr. Shulman: Fine. Then, just to pursue the other end of it, if I may—and it may not be under this vote—has anything been done about this peculiar system of arresting all sorts of innocent people in a situation like that? Here there are 68 people sitting in a tavern—

Hon. Mr. Wishart: That is not court administration.

Mr. Shulman: All right, I agree, but it is under this case. Surely the Attorney General will not hide behind that? There were 68 people sitting in this restaurant of whom one, a police operative, managed to be served a drink five minutes after the legal hour, and the other 68, who were quite innocent, were all arrested. It just does not make sense.

Hon. Mr. Wishart: There may have been—and I do not know, that really does not come under this vote—there may have been a series of incidents which the police observed—continuous sale after hours, I do not know.

Mr. Shulman: Why not check the owner?

Hon. Mr. Wishart: I do not know, but if this were the situation, then five minutes after the hour was enough to make a technical charge, in fact a proper charge. But I am not going to get into that; I cannot answer the hon. member on the circumstances that surrounded the arrest of those persons. I can tell him about the administration of the courts, and I have spoken to that.

Mr. Shulman: We are coming to police supervision in another vote and we can go into it again then, but I should think—

Hon. Mr. Wishart: I will not be able to help you much more at that time but if you would like to try I—

Mr. Shulman: I think, surely, the Attorney General agrees with me on the point that the owner should be charged, if anyone—not the innocent people who happen to come in to buy a meal.

Mr. Lewis: Right, because you can never tell when a leading journalist will be drinking after hours.

Hon. Mr. Wishart: That is right.

Mr. Ben: Mr. Chairman, I cannot understand the Attorney General's attitude in suggesting that it could not be brought up under this vote. Surely this comes under administration of justice? How can one deny that it involves justice when a citizen in this city cannot go into an establishment that is licensed during authorized hours without being charged and treated as a criminal?

Hon. Mr. Wishart: I do not mind its being brought up under this vote, if you want to leave it there, Mr. Chairman. This vote happens to be court administration.

Mr. Ben: Administration.

Hon. Mr. Wishart: Yes, arresting people is not part of the court administration.

Mr. Ben: How can you call this "discussing administration of justice," when citizens in this city cannot, without fear of arrest, go into a premises that is licensed by this province during the licensing hours—now pay heed to this, Mr. Chairman; let me finish please—without the fear that a charge will be laid in the provincial courts against them for being found-ins? This is where the administration of justice comes in. I am not considering their being arrested. That is a police matter, that is a police responsibility.

Mr. Chairman: Order please, this comes under a later vote. We are on vote 206.

Mr. Lewis: I would like to move that the House now rise and report progress.

Mr. Chairman: I believe it is not your prerogative.

Mr. Lewis: It is my prerogative to make a motion, sir.

Mr. Ben: Now just settle down there, young fellow.

Hon. R. S. Welch (Provincial Secretary) moves that the committee of supply rise and report certain resolutions and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: The committee of supply begs to report it has come to certain resolutions and asks for leave to sit again.

Report agreed to.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, we have a few second readings which we would like to do tomorrow afternoon, following which we will carry on with the estimates of The Department of the Attorney General.

Mr. V. M. Singer (Downsview): What second readings, Mr. Speaker?

Hon. Mr. Welch: I think perhaps I can direct the member to the legislation on the order paper in the name of the Minister of Energy and Resources Management.

Mr. M. Shulman (High Park): What number?

Hon. Mr. Welch: Nine, 10 and 11.

Mr. J. Renwick (Riverdale): Mr. Speaker, just before the adjournment, would the House leader let me know to whom we could address questions which, during their protracted absence, are normally directed to the Minister of Trade and Development (Mr. Randall) and to the Treasurer (Mr. MacNaughton)? I understand that they will not be available for some considerable time.

Hon. Mr. Welch: Mr. Speaker, I do not know where the hon. member gets the information about the protracted length of time. The two Ministers to whom reference has been made are in England with the leader of the NDP (Mr. MacDonald) and the leader of the Liberal Party (Mr. Nixon) at special functions in London. I think that they are due back as soon as they have completed their assignment.

Mr. S. Lewis (Scarborough West): We made alternative arrangements.

Mr. J. Renwick: Mr. Speaker, I did not mean to upset the benches of the Tory party at this hour. I have had a question standing to be given to the Treasurer of the province dated October 16 and he will not, as I understand it, be in the House before next Monday. I was wondering whether or not it was possible for another Minister to answer the question that was addressed to him, and other questions that may be addressed to the Minister of Trade and Development.

Hon. Mr. Welch: Mr. Speaker, I will take that matter under advisement to see the date of the particular question to which the member makes reference and to see if there is an answer ready for him.

Mr. Singer: Mr. Speaker, on a point of order. In connection with the announcement of the variation of the business of the House, certainly it had been clearly understood that we were going to proceed with estimates until they were all finished and we were not going to procede with any legislation.

My leader, the hon. member for Brant, placed a question addressed to the Minister of Energy and Resources Management (Mr. Kerr) in relation to the takeover of Union Gas by Consumers' Gas. There was certainly no indication in the answer given by that Minister that the legislation was going to be reviewed by this House immediately.

I would think, Mr. Speaker, that the House deserves at least a reasonable notice since the government obviously is departing in a

most unusual way from what it had announced some time earlier as its pattern of conducting the business of this House. Certainly all of the discussions that we have had would seem to indicate that the government has an onus and a responsibility to let us know a little more than a few hours in advance that this substantially important legislation is going to be considered for second reading.

This is all the more pertinent because as we know there is this pending takeover and certainly if these bills are going to be discussed—particularly the eleventh order, An Act to amend The Ontario Energy Board Act —there is substantial preparation that we at least would want to do in advance of this debate taking place.

I would suggest to the hon. Minister that he is treating the Opposition in a most unfair and unreasonable way in announcing at 11 o'clock p.m. the day before that he is going to call this particular statute for a second reading tomorrow.

Hon. Mr. Welch: Mr. Speaker, I am not at all impressed with that, really.

Mr. Singer: No, of course you are not. It is a design—

Hon. Mr. Welch: These particular items have been on the notice paper for months. It is not unusual for the House to be notified the night before as to the order of business the next day. I know of no undertaking with respect to anything else insofar as the ordering of the business is concerned. We are now giving notice that tomorrow there will be some second readings, including these particular matters. I cannot add anything more to it. This is what we will do tomorrow.

Mr. Lewis: Mr. Speaker, on a point of order. We consider that to be arbitrary, unjust, oppressive and Draconian. But we will be here tomorrow to debate with him!

Mr. Singer: It is a sneaky trick. We will be here tomorrow, it is still sneaky.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 11:05 o'clock, p.m.

No. 190

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Wednesday, October 22, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

5

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Wednesday, October 22, 1969

Business of House for balance of present session, motion by Mr. Welch, agreed to 7397

Report, food council's investigation into fruit and vegetable industry, question to Mr. Stewart, Mr. Paterson 7399

Crop insurance commission, questions to Mr. Stewart, Mr. Ruston 7399

Goulard Lumber Company, questions to Mr. Brunelle, Mr. Sopha 7401

Fires in television sets, questions to Mr. Rowntree, Mr. Ben 7401

Canadian standards association, question to Mr. Rowntree, Mr. Ben 7401

Strike at INCO and Falconbridge Nickel Mines Ltd., questions to Mr. Bales, Mr. Sopha 7402

Ontario housing advisory committee, questions to Mr. A. B. R. Lawrence, Mr. Trotter 7402

Notification to restaurateurs re itemizing several meals on one bill, questions to Mr. White, Mr. Burr 7403

E. B. Eddy Co. at Espanola, question to Mr. Kerr, Mr. Martel 7404

Holiday pay cheques to employees of INCO and Falconbridge Nickel Mines Ltd., questions to Mr. Bales, Mr. Martel 7404

Defoliants used to clear Hydro rights-of-way, questions to Mr. Kerr, Mr. Stokes 7405

Discussions with Secretary of State re future of educational television, questions to Mr. Davis, Mr. T. Reid 7405

Employees dismissed from Woodstock area, question to Mr. Simonett, Mr. Innes 7406

Two Brantford police constables, questions to Mr. Wishart, Mr. Makarchuk 7407

Police protection for Elmira, question to Mr. Wishart, Mr. Trotter 7408

Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7408

Ontario Energy Board Act, 1964, bill to amend, Mr. Kerr, on second reading 7429

Motion to adjourn debate, Mr. A. F. Lawrence, agreed to 7440

Motion to adjourn, Mr. A. F. Lawrence, agreed to 7440

LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, OCTOBER 22, 1969

The House met at 2.00 o'clock p.m.

Prayers.

Mr. Speaker: We have again visitors with us today. In the east gallery, students from the Essex Senior Public School of Toronto; and in the west gallery students from the Givens Senior Public School of Toronto and from the J. R. Wilcox Public School, in Toronto.

Petitions.

Presenting reports.

Motions.

Hon. R. S. Welch (Provincial Secretary) moves, seconded by Mr. S. Farquhar (Algoma-Manitoulin):

That, commencing on Monday next, for the balance of the present session, the business of the House will be regulated by the following orders, on a trial basis:

1. Unless otherwise ordered, the House will meet at 2 p.m. sharp each Monday, Tuesday, Wednesday and Thursday and at 9.30 a.m. sharp each Friday. Unless otherwise ordered, evening sittings will end at 10.30 p.m.

2. The routine proceedings at the opening of each day following prayers will be as follows: Statements by the Ministry; oral questions; petitions; reports; motions; introduction of bills.

3. The oral question period will be conducted as follows:

(a) Questions must be of general public importance and have a degree of urgency.

(b) Mr. Speaker shall determine in his absolute discretion without debate or appeal whether or not a question meets the criteria in (a) above, and Mr. Speaker's rulings relating to oral questions are not debatable or subject to appeal.

(c) The question period will last not more than 60 minutes on Mondays, Tuesdays and Thursdays and not more than 30 minutes on Wednesdays and Fridays, including supplementary questions and points of order. In these periods questions on matters of urgency may be addressed orally to the Ministers of the Crown, provided, however, that if in the opinion of the Minister concerned the question requires a lengthy or voluminous answer, he may require that it be placed on the Notice Paper: provided also that the Minister may take an oral question as notice to be answered orally during a question period at a later sitting.

(d) If a member so wishes, he may give notice direct to the Minister concerned of such an oral question.

(e) In the discretion of Mr. Speaker, a reasonable number of supplementary questions arising out of the Minister's reply to an oral question may be asked by any members.

(f) In putting any written or oral question, no argument or opinion is to be offered nor any facts stated, except so far as may be necessary to explain the same; and after an answer has been given to any question, the member is not to debate the matter to which it refers.

(g) A Minister may in his discretion decline to answer any question.

(h) A Minister to whom any oral or written question is directed may refer the question to another member who is a member of a board or commission to which the question applies.

4. The estimates of The Departments of Agriculture and Food, Education and Highways are referred to the committees on agriculture and food, education and university affairs and highways and transport, respectively, on the dates hereafter named, and are to be reported back to the House or be deemed to have been reported back to the House not later than the dates indicated as follows:

(a) Agriculture and Food referred October 27, to be reported not later than November 4;

(b) Education referred November 5, to be reported not later than November 19;

(c) Highways referred November 20, to be reported not later than November 28.

Substitutions may be made in the membership of these committees by notice to the Chairman, and the committees may sit concurrently with the House.

5. Not more than 36 sittings of 2½ hours each shall be allotted to the Business of Supply, including debates of not more than two sittings each on the reports of the three standing committees to which estimates have been referred. At the conclusion of the 36 sittings, all estimates for the fiscal year are to be reported to the House or deemed to have been so reported.

6. When a bill is read a second time the House will unanimously decide if it need go to a standing committee or committee of the whole House, or be ordered for third reading.

7. When a bill is reported back to the House by a standing committee, the House will unanimously decide whether it need go to committee of the whole House or be ordered for third reading.

8. When a bill is called in committee of the whole House, the Chairman shall inquire whether any comments, questions or amendments are to be offered and to which sections and will call only such sections. If no sections are so designated, the bill will be reported as a whole.

9. In both committee of supply and of the whole House, by consent, divisions may be deferred until the end of consideration of the department's estimates, or until the end of consideration of the bill, as the case may be, and then taken in succession.

10. Private members' hours for this session will end on Friday next, October 24.

Mr. Speaker: Hon. Mr. Welch moves, seconded by Mr. Farquhar: "That commencing on Monday next for the balance."

Would it be the pleasure of the House to take this motion as read?

Motion agreed to.

Mr. S. Farquhar (Algoma-Manitoulin): Mr. Speaker, if I may make a brief comment, first of all it is my pleasure to second the motion just presented by the hon. Minister.

It has been apparent, I am sure, to every member of this House, and certainly to the whips at least, that the Legislature has been deteriorating, to say the least, because of the lack of the kind of action that has been taking place this summer and is taking place today.

It is apparent that the government has recognized this deterioration in the appointment of a select committee; and incidentally that gives me an opportunity to suggest that this was a first rate committee—I pat myself on the back—with a first rate chairman, and to mention that from the appointment of this committee to at least this degree of implementation through a period of less than six months, is not exactly what normally happens to select committee reports around here.

It has been a privilege and a pleasure certainly to participate in the development of this motion. There will certainly be rough spots in the implementation. I am sure we will have some further comments with respect to those rough spots very shortly, but it is my hope, considering that the motion calls for no permanent commitment, and as you will have heard, is on the basis of a trial situation only, that the motion and the implemenation of this motion, and the details, can expect a high degree of co-operation from all members of the House. I hope that co-operation will obtain and that we can make it work.

Mr. H. Peacock (Windsor West): Mr. Speaker, members of this group, the New Democratic Party, also participated in the formulation of the order which the Minister has moved, and I would like to express on behalf of our group our intention to fulfill the object of the standing orders, without in any way indicating to the Minister and his colleagues that we intend to find ourselves in any less vigorous a position *vis-à-vis* the government in the consideration of the estimates of the province and legislation.

I think that the reference to the standing committees will, if anything, sharpen the confrontation that members in this House want to maintain with the Ministers, and at the same time provide us with the means of concluding the business of the province before the end of this calendar year.

I hope that the members will give the standing orders every chance to work. I think there could be, psychologically, the opportunity for us to restore to the Speaker that confidence and respect which we should accord him at all times, but perhaps have not done so to the extent that we should have in this session. On the conclusion of this session, having had a chance to look over the operation of the standing orders, the House will, I hope, return in the coming year to carry on its business under the very comprehensive recommendations of the select committee on standing orders and procedures which was reported to the House earlier.

I think, though we are operating under the pressure of time, that these standing orders are drawn in a manner that is consistent with the recommendations of the select committee. I hope they will be the

first large step toward the implementation of the whole set of recommendations of that committee.

Mr. T. P. Reid (Rainy River): Mr. Speaker, if I could just have a minute. I would like to ask the Minister a question of clarification on this.

We are bringing in this motion today to expedite the business of the House so that hopefully we can be cleared up by Christmas time. But there is one recommendation that the committee recommended be adopted which I think is going to cause considerable wastage of time between now and Christmas, and we have had an example of this in recent weeks.

That is with regard to definition of what are matters of urgent public importance. I was wondering if the Minister could indicate to us this afternoon, if and when he intends to make this part of the motion, or amend the motion to include this important aspect of the Legislature's business.

Hon. Mr. Welch: Mr. Speaker, this is a reasonable question, and I might use this opportunity—in fact it would be very remiss of me if I did not say at this stage—how grateful I am for the obvious spirit of co-operation that has prevailed in the meetings and in the consultations prior to the formulation of the motion and its introduction this afternoon.

It has been obvious to me that there has been a determination to find a way within this whole spirit of experimentation to see how some of these recommendations work. The hon. member for Rainy River has singled out a specific recommendation not included in the motion, and all I can say is that this, and a number of others, are not included in the motion.

We felt we would start with this and see how it works. In the consideration of the results of this experiment, the formulation of the rules for the next session would no doubt encompass any refinements or changes which we felt necessary by virtue of this experiment. Then we could go on to these other recommendations which are contained in the report, among which is the one to which he has made reference.

I think that if we accept this now in this spirit that we will have an opportunity to work at least with these matters in the hope that the rest of the report can receive the same type of study.

I would like to say once again how much I have appreciated the spirit of co-operation and my thanks go to those on all sides who have worked to bring this motion before us today for the consideration of the entire House.

Mr. E. W. Sopha (Sudbury): Mr. Speaker, I have a question of the Minister of Lands and Forests. Is the Minister aware that the Goulard Lumber Company is apparently asserting sovereignty over a large area north of Sturgeon Falls by prohibiting free passage along a road proximate to and north of River Valley which it says it owns?

Is the Minister aware that the prohibition of free traffic along the road is also enforced against government officials?

What is the colour of right upon which the Goulard Lumber Company bases its actions?

Is the Minister aware that the Goulard Lumber Company also has the Sturgeon River blocked prohibiting free passage upon it?

Hon. R. Brunelle (Minister of Lands and Forests): Mr. Speaker, I have the question, but I have not got the answer. This matter is being looked into. Maybe before the question period is over I will have some definite information to give to the hon. member.

Mr. Speaker: The hon. member for Essex South has a question to the Minister of Agriculture and Food.

Mr. D. A. Paterson (Essex South): Yes, Mr. Speaker. When will the report of the food council's investigation into the fruit and vegetable industry be printed and made public? Does the Minister anticipate introducing any legislative changes based on this investigation, and have any charges been laid, or has the Minister requested any charges be laid as a result of this investigation?

Hon. W. A. Stewart (Minister of Agriculture and Food): Mr. Speaker, in reply to the question, I would say that the report is, I am given to understand, in its final stages of preparation. But I have not seen it, and I would suggest that the answers to questions 2 and 3 posed by the hon. member cannot be answered until we at least have had a chance to look at it.

Mr. Speaker: The hon. member for Essex-Kent has a question for the same Minister.

Mr. R. F. Ruston (Essex-Kent): Mr. Speaker, a question for the Minister of Agriculture and Food. Does the Minister feel that crop insurance is serving its real purpose when only five per cent of the farmers use it; and is he prepared to have the crop insurance

commission hold meetings before a farm group to attempt to improve the coverage and encourage more universal usage?

Would the Minister consider matching the federal government financial contribution to to the crop insurance plan?

Hon. Mr. Stewart: Mr. Speaker, may I say that I agree with the proposal really contained in the first question the hon. member has asked. In fact, the crop insurance commission has indeed held several such meetings as he suggests in that question.

Letters were sent early last year to the head office of the Ontario Farmers' Union advising that members of the crop insurance branch of our department, and members of the commission would be available to attend local meetings of the Ontario Farmers' Union.

The letter contained a request as well that the crop insurance commission would appreciate having the names of the presidents of the Ontario Farmers' Union locals throughout Ontario so that direct contact could be made with them in an attempt to hold meetings on a local basis out in the various communities.

The farmers' union saw fit to advise us that they would not give us the names of their presidents of the locals, but that they would pass on to their locals the suggestion that speakers would be available to go out and discuss crop insurance with local groups. In one case at least, in the township of Dorchester in Middlesex county, such a meeting was held. In fact, one of our people from the crop insurance branch was there, as was one of the officers of the Ontario Farmers' Union who quite vigorously supported the crop insurance programme and advised the membership to buy it.

The federation of agriculture were approached in like manner and they provided a list of the county presidents and letters were addressed to all of them. Meetings were held in many counties through the auspices of the county federation of agriculture.

For instance, a number of groups were invited in. The Huron Federation of Agriculture invited the crop insurance commission people to come and talk with them, the Lambton Soil and Crop Improvement Association; "Farmers' Week" at Ridgetown.

There was a special attempt made to advise farmers who were there in large attendance, of the benefits of crop insurance.

In Lincoln county, in Manitoulin and Algoma area, in the northeastern area of the province, the soil and crop improvement association held special meetings in this regard.

And then some of the commodity groups—I think chiefly of the tomato producers' board, the marketing board of the Ontario Fruit and Vegetable Growers' Association—did hold meetings in the tomato growing area of the province, advising many farmers of the advantages of crop insurance for tomatoes. This met with a reasonable degree of success.

There were also meetings held with the potato section of the Fruit and Vegetable Growers' Association in developing a plan of crop insurance for potatoes and in bringing it to the attention of potato growers.

Personal letters were sent out, as I believe the hon. member may be aware, to all soya bean growers. I believe 13,000 letters went out on June 9. Letters went out as well to all white bean growers in the province, advising them of the crop insurance programme.

We have developed through the crop insurance commission a set of slides, and ten sets of these have been available for use throughout the province for local groups.

Our people from the crop insurance commission branch are more than pleased to go out and give a talk with the use of these slides. Local people can also obtain them for local meetings throughout Ontario.

I welcome the suggestion the hon. member has made, Mr. Speaker. I think it is a good suggestion, and may I say that the crop insurance people would more than welcome the opportunity to further expand what they have—I think you would agree—already been doing.

I have some reservations about the second part of the hon. member's question. I have a feeling that when one considers the very high degree of subsidization presently provided in the Ontario crop insurance programme, a subsidization which involves the administration of the programme being shared on a 50-50 basis between the government of Canada, and the government of Ontario; and the fact that our province does provide a subsidy towards the crop insurance premium amounting to five per cent; and add this to the 25 per cent paid by the federal government on the individual premium, it would appear to be a fairly sizeable subsidy made available in this programme.

I would think that its present structure would not lend itself to further appreciation by producers, or greater involvement of producers simply by increasing the degree of subsidization as suggested in the hon. member's question.

Mr. Speaker: The hon Minister of Lands and Forests has a reply to the question of the hon. member for Sudbury.

Hon. Mr. Brunelle: Mr. Speaker, in reply to the hon. member for Sudbury.

Question No. 1: my information is that the Goulard Lumber Company do have a land use permit covering the road into their Crown timber licence area, and I understand it is gated.

No. 2: I understand there was a Department of Mines official who had difficulty early this year gaining access across the road. Arrangements have been made through my department to secure access for this official. If the hon. member is aware of other instances I would be pleased to look into them.

No. 3: A land use permit is the authority that the company use to control the use of this road by the public. I am looking into the matter of the river being blocked by logs.

I also would like to add that last year, I believe, I introduced an amendment to The Public Lands Act, whereby we can enter into agrements with companies for the use of their roads at certain times of the year.

Mr. Sopha: The Minister's understanding is the same as mine—that the Goulard Lumber Company has completed the exploitation of the timber resources in the area. They are no longer working, and Mr. Goulard is presently treating the area as a private hunting preserve.

To that end he is prohibiting access by other hunters, prospectors, officials of the Minister of Mines. Knowing his personality, I wonder that he does not blow the roof about other people who say they have a lawful right to go into that area. I hope the Minister's investigation will go into all aspects of this matter.

Hon. Mr. Brunelle: Mr. Speaker, I wish to assure the hon. member that it will be a thorough investigation.

Mr. Speaker: The hon. Minister of Financial and Commercial Affairs has an answer to a previous question.

Hon. H. L. Rowntree (Minister of Financial and Commercial Affairs): There was a question, Mr. Speaker, from the hon. member for Humber (Mr. Ben) having to do with television sets, and fires in colour television sets. The question also included reference to the implication of use of the mark CSA, or Canadian Standards Association approval.

Further to what I said on the occasion of the question, I would like to add that in our investigation into cases, there have been no complaints received by the federal government in Ottawa of any such incidents involving fires in television sets from any source. Nor have we in our department received any complaints or reports of situations of this type.

In the meantime, the matter is being pursued with the American authorities where the report originally emanated so that we can ascertain the manufacturer who was involved and find out the distribution, and if this defect exists in any sets that are being distributed in Canada. I hope to have that information shortly.

We had a short reference to the questions of CSA approval and I undertook to secure some further information, in more explicit terms, as to just what the Canadian Standards Association mark of approval really means. I am glad the matter was raised because I think it should be put on the record.

The Canadian Standards Association mark is one which is licensed for use as the certification or approval mark on equipment or on labels associated with equipment which has been certified by the CSA testing laboratory as complying with CSA requirements. The CSA mark or label on an electrical product certifies compliance with CSA requirements for safety of performance. It is not intended to indicate efficiency or quality.

Mr. Speaker: The hon. member for Essex-Kent has a question of the Minister of Tourism and Information.

Mr. Ruston: Mr. Speaker, I have sent him a copy of the Tilbury *Times* to make him aware of the information being asked.

Is the Minister aware of the problems facing the township of Tilbury North in attempting to acquire and maintain the lighthouse at the mouth of the Thames River?

Would the Minister consider designating this landmark—that is the lighthouse—as an historical site and have his department join in assisting to improve the physical condition of it?

Hon. J. A. C. Auld (Minister of Tourism and Information): Mr. Speaker, I would inform the hon. member I knew nothing about this until, I assume it was he who sent me a copy a few minutes ago of the Tilbury *Times* of October 16. I really cannot give him any answer today.

If I may, I will take this as notice and see what I can find out.

Mr. Speaker: The hon. member for Sudbury has a question of the Minister of Labour.

Mr. Sopha: Thank you, Mr. Speaker.

In the negotiations between the International Nickel Company of Canada Limited and the United Steelworkers of America pertaining to the strike at Sudbury now in its 105th day, and in the negotiations between Falconbridge Nickel Mines Limited and Mine and Mill Local 598 pertaining to the strike now in its 62nd day:

1. Why does the Minister insist that the parties shall negotiate in Toronto rather than in Sudbury?

2. If the Minister in his answer wishes to refer to superior facilities at Toronto, will he tell the House precisely what the facilities are to which he refers?

3. Why should the negotiations take place at the city of the company's headquarters and be removed 250 miles from the location of the union's headquarters?

I make a little change there, I do not change the sense, I do not think.

4. Will the Minister inform the House what he personally has done lately to attempt to reconcile the differences between the parties?

Hon. D. A. Bales (Minister of Labour): I appreciate the change that the hon. member made in question 3, as the city of the company's headquarters.

Mr. Speaker, in reference to the question raised by the hon. member, part one: I have not insisted that they take place here, in fact the question has never been raised.

Parts two and three I will answer together: As far as I know, the negotiations have taken place in Toronto by mutual agreement of all concerned. If the parties were unhappy about this, I feel sure they would have raised it.

In reference to part four, Mr. Speaker, the answer is "no". I would remind the hon. member, however, that negotiations as between the company and the union, involving the International Nickel Company, are to resume in Toronto tomorrow, and the negotiations in reference to Falconbridge have been continuing since last week.

Mr. Sopha: I wonder, by way of a supplementary, will the Minister ascertain from Mr. Dickie that Mr. Dickie has always insisted that the parties meet at Toronto? Will he further ascertain that that has meant, in respect of Mine and Mill, that because of their penurious circumstances, their improvident circumstances, they have been able to bring only half the negotiating team to the meetings at Toronto because of the insistence of Mr. Dickie that they meet here, which, I suspect, is the company's wish, that they want to get them away from the union base of operations at Sudbury.

Hon. Mr. Bales: Mr. Speaker, there are a number of factors involved, but the decisions are not based on the company's wishes.

Mr. Speaker: The hon. member for Parkdale has a question of the Minister without Portfolio (Mr. A. B. R. Lawrence).

Mr. J. Trotter (Parkdale): Mr. Speaker, a question of the Minister without Portfolio:

1. In view of the fact that the Ontario housing advisory committee, announced by the Minister yesterday, represents house builders, realtors and the government, will the Minister give consideration to representation from the people, such as representatives of the Ontario tenants' association?

2. Can the Minister indicate if the committee will be responsible to him? If not, can the Minister indicate what his responsibility will be with respect to the committee?

3. Can the Minister indicate why he did not first make the announcement in the House, especially since he was present yesterday?

4. Can the Minister indicate if part of its responsibilities will be to recommend on the feasibility of a standard building code?

Hon. A. B. R. Lawrence (Minister without Portfolio): Mr. Speaker, in reply to the four questions of the member for Parkdale.

Dealing firstly with the representation on this advisory committee, I would suggest it is not quite fair in view of the spectrum of expertise and experience that this committee will comprise to suggest that the people are not represented.

I might remind the member in the House that the National Homebuilders Association, the Ontario Association of Architects, the urban development institute, the Ontario association of real estate boards, the town planning institute, the professional engineers, the structural engineers, the general contractors and the federation of labour will all be represented.

Essentially, the committee, as I understand it, is foreseen as a group concerned with

land use, land use planning, development, and the bricks and mortar of development housing. Beyond that, of course, I think implicit in the member's question is the concern with the sociological aspects of housing, to the extent that that would not be dealt with through the planning institutes, architects, and so on.

I would think there would be no exclusivity, and although I cannot make an undertaking on the part of the Minister, I cannot picture—if sociological problems are involved—that they would not be dealt with by additions to this committee, or on advice given specifically to it for that purpose.

The second question relates to the responsibility of the committee, and I am advised that the committee is set up under section 3 of The Housing Development Act, which means that the committee reports to the government through the Minister. My understanding is that it is not dissimilar to other advisory committees the government has, and to this extent the flow of information and the initiation of studies can be and usually is more or less a two-way street.

With regard to the failure to announce this in the House yesterday and its announcement last evening in Kingston, I would point out to the member that in *Hansard* of Tuesday, May 6, the hon. Mr. Randall did set out and listed specifically the organization, departments and agencies that would be involved in this particular committee.

As a matter of interest and courtesy, if one might put it that way, the specific names of members of this committee was what was announced by me last night. It was certainly not done as a matter of discourtesy to this House, the feeling being that the announcement was essentially more a matter of administration concerning these people specifically than policy broadly concerning the House.

The final question relating to the standard building code. As the member knows, this particular matter is before a committee under the department of the Minister of Municipal Affairs.

Mr. Trotter: It has been for years.

Hon. A. B. R. Lawrence: I cannot—

Mr. V. M. Singer (Downsview): We will all be on pension before we see that one.

Hon. A. B. R. Lawrence: The matter is being studied. I cannot speak for that particular Minister, but it is obvious, and one has to agree with the member for Parkdale that this is a matter of as much concern to this particular committee under my confrere, the Minister of Municipal Affairs, as it is to the new advisory committee on housing.

But on the assumption that this committee from The Department of Municipal Affairs will be reporting soon, we will avoid duplication in that regard.

Mr. Trotter: Mr. Speaker, a supplementary question. I would like the Minister's opinion, that in view of the fact his answer to the first part of the question was the committee consisted mainly of bricks and mortar, and maybe that is why the tenants were not invited to sit on the committee, why do they not have the tenants on such a committee seeing they are the people that have to live in these places?

Mr. Singer: That is a very good question. I bet that is not his responsibility.

Hon. A. B. R. Lawrence: I mentioned, Mr. Speaker, that one can hardly picture a committee of this type being exclusive insofar as its evidence is concerned. By bricks and mortar, I merely meant that it is concerned with the structural aspects of housing.

Mr. Singer: How do you separate structure from people?

Hon. A. B. R. Lawrence: Quite. But the shape of a bathtub or the size of a room is not really dependent on whether you are a tenant or an owner, and to that extent the expertise is directed at the structural aspects of it. As you can see with the Town Planning Institute and others of that type involved, there is a sociological interest expressed in the complexion of the committee.

Mr. Trotter: Very faint.

Mr. Speaker: Might I ask the hon. Minister if he is accepting questions for The Department of Trade and Development in the absence of the hon. Minister?

Hon. A. B. R. Lawrence: No thank you, Mr. Speaker.

Mr. Speaker: I have had inquiries directed to me by some of the hon. members and I wanted to clear it up. The hon. member for Sandwich-Riverside has a question of the Minister of Revenue.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker, a question for the Minister of Revenue.

Was the Minister correctly quoted in the *Globe and Mail*, October 16, to the effect that it would take until January 1, or even until April 1, to notify restaurateurs that they were permitted to itemize several meals on one bill?

Hon. J. H. White (Minister of Revenue): Mr. Speaker, although the *Globe and Mail's* article on the subject did not quote me directly, it did read in part as follows:

> It will become general practice in the province either January 1 or April 1 at the latest.

That is correct, and the accuracy provides an interesting contrast with the inaccuracy of the question which deals with the time of notification.

Mr. Burr: I am sorry I could not hear.

Mr. Speaker: The hon. member for Sudbury East.

Mr. Burr: Mr. Speaker, I have a supplementary question and I have not been able to catch the answer yet.

Mr. Speaker: Well perhaps the hon. member would request permission to place a supplementary question.

Mr. Burr: Could I hear the answer first? It was drowned out.

Hon. Mr. White: The news article is correct when it says: "It will become general practice in the province either January 1 or April 1 at the latest," providing of course we can assure ourselves in the meetings now taking place with the Ontario Restaurant Association that this is not going to be more cumbersome than the existing practice.

I made mention before I sat down that the accuracy of the news article contrasts in an interesting way with the inaccuracy of the question which deals with the time of notification which was not a subject of the article.

Mr. Burr: May I ask a supplementary question, Mr. Speaker? Why could you not bring this into effect tomorrow?

Hon. Mr. White: As I indicated a week ago, Mr. Speaker, the practice that we are now using has been used in this jurisdiction for eight years. The practice we are now using is used in nearly every other jurisdiction in North America.

We had a meeting with the Ontario Restaurant Association a week ago. Their board of directors met yesterday. We are having meetings with them because I am not going to make a change which is going to compound the difficulties now experienced with the existing practices. I am not going to make a final decision in the matter until I am absolutely confident that a change will be for the better.

That, Mr. Speaker, is the conservative approach first enunciated by Edmund Burke.

Mr. Speaker: The hon. member for Sudbury East.

Mr. E. W. Martel (Sudbury East): A question to the Minister of Energy and Resources Management.

According to a report in the Toronto *Telegram* of October 7, 1969, equipment to clean up the debarking process which was to be installed in September, 1969, at a cost of $80,000 by the E. B. Eddy Company at Espanola has not yet been installed.

Will the Ontario Water Resources Commission take action against the E. B. Eddy Company for their failure to install this equipment? When can we expect this work to be done?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, Eddy Forest Products Limited has notified OWRC that the installation of the wood room effluent control system, that is the debarking process, is in progress. The company reports that the completion date has been delayed due to late deliveries of some of the required equipment.

The commission will consider legal action if the company fails to install the equipment. A revised completion date has not been provided by the company.

Mr. Speaker: The hon. member has a further question?

Mr. Martel: A question of the Minister of Labour.

Has the Minister advised Falconbridge Nickel Company and International Nickel Company that they must issue holiday pay cheques to their employees on November 1, 1969?

Can we be assured that there will be no delay in these cheques being issued?

Hon. Mr. Bales: Mr. Speaker, the hon. member has raised this with me and the department, and I would refer him to the correspondence that he has had with the deputy Minister.

I am informed that the companies are aware of their legal obligations and I cannot

anticipate at this time that there will be a delay in meeting them.

Mr. Sopha: Inhuman acts that you should never have permitted!

Mr. Speaker: The hon. member for Thunder Bay; a question to the Minister of Energy and Resources Management.

Mr. J. E. Stokes (Thunder Bay): Thank you, Mr. Speaker.

Hon. Mr. Bales: Mr. Speaker, may I make it clear that holiday cheques are not yet due under the law. They are due November 1.

Mr. Sopha: You should have changed the law.

Mr. Stokes: A question to the Minister of Energy and Resources Management.

What kind of defoliants are being used by the Ontario Hydro to clear rights-of-way?

Is it air-sprayed, and what effect does it have on quality of water, air and soil?

Is it harmful to humans and wildlife?

Hon. Mr. Kerr: Mr. Speaker, I am informed that Ontario Hydro does not use defoliants as such in its control of woody vegetation on rights-of-way.

Essentially the answers to this question were given to the hon. member on June 25, 1969.

I am also advised that spraying operations are carried out 10 per cent from the air and 90 per cent from the ground, and that the type of chemical used is non-toxic to water, air, soil, humans, or wild life in the concentrations in which they are applied.

Mr. Speaker: The hon. member for High Park, a question to the Minister of Public Works.

Mr. M. Shulman (High Park): To the Minister of Public Works: was there an expenditure of a half a million dollars made to create the present Central Printing Shop?

Was a survey made of your department's central duplicating system on June 27, 1969?

Did this survey show an idle capacity of 68.5 per cent?

Did this survey show an absenteeism of 428 hours during the previous month?

Did this survey show 32 rejected sales during the previous month?

Did this survey show 273 overdue deliveries during the previous month?

Is most of your plant idle because the large departmental shops like Highways, Education, and Lands and Forests have refused to use the new printing shop?

Has the civil service also refused to use your shop?

Is the reason these departments have given for their refusal the fact that their printing is confidential?

Why has the Cabinet not issued an order that all government printing shops are to be amalgamated?

Hon. J. R. Simonett (Minister of Public Works): Mr. Speaker, as I have been out of the office since 9.30 at Treasury Board I will be forced to take this question as notice.

Mr. Speaker: The hon. member for Scarborough East—a question to the Minister of Education.

Mr. T. Reid (Scarborough East): Will the Minister report on his discussions with the Secretary of State on Monday of this week regarding the future of educational television in Ontario?

Hon. W. G. Davis (Minister of Education): Mr. Speaker, the discussions with the Secretary of State really were part of a group representing the Council of Ministers of Education for the nation, relative to the proposed federal legislation.

There were three points discussed with the Secretary of State; one being the definition of education, the second being the question of finance, the third being the request that any services presently being provided by the CBC to certain provinces be continued.

Ontario participated in supporting all three of these requests, although our interest in the third one was not really as important as it is for some other provinces.

I would say, Mr. Speaker, that the Secretary of State and his officials welcomed us in a very co-operative manner. I was quite encouraged by their response to the requests. We have left our officials, or did yesterday and the day before, in Ottawa to discuss with the officials of the CBC and the Secretary of State's office the question of definition and the matter of finance. I am very optimistic, Mr. Speaker, that some of these matters will be resolved.

It should be pointed out that while we are awaiting the federal legislation, the department is going ahead with its application for Channel 19 before the CRTC and there is

a probability that the CBC will be the selected agency to administer this pending the federal legislation. We have had discussions with the CBC as it relates to any proposed agreement between the province of Ontario and that agency.

Mr. T. Reid: I would like to ask a supplementary, Mr. Speaker, if the Minister will allow. Were there not two other items on the agenda? One the relationship and the implications of the National Film Board in this area; and the question of the valuation of the Minister's programmes being produced by his own department. Were these not on the agenda?

Hon. Mr. Davis: Mr. Speaker, there was no mention then, nor at any time, of the involvement of the National Film Board or any evaluation whatsoever. These were discussions between the federal department and the Council of Ministers relative to the three items.

The other two the hon. member mentioned are news to me. I was there for all the discussions.

Mr. Speaker: The hon. member has a further question of the same Minister.

Mr. T. Reid: Is the Minister prepared to reply to questions 95 and 97 on the order paper in my name, in view of the sending of his department's estimates to the standing committee on education in the next few days, actually, starting November 4?

Hon. Mr. Davis: Mr. Speaker, I thought it was November 6, but it does not matter. I am not sure whether the information will be finalized prior to that time, but certainly during consideration of the estimates we will endeavour to give the hon. member just as much information on those two questions as we can.

Mr. Speaker: The hon. member for Sudbury has questions to the Minister of Education.

Mr. Sopha: I withdraw them, Mr. Speaker, thank you. They were too difficult for him.

Mr. Speaker: I have three questions from the hon. member. Are they all withdrawn?

Mr. Sopha: Yes.

Mr. Speaker: The hon. member for Essex-Kent has a question to the Attorney General.

Mr. Ruston: To the Minister of Justice and Attorney General. Was the Minister aware of the purchase of a juvenile detention centre in Malden Township?

2. Was the Minister informed of the location of this home, and was the municipality of Malden Township contacted prior to negotiations for this facility?

Hon. A. A. Wishart (Minister of Justice): Mr. Speaker, I am enquiring into this matter. I will take the question as notice for the moment and have an answer very quickly.

Hon. Mr. Simonett: Mr. Speaker, I have the answer to a question asked by the hon. member for Oxford. Employees recently dismissed in the Woodstock area were group 1, on unclassified staff. Employees in this class are hired by contract, and before work is commenced they sign a contract part of which says, and I quote:

> The applicant agrees that this agreement can be terminated with the minimum of 24 hours' notice by either party.

The contract form is signed by both the employee and an authorized departmental official, and the employee retains the original copy of the contract form.

Contracts for three employees in the Woodstock area were terminated recently. For one employee, the termination of contract was made on October 14, with prior notice being given on October 7. For the other two employees, termination of contract was made on October 20, with prior notice being given on October 14. All were given prior notice of termination of contract well ahead of the minimum period of notice stipulated in the contract.

Mr. Speaker: Are there any questions I have missed, or are there any answers to questions that have been previously taken as notice?

Hon. Mr. Wishart: A question was asked, No. 2355, on October 21 by the hon. member for Brantford (Mr. Makarchuk), and I have the reply. The question was in three parts.

> Will the Minister consider stepping in to clarify the unease existing in Brantford as a result of recent Ontario Police Commission investigations and public allegations made by two Brantford police constables?

The second part:

> Will the Minister consider intervening on behalf of Brantford Police Constable

Ron Stockdale to ensure that he received his regular pay cheque which has been held up by the Brantford police chief?

And 3:

To ensure a fair hearing, will the Minister appoint an impartial police official or any other official to hear on matters relating to alleged transgressions against The Police Act by Brantford Police Constables Stockdale and Lolli?

My answer, Mr. Speaker, is that the Ontario Police Commission, at the request of the Brantford Police Commission, had their advisers investigate certain allegations that had been made in connection with police personnel by one member of the Brantford Police Force.

The report of the advisers has been forwarded to the Brantford Police Commission, who have already put into effect certain recommendations contained in the report and are proceeding to institute the remaining recommendations.

The board of commissioners for the city of Brantford is composed, in my opinion, of excellent personnel who are carrying out their responsibilities and providing good police services for the municipality, and I do not intend to intervene in their duties.

Mr. Speaker, in reply to the second part of the question, I can say that Constable Stockdale, of the force, is in receipt of his cheque.

As to the hearings, the third part of the question, the procedures for conducting such a hearing are governed by regulations under The Police Act. The accused is tried by the chief of police. He has his hearing, I should say, before the chief of police, or by a senior officer designated by the chief, and there is a right of appeal to the board of the police commission. That would be the local board of police commissioners.

Then, there is an ultimate appeal to the Ontario police commission which then can deal with both conviction and sentence.

The hon. member, in the third part of the question, used the words, "to ensure a fair hearing" and I think I would like to deal with those words. I would like to say to him that it will be, in my opinion, a fair hearing; that the procedures under The Police Act and the regulations which follow that Act, are full and adequate protection for a member of the police force charged with an offence. He will get a fair, impartial and proper hearing.

Mr. M. Makarchuk (Brantford): Would the Minister accept two supplementary questions?

Hon. Mr. Wishart: I will accept them one at a time.

Mr. Makarchuk: In view of your statement that the Brantford Board of Police Commissioners is an excellent group, would the Minister indicate who is, in that case, responsible for the problems on the Brantford police force that have been brought to the attention of the people of Brantford; and the Minister I am sure, by his own Ontario Police Commission?

Hon. Mr. Wishart: Mr. Speaker, I do not think I can pick out persons. A police force is administered first of all by the chief. It is his primary responsibility to direct the force in its duties and its disciplines, and to see that the public have protection in his authority. The local board of police commissioners is largely an administrative board dealing with administrative matters, dealing with certain matters of direction.

The police force carries on under the chief, maintaining law and order, and the chief is the first responsible person in charge. Certain constables may require discipline from time to time, but I am not going to stand here in response to such a question and say that any particular person was wholly or partly at fault. There has been a complaint made, there has been an enquiry. There have been recommendations, there have been disciplinary measures. Further recommendations are to be implemented, and certainly I will not answer that question by picking out individuals or bodies, to say who is at fault.

Mr. Makarchuk: The second supplementary question concerns what is, in essence, this conflict which has developed between the chief and the two constables. This is regarding the hearing. Does the Minister consider it fair and that proper justice will be served by having the same chief trying the two constables?

Hon. Mr. Wishart: The chief has responsibility to carry out the disciplines of the force in the first instance. As I read to the hon. member, there are provisions for that hearing to be held by the chief or by a senior officer whom he designates. Then there is a further right to have that reviewed by the local board of police commissioners, and a final right to appeal to a further police commission.

If there is any suggestion that the hearing is not fair and proper, properly held, those are the procedures laid down, and I think they are adequate. Any constable, I suppose, on any force, might very well say: "I do not want to be disciplined by my own chief because I want somebody else to do it". But that is not the way to ordinarily run a police force.

Mr. Speaker: Before the orders of the day—

Hon. Mr. Wishart: Mr. Speaker, I have another question which was asked on October 21, and of which I took notice. It was asked by the hon. member for Parkdale (Mr. Trotter) and the question was: "What action is the Attorney General taking to ensure that Elmira has adequate police protection?"

The hon. member is not in the House. I will be glad to leave the answer until he returns.

Mr. Singer: I can put the answer on record. Has the Attorney General received a report from the Ontario Police Commission on this situation?

Hon. Mr. Wishart: Mr. Speaker, my officials advise me that the Ontario Provincial Police are providing police patrols and are rendering assistance to the chief of police to ensure adequate protection. The situation in Elmira is that practically all members of the force, except the chief or thereabouts have resigned, and the situation is being taken care of by the Ontario Provincial Police for the present.

As to whether I have received a report from the Ontario Police Commission, I have not yet received it but I am looking forward to receiving it very shortly.

Mr. Speaker: Before the orders of the day, Mr. Speaker Cass has requested that I advise the House that in conformity with the changes in procedure in the House to be implemented as a result of today's motion he will, commencing with Monday's session, open the House at 2 p.m. precisely each day Monday to Thursday and at 9.30 a.m. on Fridays.

Again before the orders of the day, we have some additional guests with us this afternoon. In the east gallery we have students from the Bruce Peninsula District High School of Lion's Head.

Orders of the day.

Clerk of the House: The 26th order, House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

(continued)

On vote 206.

Mr. Chairman: The hon. member for Downsview.

Mr. V. M. Singer (Downsview): Mr. Chairman, I thought it would be appropriate at this stage to make a few remarks concerning the functioning of grand juries in the province of Ontario.

I have here a report of the grand jury of the county of York made to his Hon. Judge Martin, the chief judge or the senior judge of the county court of the county of York. I think it is interesting, and it is comparatively short, but I will not read the whole thing into the record, I will only read parts of it.

It starts off:

> May it please Your Honour, we the grand jury for the present sittings of General Sessions of the Peace of the County of York, commencing on the 5th day of May, 1969, respectfully submit this report on our findings.

Then it lists the members of the grand jury, their names and the foreman.

> During the present sittings a total of 105 bills of indictment were presented to this grand jury. Of these bills, 104 were returned as true bills and one was returned as no bill.

That is a pretty good batting average, 99.99 per cent.

> This grand jury is firmly of the opinion that the grand jury system should be abolished from the Ontario judicial system. It was evident from the cases that were presented to us for consideration that apart from one instance in which the charge had been incorrectly laid under the wrong section, the evidence against the accused indicated that the charge could be substantiated without any reasonable doubt.
>
> The procedure, therefore, whereby witnesses are compelled to appear before a Magistrate's court, a grand jury in a county court tends to bring the whole judicial system in disrepute and discourages witnesses from coming forth to give evidence.
>
> The abolition of the grand jury in connection with other recommendations contained in this report would, in our opinion, continue to furnish the accused not only

adequate protection but would speed up court proceedings and help to eliminate abuses were apparent to the members of this grand jury, as well as achieve a substantial reduction in the present cost of administration.

Well, that is all they say on that particular point. There are a couple of other points here that they mention that I want to deal with a little later.

But, Mr. Chairman, I say Amen to that recommendation. It seems to me to make abundant good sense and it is something that we have been suggesting here for a considerable period of time. And this grand jury comes out and says exactly that.

It says:

We perform no useful function. We had 105 bills presented to us; 104 of them were true bills, one we returned, and the one we returned was returned because it was obvious the charge was laid under the wrong section.

The grand jury is another one of those ancient traditions that we have taken over from England and that seems to have long outworn its usefulness. I would ask the Attorney General to give us his opinion in connection with this, because certainly these facts speak for themselves, and they speak for themselves so obviously that I do not think there can be any argument. That is point No. 1.

Perhaps I should pause at that point and see if the Attorney General wants to answer, or does he want me to go on to the next one? Let us try that one first.

Hon. A. A. Wishart (Minister of Justice): Well, Mr. Chairman, I was looking at volume 2 of report No. 1 of the Hon. Mr. McRuer.

I remember he had some things to say about the grand jury. I think, in effect, he indicated that perhaps the grand jury could be abolished without, perhaps, a severe dislocation of our system, but I think he also pointed out that if you abolish the grand jury you would need some system, some procedure for appeal from the preliminary enquiry.

Now, perhaps that may be a way to go. I have not got to a firm consideration of an implementation of what I think, almost amounted to a recommendation. He summarizes at the beginning at the foot of page 780 in volume 2. In volume 2 of report No. 1, on the advantage of the grand jury, he says:

It affords an additional safeguard against requiring an accused to stand trial on evidence which is not sufficient and to call upon him to present a defence.

The hon. member pointed out that mostly we lay information through our Crown officers. In this case they only found one out of a very considerable number that was wrongly laid and where the accused was wrongly charged.

Mr. Singer: It was under the wrong section. It did not even say there was enough evidence and the implication was—

Hon. Mr. Wishart: Mr. McRuer goes on. He says:

It performs a useful function in inspecting institutions wholly or partially maintained by public money.

I do not imagine he puts much store by that, nor do I. Most of our public institutions are inspected in one way or another by local municipal officials, fire inspectors, hotel inspections.

Mr. Singer: Sometimes by members of the Legislature—

Hon. Mr. Wishart: Yes, by building inspectors, by members of the Legislature, by many officials in our society today and I do not believe there is much need in this modern day where the light of publicity shines on almost every facet of life as well as on the buildings, that we need to have a grand jury inspect.

Mr. McRuer says further:

It perpetuates an infusion of lay participation in the administration of justice.

That is one thing which I think would be valuable. I realize that grand juries, when they make a recommendation that they would like to be abolished, are probably a little resentful, certainly a little reluctant perhaps, to come away from their occupations where today they earn some very good money, and spend time in the administration of justice, taking two or three days at a very miserly remuneration and giving that time to the administration of justice.

I think perhaps that might be one thing that would colour their thinking. They would say: "Well, what are we here for? We have officials who know a good deal about this business of the administration of justice. They are paid to know, they are trained to know. What are we doing in it?"

But I think it is a very valuable thing, particularly for the man who is coming before the court on a criminal charge, to have standing between him and those very officials, i.e. his fellow men. I think it is a very good thing that the man in the street, the man

of ordinary occupation, the layman, take some part in the administration of justice, even on the grand jury, and even though it costs him some reluctance in what he might otherwise earn at his calling.

I think it is a good thing that he should realize he should give something to the government of the country in that field of service, on a grand jury.

Mr. McRuer says in any event that is one of the things that is in favour of the grand jury.

He adds:

> It tends to ensure that the full functions of an assize court as a court of general jail delivery are performed.

But I think these things can be fairly and properly said in favour of the retention of the grand jury.

Mr. McRuer, I think, goes right on to say it is open to criticism on these grounds:

> It enables a private prosecutor to maintain a vexatious prosecution without the consent of the Attorney General.

I do not know how serious that is.

> 2. It is an unnecessary and unwarranted trespass on the time and convenience of witnesses as well as causing them in many cases substantial economic loss.

Mr. Singer: The lay grand jury came to that conclusion on their own.

Hon. Mr. Wishart: Right!

> It is an unwarranted trespass on the time and convenience of members of the jury as well as causing them in many cases economic loss.

Mr. McRuer says it is an unwarranted trespass. That, he says, is what could be open to criticism. I do not think he necessarily says in his own words that it is an unwarranted trespass on their time, I think there is some virtue in getting these people to take some part in the administration of justice.

And then, perhaps, I think what is more serious, he says it causes delay in getting criminal cases tried.

Mr. Singer: It sure does.

Hon. Mr. Wishart: Well not a great deal. The grand jury comes up, takes the first day of the court generally, or maybe a day-and-a-half to go over the true bills, depending on how many there are. And in the course of that time, studying those bills—and I think they have the benefit of the Crown Attorney almost invariably—they get quite an education in the way justice performs.

So it is an open question, I am not going to be adamant or hard-headed about it or take any firm line. I would like to study these recommendations, conclusions, at least. It is one of the few areas of Mr. McRuer that we have not actually moved to make a decision on by way of implementation.

Mr. Singer: Well Mr. Chairman, the Attorney General is the continuing traditionalist.

Hon. Mr. Wishart: Oh no!

Mr. Singer: Oh yes!

He pats himself on the back with one hand and says: "Aren't we wonderful in the province of Ontario? We have a good system of legal aid." We agree. Yes, that is true. But he pauses or forgets that the system of grand juries was designed originally to protect the citizen who might be charged with a criminal offence before anybody even thought of a system such as legal aid.

When we read that this particular grand jury had 105 bills presented to them and they returned a true bill on 104 and the one that they did not they indicate was because it was laid under the wrong section of the code, it is obvious that their ability to examine those very deeply was minimal. They had come to that conclusion, and McRuer really comes to that conclusion.

I would like to see the Attorney General of Ontario for a change break some new ground on his own without waiting until he is bludgeoned over the head by members of the Opposition, by the newspapers and by the general demands of the public, to bring about real reforms in the courts.

Now, indicative of the ability of this grand jury to inquire is their next recommendation and let me read that one: They deal with legal aid and I think I drew this to the Attorney General's attention earlier, when I asked some questions about this. Insofar as legal aid they say this—

Hon. Mr. Wishart: Well, Mr. Chairman, if the grand jury has no function, if it were abolished, if its opinions are not valuable, perhaps we should not consider its recommendations about legal aid. That is the very point I was making. It reviews some of our administration of justice.

Mr. Singer: All right.

Now I want to get the Attorney General's frank assessment, which I am sure he will

give me, of the next opinion ventured by this grand jury.

Mr. J. E. Bullbrook (Sarnia): Aha! You have put your foot in it again.

Mr. Singer: Here is what they say:

> We of the grand jury are of the opinion that the legal aid in criminal cases is being abused in many instances both by the accused and the lawyer for the defence, to such an extent that offenders that admitted guilt and signed a statement to that effect, have obained legal aid and on the advice of counsel have elected trial by judge and jury. In most cases that came before us, accused were repeat offenders who had obtained bail and then went out and committed similar crimes.

Fascinating, Mr. Chairman, that the grand jury which brings the lay approach to matters involving the criminal law, has determined, at least in their wisdom, that in 104 of the 105 cases that came before them the accused were guilty.

Somehow along the line, Mr. Chairman, they missed the message. They were asked to find whether or not there was enough evidence to go on to trial, not to find the accused guilty; but they say in most cases that came before them the accused were repeat offenders. They had already judged them.

"Who had obtained bail and then went out and committed similar crimes". Now what kind of contribution to the administration of justice is that kind of statement?

Then the grand jury goes on to say:

> We do not feel that these individuals should be denied legal aid, but rather that the process of granting aid in this type of case should be more stringent.

Well I am not going to repeat the arguments that were made in this House and which the Attorney General accepted at that time on that very point. I think the right decision was made at that time and obviously no one bothered to disillusion the grand jury as they went off on this particular frolic of their own. They say:

> We do not feel that these individuals should be denied legal aid but rather than the process of granting legal aid in this type of case should be more stringent and these cases settled in the magistrate's court.

Again Mr. Chairman, surely that is not the function of the grand jury. It is none of their business as to which court a particular case is settled in, or if it is, well, then we have to have another look at the way in which justice is going to be administered. And then finally this paragraph:

> We note from the Press that the Ontario Legislature has already approved a $6 to $7 million budget (1968-1969) for the legal aid plan. The real cost to the taxpayer, however, due to the abuses noted, is many times this amount and may well exceed ten times this amount.

Now surely there is a statement that should bother everyone in this Legislature and everyone in this province who is concerned at all about the whole process of the administration of justice.

When I had become aware of this report I asked the Attorney General to ascertain for me what evidence, if he could find out, came before the grand jury to lead them to such a conclusion. Whether they had had any people from legal aid before them prior to making that recommendation; whether they had any factual basis on which they guess that the cost is going to exceed 10 times the amount of $6 million to $7 million.

It is obvious, Mr. Chairman, from the Attorney General's answers, and certainly from my own knowledge, that that statement is complete, utter and absolute nonsense. But what it does do, Mr. Chairman, is to bring the whole process of the enforcement of law into disrepute; to challenge most unfairly, and without any evidence at all, what I think is one of the foremost advances that has been made in this province in the whole process of the administration of justice.

And when this kind of statement is made, apparently by a body that has a function in our system of administration of justice, I say, sir, that you need no better argument than to say let us do away with them as they recommend.

Now perhaps we could have some comments from the Attorney General on that recommendation.

Hon. Mr. Wishart: Mr. Chairman, I will be glad to comment briefly again. I was just taking a moment out of the time while I was listening to the hon. member to pursue what Mr. McRuer had finally concluded.

He did stress again that there should be a power of review on the preliminary inquiry, and then he ends up by saying:

> Too many criminal cases go all the way to the conclusion of the Crown's case only to be terminated by the decision of the trial judge that there is not sufficient evidence to go to the jury.

Now I think the grand jury performs a very good function in that the Crown attorney has an opportunity to take the grand jury, a group of people from the public, and say to them, "Here are the facts. Should this man stand trial? Should this person go to trial?"

Mr. Singer: Here they are just a rubber stamp!

Hon. Mr. Wishart: Well no, they quite often find no bills. They occasionally find them.

Mr. Singer: Yes, one out of 105.

Hon. Mr. Wishart: In any event Mr. McRuer says this, and this is his last word:

> We have concluded that if the powers of review of committals for trial were extended as we have suggested, the arguments in favour of the discontinuance of the grand jury system in Ontario would outweigh the arguments in favour of its continuance.

So what he really says is that if you will insert some other procedure, you could get rid of the grand jury—at least the arguments for elimination would outweigh those for retention.

Mr. E. W. Sopha (Sudbury): He was never strong on juries.

Hon. Mr. Wishart: No, he was not. And as I say, I think there is something you cannot weigh, an intangible, as to what benefit flows from the participation, from time to time, in every county of this province, of a group of people taking some part in the administration of justice.

I do not think you can weigh the benefit of that and you certainly cannot weigh it in dollars and cents. So when I said I had not moved on this, I do not apologize for being tardy if I do not move to abolish the grand juries too quickly.

Mr. Singer: Well all right, tell us about the legal aid.

Hon. Mr. Wishart: I think the very fact that after asking me the first question and saying why do you not get rid of the grand jury, the hon. member for Downsview gets up and cites to me their comment upon what he admits is a great social measure of justice, the legal aid system in this province, that they take an interest in that, that they are concerned that it shall not run wide and be full of abuse, or cost the taxpayers too much money, or be extravagant in its administration. The fact that the laymen, the public whether they got the right information or not seems to be open to question, but at least they showed an interest, they showed a concern. They got wrong information, of this I am sure, and I think I know in that particular case the officials from whom they got it.

Mr. Singer: Ah, tell us about that!

Hon. Mr. Wishart: Oh no. I do not name officials in this House as a rule.

Mr. Singer: All right. What kind of a job did he have? Was he a policeman or a court attendant or what?

Hon. Mr. Wishart: Well the hon. member is not going to entice me down that road.

I know where that information came from and I know that on the grand jury there was one gentleman who was obsessed with the thought that we were spending millions, ten times what we are spending, on legal aid. It was not so, but the fact that they concerned themselves and the whole jury said that if this is happening, it is an abuse and we think it should be looked at and righted, then I think that was evidence that their interest is a good thing because it caused me to go into it and I might tell the hon. member I do know as it was that grand jury.

They had another grand jury making a recommendation somewhat similar and they were concerned about legal aid, the administration of legal aid. If there were abuses in it, the cost of it, and so on. I had them meet me down the hall in this building in my office, and when we went through the matter with them—I had the legal aid officials there—and went into the whole matter very thoroughly and disabused their minds of the wrongful information they had received, and they went away satisfied. But I felt it was good participation for me, the legal aid officials, and for those lay people in the administration of justice.

Mr. Singer: Mr. Chairman, the Attorney General has the happy faculty for turning some of the most serious criticisms into commendations. Notwithstanding how bad a recommendation is made, he says it was great that they bothered to make it.

I just wonder what the Crown attorney was doing while the grand jury was considering legal aid. If the grand jury said, "Let us consider legal aid, let us hear some witnesses" and so on, one would have thought that the Crown attorney would not have told them what to say but would at least have brought before them, or indicated that there

were available, certain people who were somewhat more knowledgeable than the unnamed gentleman you referred to about the whole process of legal aid. Then, after having heard other people who had views on legal aid, certainly they were entitled to come to whatever conclusion they thought was best.

But what appeared to me from this recommendation, and from the Attorney General's answer to my question some months ago, and what he has said this afternoon, was that they were acting on the complaint of probably one very uninformed individual, and the great harm that this does to the cause of the administration of justice cannot be underestimated.

I fail to see how the Attorney General can, in good conscience, turn that kind of a comment into a commendation of our system. I think it does harm to our system because if we are proud of the legal aid system, and I think we have every right to be proud of it, then surely there should be no step in the process of the administration of justice whereby the system is criticized unfairly and unreasonably and illogically.

That is exactly what happened here, and there does not seem to have been any reaction to that grand jury's recommendation in this regard, or report in this regard, until the matter was raised in the Legislature, and no forceful reaction either until this very moment.

I think that is very seriously wrong, Mr. Chairman, and the fact that we permit an arm of our system to make uninformed and unintelligent criticism without making available to them the evidence which might lead to another conclusion, I think is just ridiculous.

I asked the Attorney General, particularly after I had read the report of this grand jury's statement in the newspaper, if there was any evidence that he was aware of that could lead any reasonable thinking group of men to a conclusion such as this. The Attorney General was unable to tell me that there was any such evidence, but if there was, and if the grand jury said we think this is a serious thing, and it should be looked into, certainly we should all be very, very concerned about it. I would have thought that a matter like this should have come before the Attorney General, the legal bills committee of this Legislature, before some group, who would be most concerned if this kind of thing was, in fact, going on.

So I say, sir, that your defence of the grand jury on the basis of this misstatement, this illogical statement, this unresearched statement, is really meaningless.

Let us go back just one step further. Again, what was the Crown attorney doing when he did not properly explain to them the difference between the function of the grand jury, and in returning a true bill and what they thought was their function of determining whether an accused person was guilty or not guilty? Surely that is basic to our system of administration of justice and from their own words it is obvious that they did not understand what they had to do, so they were improperly instructed.

They had come to the conclusion that these 104 people were guilty, or many of them were guilty. That is what they say.

Now, obviously, nobody bothered to tell them what their job was, what role they were to play in the administration of justice, so when this whole thing is so badly handled, Mr. Chairman, I am surprised the Attorney General bothers to give the system as much of a defence as he is giving it this afternoon.

Hon. Mr. Wishart: Mr. Chairman, my hon. friend from Downsview has a tendency to take one incident, and I have noticed this several times in the last few days, and condemn the whole system, because one error was made by somebody.

Here he condemns the grand jury, mainly on the strength of this recommendation which they made which was perhaps a little out of line, but he is not going to get me to either defend it alone, just because I say the error was not too serious, or to defend them for that one departure from their duty, if that is what it was.

The Crown attorney, I think, certainly, was not called upon to go beyond dealing with the bills which were before that grand jury. His duty was to place them before that grand jury, to give them the facts, to call the witnesses so far as that jury wanted to hear them, and ask them whether they were true bills or no bills.

Now if they wanted to take upon themselves the examination of part of the administration of justice, in particular the legal aid system, and make some recommendations from it, I am not going to be too political. I think that is more important than examining the jails or the court house, and that is one of their duties. They were wrong, they got incorrect information, but I do not think the Crown attorney should say what they can or cannot do.

Perhaps if they had asked he might have been able to get some information for them. I just do not feel that because I am criticized, or this system for which I am responsible is criticized, and that I have found no way to stifle that—I have found no way to stifle that in this House for that matter! Sometimes it is not justified, in my view. Sometimes I cannot even get people to listen to my explanations or answers, but I do not try to stifle that criticism; and I am not going to stifle the grand jury.

Mr. Singer: We pick on you so unmercifully.

Hon. Mr. Wishart: I think we will have further consideration of the grand jury, and I think it is a good thing they can look at the whole system if they want to without any restriction or stifling or repression, and come and see the Attorney General if they want to or the officials of his department, and get the facts straight. So this is not, to my mind, too important a matter in the field of my estimates.

Mr. Singer: Nor was John Bennett imprisoned on the wrong charge.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman—

Mr. Chairman: The member for Armourdale has been wanting to speak.

Mr. G. R. Carton (Armourdale): Mr. Chairman, I have a matter of importance that I feel comes under 206 because I do mention the administration of courts during the discussion on this particular topic.

Mr. Lawlor: If the member for Armourdale would permit, Mr. Chairman, I want to go on with the grand juries for a moment.

Mr. Chairman: I think we should clear up this point on grand juries, if the hon. member for Armourdale would not mind. The hon. member for Lakeshore.

Mr. Lawlor: I will not usurp too much of the time.

Surely under this head though, the member for Downsview is right. This is an instance of a technical, hidebound tendency on the part of the Attorney General. I mean the histories of grand juries, starting at the assize of Clarendon in the year 1166, is about the only thing that commends it. Apart from that, the grand jury has been abolished in Manitoba in 1923, in British Columbia and Quebec in 1932, in New Brunswick in 1957. It has been abolished in Great Britain. The numerical size of the grand jury has been progressively reduced in this province, down through the years from 23, to 13 to seven. And Mr. Justice Barlow in 1939, whom we all remember—bless his, bless his—well, I have to choose my adjectives rather carefully in this context. I remember appearing before him on occasion. In any event he, and he was the most hidebound of men, recommended the abolition of the grand jury back in 1939.

Mr. Sopha: Well even his brethren on the bench paid no attention to him.

Mr. Lawlor: Well I know. He was a holy terror to counsel, and so on, and will always be taken to defend the cause of what existed simply because it happened to exist. But not grand juries. And I think that is the most conclusive argument by itself and could sit down, but I am unwilling to give it up so easily.

There are two heads under this thing. One is the *certiorari* proceedings, so you come through from preliminary inquiry. People have been committed for trial. There was felt, in the past, a need for some instrument, a secret instrument, by the way, where, neither the accused nor his counsel were present, but at which Crown witnesses were examined, and not all Crown witnesses but of sufficiency to establish a *prima facie* case for a continuance of it.

Now it has become a rubber stamp, and for years and years grand juries themselves have advocated their own surcease, and it is not often that a body of citizens or anyone else asks for the cutting off of their own head. The grand juries, in instance after instance—in September of 1962—the grand jury questioned the advisability of the continuance of the grand jury system as it is presently constituted, and again, in September of 1963, and in December of 1964.

We have gone through these things *ad infinitum*, practically, where they themselves, coming out of their deliberations, have come to the conclusion that they are nugatory, that there is an inutility in the system. And it does cost a certain amount of money, and its usefulness is most questionable, and not more so than the arguments which the Attorney General himself has used this afternoon.

He points out in the last paragraph, McRuer says that:

> If we conclude that powers of review, of committals for trial were extended as

we have suggested, the argument is in favour of a discontinuance.

But he also, in a previous paragraph, said:

> Regardless of whether or not the grand jury is abolished, the powers of review should be given to the supreme court."

And seven-eighths of the reason for the continuation of the grand jury is in the review power. There might be some merit there, some simulacrum to an accused person, but he says he wants this *certiorari* power given to the supreme court in any event, and so out goes the grand jury under that head.

Now, there is the other one-eighth left that has to do with the powers of inspection that the grand jury has, and since it is seen fit in this province by Ministers and others to whittle down the inspectoral powers of members and of bodies, then it might be just as well, under this head, to retain the grand jury. At least we will have some official body operative in the province which will have the right to attend upon premises without getting the imprimatur of the gods that be. And one grand jury, a few years ago, as I remember, and it is pointed out here, and it says that:

> If they are continued they ought to be continued as a special body of citizens with quasi permanent status to carry out every six months these inspection tasks.

And there is some validity in that. In the absence of an ombudsman in the province, who would have such powers in my view, then some instrumentality must be continued, and a body of citizens do a great deal of good pointing out the conditions of the lock-ups and the jails throughout the province.

If they were admitted to mental institutions they would probably do a great deal more good, but I would think that that sort of body ought to be kept in being as a, as they recommend, sort of permanent group of people. However, I think replacements would be fed into the stream from time to time, say every couple of years, in order to get new blood and not to get a reaffirmation of the system that you do get from sheer habituation.

Hon. Mr. Wishart: Mr. Chairman, I would just briefly like to say that I am still not adamant about an attitude with respect to grand juries. On the other hand, I am not in a hurry to move for their abolition, and the fact that New Brunswick, my old native province, has done it does not persuade me that it is wise, nor British Columbia nor Manitoba.

Mr. Singer: Or even the United Kingdom?

Hon. Mr. Wishart: Or even the United Kingdom.

Mr. Singer: Or even the Opposition.

Hon. Mr. Wishart: The hon. member for Sudbury will say that we do not follow that tradition altogether always, and I agree with him from time to time.

But I do want to take this expression that the hon. member used. He said that the grand jury is a rubber stamp. I think perhaps I could say this—and I do not like to refer to my own personal experience—but I think neither the hon. member for Lakeshore nor Downsview or even the learned author of these volumes on civil rights has stood before a grand jury as a Crown attorney, or they would know they are no rubber stamp.

I have done that on eight occasions at least. Let me tell you that persuading, offering and evidence to a grand jury, explaining it to them, and getting their opinion of whether there is no bill or a true bill—they are by no means rubber stamps. They question at great length the whole matter of that portion of our administration of justice.

Mr. Lawlor: How many "no bills" in the last ten years?

Hon. Mr. Wishart: I have not got the figure—

Mr. Sopha: Well, there have been several.

Hon. Mr. Wishart: Yes, quite a few, and it is a great comfort, it is a great aid to a Crown Attorney to know that here is one body of men of the public, men of the citizenry, who pass upon this procedure in criminal justice. Two or those cases which I took before the grand jury were charges of murder. And to have the assessment of those citizens was a very valuable thing in that part of the administration of justice.

Perhaps we should properly discuss this, here in the estimates of the Attorney General. I might say this—I do not believe it is necessary to take longer on this occasion to say more about it. I have, perhaps I might tell the other members of the House, invited the lawyer members of this Legislature to have dinner with me on some occasion soon, and it might be that there, if they are so inclined, we could discuss this subject; along with another one that I mentioned to the member for Downsview yesterday.

Mr. S. Lewis (Scarborough West): Could we have a dinner for the lay members of the club?

Mr. Sopha: May I be permitted to say that the courts, within the broadest meaning of the term government, are a part of government. The grand jurors and the petty jurors who come there are fulfilling a governmental function; it is really the last point of direct contact of the citizen in participation in government. I share the Attorney General's feeling about the matter and I hope he will pause a long time before he takes a step to abolish this participation.

Secondly, it has been proved to be in very real terms, in specific cases, a safeguard to accused persons, because the grand jury, as well as the petty jury, in determining the issues presented to them in respect of the commission of a crime, are exercising the conscience of the community. They are there as the representatives of society and in putting their final determination, their mark upon the evidence presented to them, they are speaking on behalf of society.

This is a very historic function that goes back at least to the 11th century. It has been transformed over the years in accordance with the genius of the British system. It is a funny thing, when you look into that fascinating history of the development of these institutions, you find that often they were initiated for ulterior purposes. The monarch who initiated them in many cases had very sinister purposes in the employment of the devices, but the genius of the British system is that these have been turned to good account and to exercise very beneficial results for the society in which they now operate.

I would hesitate—I do not want to make an issue with my esteemed friend, the member for Downsview, or my colleague, the member for Lakeshore, for whom I have a great admiration, but I want to say that I share the feelings of the Attorney General. I would hesitate to see the citizen ruled out in the computer age, where the trend seems to be that the citizen shall have no part in government at all; all things will be done for him.

If Trudeau's scheme is carried to its ultimate conclusion, we will breed a race of young managers. We will have an elite group of young managers who will be completely competent and manage all our affairs without resorting to us at all. They will not even have to ask us; they will know what is good for us. That is the elitest development in the computer age.

I do not want to see government depart from an intimate nexus with the public. I want the public to feel they are a part of the decisions that affect them and their fellow man, and that is why I defend systems like this. If they are anachronistic, then they are such because they have been proved to be useful. However, on one aspect I have always been disturbed and it is so long since I have looked at that bill the Attorney General put on the order paper. I have been disturbed about the lack of facility to review committals for trial and the ready access to the courts.

These provincial judges have their meetings. They are always having meetings in which they discuss collectively how they will operate those courts; one hears about them being away to another convention. I think somebody must have given them a lecture some time to the effect that when an indictable offence comes before you, always commit for trial because invariably they do and they do so sometimes on very flimsy evidence, a very tenuous connection with the accused. There is not ready access to a court of review; you have to take one of the prerogative writs to the high court. If you go by habeas corpus you have to surrender your man into custody. He has to go through the fiction that he is in custody and really that is a very cumbersome procedure.

I would like to see some sort of statutory change, whereby we provided for an appeal from a committal for trial by the magistrate upon the merits and let it be reviewed by a supreme court judge for him to determine whether there was sufficient evidence or not. He would have the right to substitute his judgement for the committing magistrate's. That would save a lot of time, a lot of trouble and a lot of expense to accused persons, instead of the procedure which we now have.

Often in this procedure there is a variation when we use the prerogative writ. There is a variation among the high court judges as to how far they can go in the review, how far they can go in the substitution of their judgement; some will, with alacrity, interfere. Others will say, "Well it is not for me to substitute my judgement for the magistrate's who has heard the witness."

I think we might well establish some standard procedure whereby a fellow would have his fair day in court, have it reviewed and then go to the grand jury for them to put their stamp of approval on it. But one must never lose one's sense of humour in

these things. Many a lawyer has been deprived of his just fee because the committal for trial has been upset and the grand jury has returned a no bill.

I remember an old colleague of mine in the bar said, "When you have a good rape case, have a good defence to a rape case, don't argue too strenuously before the magistrate because he may refuse to commit for trial", and with all the implications of that.

This is a humorous allusion. Really the nub of the thing is that there should be an availability for review by some superior court of these committals for trial in order to save the public the great expense involved in bringing a person to a criminal trial. I say to my friend, the Minister of Correctional Services (Mr. Grossman), that a full-dress criminal trial is indeed an expensive proposition to the public. A great deal of money is funnelled into one of these things and we are justified, as legislators, in improving the system so that those expenses are mitigated as far as human reason permits us to do so.

Mr. Chairman: The hon. member for Armourdale.

Mr. Carton: Mr. Chairman, I was mentioning that I thought perhaps my topic came under vote 205 more so than 206, but if you will bear with me, I think you will find it does tie in under 206 as well.

Not having the silver-tongued eloquence of the member for Sudbury or the impassioned eloquence of the member for Scarborough West and the excellent deliveries from the members for Sarnia and Kitchener (Mr. Breithaupt), I thought a picture would do more than 1000 words and I have two exhibits. I want one of the pages to take one over there and one for this side. This picture will show you what has prompted my address to this House today.

Mr. Chairman, countless words have been said in this Legislature on the topic of air pollution and the topic of steam pollution; and rightly so, because they are important and it is urgent and it is imperative that our streams not be poisoned and that the air not be poisoned. But there is one type of pollution, Mr. Chairman, that concerns me very greatly because it is the type of pollution that, in my opinion, has a far more damaging, and a far more far-reaching effect than either of these types of pollution, for it strikes at the very root of our whole society. This is purely and simply what I call "child pollution".

For your information, Mr. Chairman, those magazines that are being looked at by the members were found in the hands of a ten-year-old boy in my riding and subsequent to this I found out that they are for sale in many of the stores and are being purchased by many of the children. I am talking about the polluting of the eight-year-old to the sixteen-year-old youth group—the generation that we will look to to provide for the leaders of tomorrow.

I am concerned, vitally concerned, and I hope to arouse, not only this Legislature, but more importantly, the citizenry. I am concerned, Mr. Chairman, about muck merchants, about filth disseminators who prey upon children—who prey upon puberty—and this is being done by the sale of hard-core pornography—and increasingly so, day by day, month by month, year by year.

Today's youth has the money to indulge—their market is a multi-billion dollar one—and the degenerates are capitalizing upon it—perversion for profit is running rampant on the streets of Toronto, nay, across the province and across this continent. Obscenity is being infused into the very marrow of our national life.

I would like the hon. members of this House to project their minds back to the year 1950, and that is not too long ago, only some 20 years.

In 1950 we recall it was Toronto the capital—the Queen City of the province of Ontario. Toronto—the city of churches—Toronto-the-good. Today it is Toronto, the city of Toronto, the pornographic capital of the world, the smut capital of the North American continent.

We are all familiar with those well deserved descriptions of this city. And to be quite candid I was rather proud of my city of birth.

Sure we took some good natured ribbing from out-of-towners, but as citizens and parents we felt an inner glow of pride—it was a good city in which to raise one's family. One had a sense of security—a sense of belonging—a sense of warmth—we had a deep and abiding faith in the future.

We now come to 1970—for in just short of two-and-a-half months we usher in the next decade. In just twenty years we have taken a journey to the depths of degradation and most of us are not even aware of the destination we have reached.

We live in an age, Mr. Chairman, when morally, the roof is leaking, the walls are

crumbling, the foundations are shaking. The validity of moral law itself is being challenged, statistics are not necessary. The increasing number of broken homes, the increasing rate of illegitimate births, the increasing rate of juvenile delinquency, of crime and of violence is self-evident. The principles upon which the very foundations of western civilization were founded, are being challenged.

Some propose that we change these principles, that we change the moral code. i.e. do not change man to fit the code—change the code to fit man. Yes, the foundations are shaking! Still others, neither want to change the code, nor do away with it; their reaction might be summed up as, "What code?" The words chastity, fidelity, self-control, sublimation are no longer meaningful, the Canadian home is weakened, and with it, the Canadian character. Young people are adopting the philosophy described by Jules Henry as, "Pleasure is Truth".

Lest one say, I am crying havoc, that every age has been the same, that the young have always been in revolt, I remind you that only two generations after Socrates said, "The children love luxury; they have no manners; they show contempt for authority; they are disrespectful to their parents; they tyrannize their teachers". Less than two generations later, Athens was no more. The most cultured and civilized city of its day had fallen prey to its own weaknesses and corruption. Food for thought? Yes.

And, Mr. Chairman, in this context, indecent literature plays a very significant role, it is both one of the symptoms and one of the causes of the moral breakdown of our lives. Go to one of your local book stores or newstands and look through some of this filth which panders to the most distorted, depraved, and perverted tastes imaginable. Page after page of smut without a single redeeming feature, with no purpose except the stimulation of the buyer and the enrichment of the seller. Leaf through the dozens, no, thousands of books and you will recognize the symptoms of a diseased age. And yet, it is not only a symptom, what is more important, it is a cause, a cause of individual misbehaviour and the lowering of social standards.

There is a very significant and disturbing correlation between the consumption of this trash and moral crimes. Many psychiatrists, sociologists, educators, and crime fighters rate it high among the causes of violent sex crimes. I know that many will say that smutty literature does not lead otherwise decent people astray. What I do say and emphasize is that giving individuals of troubled personality, or unstable character, such literature can be the trigger mechanism. What is frightening is that it affects and lowers the moral standards of a whole society and contributes to an ever increasingly steady and pronounced deterioration as the public becomes more and more accustomed to, and more tolerant of, lewd, suggestive, and smutty words, pictures and ideas.

Our children are growing up to accept ever diminishing standards of moral behaviour. I say to you, Mr. Chairman, our children are being polluted, and everyone is sitting back passively, hoping a wind will come along and blow it away. One of our greatest problems is to demolish and destroy some of the slick rationalizations excusing or attempting to even justify smutty literature. They will point to the Bible, to Shakespeare, and say they contain some unsavoury passages or four-letter words. This is travesty—for if you took out the unsavoury in the Bible, the dirty words in Shakespeare, you still have left literature of great power and beauty.

We hear it defended on the principles of freedom, freedom of press, freedom to write, freedom to print, freedom to read. But we must remember that freedoms are not absolute, sometimes our freedoms come into conflict. The public has a right to know what takes place in a police station and in a court room. At the same time an accused has a right to a fair trial. The first right militates against the second. So, in the area about which I am most concerned, the right to publish and distribute, is not an absolute right unlimited by any other consideration. It is limited by the rights of others to be protected against those things which are dangerous to the public welfare. The great Aristotle pointed out, "The right and good of society takes precedence over the individual."

We prevent stream pollution by law; we prevent air pollution by law; and I say, Mr. Chairman, we have the right to prevent moral pollution by law, lest our whole generation's attitudes towards morality become poisoned. I am concerned, sir, for the children and teenagers who are being harmed morally and emotionally, given distorted views of human relations by printed obscenity that takes advantage of innocent, youthful curiosity. It is simple enough to slough this off by saying, "They will outgrow it". Will they? It is an insidious revolting lava of corruption.

As I see it, Mr. Chairman, obscenity is particularly potent against youth because youth is searching, looking for standards; it is looking for the measure of adult society. It is looking for status and a place in life and if obscenity comes with the apparent backing of society, or a portion of adult society, it has a powerful suggestion behind it.

J. Edgar Hoover said: "We do know that sex crime is associated with pornography—filthy literature is the great moral wreaker. It is creating criminals faster than jails can be built." Detroit police inspector, Herbert W. Case said: "I have yet to see a sex murder case in the history of the Detroit police department in which obscene literature had not been a factor." Dr. George Henry Farmer, head of the American Psychiatric Society stated: "Prolonged exposure to obscenity and pornography can make a normal child, or person, a pervert." Dr. Bergman Farbner, chief of psychiatry, St. Elizabeth, Washington states: "I have seen children of eight and nine years of age perverted, as a result of exposure to those magazines."

Listen to the letter from a publisher to an author whose manuscript he had rejected. This was quoted by the Hon. Richard Barnes, member of the California Legislature:

> With reference to your manuscript, which we have returned, I am sending you the following letter outlining precisely our needs. Your manuscript was not even remotely geared to these needs, nor was it the required 40,000 words.
>
> We need, tough, strong, hard-hitting, sex-action-filled books geared to the demands of today's and tomorrow's market—rather than to the standards of even a few months ago.

How significant even are the words "of a few months ago". In other words, it is becoming progressively and progressively worse even by the month.

> What we basically seek is off-beat sex, with emphasis on deviations. I suggest some possible themes to write by: Whipping, gagging, sex rituals, transvestia, sadism, masochism, homosexuality—which, by the way he misspelled—spanking, tying, fighting, wet clothing, masks, wife swapping, lesbianism, etc., etc.

Sir, this shows the state of mind of the publishers of this filth.

It is estimated that 75 per cent to 90 per cent of these books get into the hands of the 10-year to 18-year-old youths. Make no mistake, it is big business and, ironically enough, pours millions into the federal coffers in customs taxes.

The proliferation of pornography in the past ten years can only be described, and has been described, as an explosion. In an editorial in *Maclean's* September issue, the politicians are accused of turning the blind eye, and the deaf ear to the ever-increasing problem; they describe it as a torrent—now reaching flood proportions. They accuse us of walking a gutless and hypocritical path, and I am not so sure but what I agree.

To digress for one moment. For the first time since 1795 the senate of the U.S. rejected the appointment of a chief justice—Abe Fortas. The issue that really brought this to the fore was the group of people who appeared and a lawyer spoke on their behalf at the senate.

Apropos his unsuitability, it was pointed out that in the last two terms of the court, Justice Fortas voted to reverse a total of 52 obscenity findings by various state courts. Other issues were involved in his rejection, but it was the obscenity issue that turned the tide.

Mr. Chairman, I am advised that in the past few months alone, in one small part of Toronto's main street, three new businesses have opened up—specializing in homosexual pornography—an aftermath of the liberalizing of the homosexual laws in Canada, and so it goes on, and on, and on.

As I see it, Mr. Chairman, one of the main problems is that the general public, and more particularly the parents of today's youth, have absolutely no conception whatsoever, of the type of books available to their children. I doubt that many of the members of the Legislature have any idea or even realize that books of that type exist—and I say this—the books that I brought to the Legislature this afternoon are of the Sunday school variety, compared to some I could have brought. I doubt the members knew that these were available in quantity and to children in Toronto and other cities, I am sure. Another problem is that those who are aware, those who are concerned, feel like voices crying in the wilderness. How can they help? To whom can they turn?

Firstly let us examine the criminal code, section 150 (8). To me it seems abundantly clear.

> For the purpose of this Act, any publication, a dominant characteristic of which is the undue exploit of sex; or of sex and any

one, or more of the following: Crime, horror, cruelty, violence, shall be deemed to be obscene.

I would suggest that the written law seems adequate. However, it is the different interpretations of obscenity that cause the difficulties, everyone has a different view. Added to this, is the fact that there is an increasing reaction against anything that smacks of censorship. But, I say to you, Mr. Chairman, section 150 (8) is the law of our country and it is the duty of law enforcement officials to lay charges if they think there is a breach. It is then encumbent upon the courts to decide upon the evidence if, in their opinion, a breach has been committed. If we treated the publishers and distributors of obscene literature with the alacrity and dispatch that we do drinking drivers, we would have a noticeable change in a very short space of time.

The battle is between obscenity, censorship, civil liberties. I recall the hon. member for Windsor-Walkerville (Mr. B. Newman) on April 15, 1967 asking a question in this House of the hon. Attorney General on this subject.

The answer revolved around the Attorney General's committee on obscene literature, and their activities.

Well, to my hon. friend who asked the question I would say the problem has multiplied many times during the past two years. I do not know, I am not personally aware of the part played by the committee, presently. I do know that charges are continuing to be laid by the Metropolitan Toronto Police force through the morality squad. I believe there are some convictions registered, but in my opinion the whole problem requires more than an alert Attorney General's Department and more than an alert police force. What is needed today, what is sorely needed and drastically needed, is an alert citizenry.

And this, Mr. Chairman, brings me to a ray of light, a bit of sunshine bursting through the storm cloud, for there has emerged in the United States, originating in the city of Cincinnati where they have literally wiped out this problem, a movement, a body of concerned and responsible citizens who call themselves the CDL—the Citizens for Decent Literature. This is the group responsible for focusing attention upon Justice Fortas.

This is a group that relies on the democratic process, the law, the police and the courts. It does not censor books, it does not presume to tell people what they should or should not read. There are no methods of coercion, either by picketing or boycotting. The laws are in the statute books and, as I pointed out a moment ago, obscenity is illegal. We as legislators exercise, or should exercise, a great deal of influence throughout this province, we are in the best position to mobilize public opinion.

Our police departments are understaffed and overworked; they will put their efforts where people direct them. They will concentrate on obscene literature if we request it, if we seek, if we demand. And I suggest that if you and I directed our efforts just in this area for the next year we would contribute more to society than all our legislation introduced in the past year.

Let us challenge the law breakers; let us encourage our police departments to enforce the law; let us insist that our courts punish, and punish adequately, the violation of the law, and I mean jail sentences, not fines. You know, the local merchant will say, "I did not really realize what was in that book." That book is priced at $5. He knows that when a book is priced at $5 it is not just a comic book. He can see the pictures on the outside and I understand—and I stand to be corrected on this—but on an ordinary, a decent book, that could be purchased for 75 cents, the commission is 10 per cent—7½ cents. On these $5 books it is 40 per cent, or $2. The merchant knows, if only by this, what is in those books.

The other phase of the workings of the CDL is to promote decent literature, for what people read is important. It forms attitudes and it sets standards. What people think—what people do—is influenced by what they read and hear. If this were not so, Shakespeare would not have been taught in high school, we would eleminate newspaper editorials, preachers would stop preaching and Madison Avenue would be out of business.

The power of the written word is at the very core of human culture. When the written word is a smutty word, our culture becomes a smutty culture.

Mr. Chairman, there is, in an embryo stage at the present time, a CDL being organized in Toronto. It is astounding the number of people eager to participate once they know there is someone to guide them. People who are tired of being shoved around by the so-called new morality; people who are interested in decency, in family life, in our western traditions, people who are interested in rebuilding the moral house in which we live, plugging the leaking roof, in stirring up the foundation. And I say, amen.

Sir, in bringing this topic to a close I do so with certain suggestions for the hon.

members, and for Mr. and Mrs. Citizen of Ontario.

Check the reading material of your children.

Discuss the problem with your neighbours.

Complain to the owners and managers of drug stores, variety stores, or any outlets selling obscene literature.

Complain to the police twofold: (1) such books are being sold, and (2) you are demanding enforcement of the law.

Let the judiciary know that on conviction you want proper sentence, not just a fine to be paid out of profits, but a jail sentence; and each time an increasingly severe sentence.

The problem is going to be brought to task, when, and only when, the citizens insist that the law enforcement officials and those responsible for the administration of justice carry out their functions in the proper manner.

And lastly but perhaps most importantly, besiege Ottawa and the other members of Parliament with demands that the custom officials enforce properly the prohibition of obscene literature, for Section 9901(1) Schedule C – Customs Tariff – reads: "Books, printed papers, drawings, photographs or reproductions of any kind of a treasonable or seditious or of an immoral or indecent character are prohibited." They have the power to stop those books from coming across the border and if they say to you we cannot examine every book, I agree. If it is in writing, we cannot be expected to read 100, 200, 300 pages, but anyone looking at the type of book that is in the Legislature this afternoon knows what kind of material it is.

Mr. Chairman, perhaps everything that I have tried to say could be best illustrated by observing the floor sweeper at the union station. Minute after minute, hour after hour, day after day, week after week, month after month, year after year, he pushes his broom ahead of him, only to find, on looking back, that once more the floor has been littered. This does not daunt him, for he turns around and starts back—to clean up the new mess.

This is what we must do. We must continually endeavour to clean up this particular mess and I say to you, Mr. Chairman, let us stamp out this dirty, rotten, filthy, avaricious, perverted segment of our society which preys upon our children and ruins their lives for profit.

Mrs. A. Pritchard (Hamilton West): Mr. Chairman, I rise to compliment my colleague, the hon. member for Armourdale, on his forthright speech dealing with the necessity for effective action to restrict publishing, and use of the mails, to promote the sale of pornographic literature current in many of today's magazines, periodicals, and so on. I heartily concur in his rejection of such material, and add my urging to his plea that action, in fact drastic action, be taken to curtail the so-called sex explosion which is bruising the minds of the young, indeed of all people of any age exposed to it. I have spoken on this matter to women's associations whenever possible and have been encouraged by their shocked reaction. This is not enough. I have been reluctant to broach the subject here, but my colleague has paved the way, and necessity is a hard master.

The Ontario Censor Board appeared before the government commission's committee early in the year. In answer to my question on how films were graded, we were informed that there were three categories, general, adult and restricted. I learned that board accepted that anyone over the age of 12 qualified as an adult. The reason given—parents like to take their children with them to the show. Unfortunately, the children are quite often exposed to a preview of a restricted film.

In closing my brief comments, perhaps I should give an experience that I had after I had made my statement on how I felt about a child of 12 being an adult.

I received a cutting from a local Toronto paper, daily paper, in which there was a preview of a restricted film shown in a restricted house in Toronto, which was quite expressive and graphic of everything that had happened in this restricted film. Now if these films are restricted to certain people that have these peculiarities, why is it permitted to print the preview in a daily paper where it is available for anyone to read?

I endorse everything that my colleague has said, and I hope that real action will be taken.

Mr. Chairman: The hon. member for Sarnia; did you wish to speak on this subject?

Mr. Bullbrook: I was going to speak on a different subject, so if somebody wishes to go along on this—

Mr. Chairman: The floor is yours, then, if no one else wishes to talk on it. Does the Attorney General have any comments?

Hon. Mr. Wishart: Mr. Chairman, I would just speak briefly. I endorse also the comments of my colleagues from Armourdale and Hamilton West.

They point out the problem; they point out the situation, and I think perhaps the member for Armourdale indicated that the most effective solution would be to prevent from coming into this country—most of it does come from across the border—these obscene publications. The great problem which arises when it gets in here is to find it.

Some of it is found; you can buy it, but a great deal of the purchasing is done in a surreptitious way or a quiet way and to find all of the distributors of these obscene publications would mean you would have to maintain a very greatly enlarged police force and additional enforcement people. Then the courts, of course, have interpreted very widely the definition of what is obscene, in the way of literature and in the way of pictures. And the cases are here under the section of the code which the hon. member mentioned, section 150, that pictures of nude women in themselves are not obscene. The case is cited. "Lady Chatterley's Lover" and "Fanny Hill" were held not to be obscene, in their turn, and a whole line of cases—

Mr. Lewis: "Fanny Hill" included?

Hon. Mr. Wishart: Yes. We have an obscenity commission and its efforts have gone to securing copies of these publications, and then going, not just to the publisher, but mainly to the distributor to prevent the distribution. That committee is very effective in that they go to the person who is distributing and say, "If these are on your shelves for distribution we shall prosecute," and the good type of distributor conforms and removes the book, and agrees that this is proper, that they should not go to the public.

But there are a great many, of course, who you cannot catch up with, who you cannot secure convictions against. The police forces, as the hon. member for Armourdale pointed out, are active in laying information and charges and occasionally they secure convictions. I do not know what more one could do.

I do think the most effective way, and there is great difficulty in this, would be to stop them at the border. The section of The Customs Act which, the hon. member for Amourdale says, gives certain power but does not define to what extent you go with the ordinary customs officer. I think you would have to set up a special body, and then I am sure there would be objections, to pass upon whether those particular samples he produced in the House are obscene and what modifications are required or to what point it would go before it reaches the point where it is not obscene.

Who is to be the censor? Who is to be the guide? Who is to say what shall come into this country both by way of literature and by way of picture, or other type of pornographic art?

This is where the difficulty arises. I think we could, in federal legislation, perhaps, satisfy the public that you could create such a body, an agency. It would require quite an effort of persons who could act in this way. You would be giving them judicial powers, and you would be taking really, the powers which now belong to the court, to say, "This is obscene."

I am sure it would be a form of censorship which would meet a lot of criticism. It is a very difficult problem. I think we can only strive to do our best as a province in controlling and containing it.

There is another theory. I do not know about this, but apparently in some of the Scandinavian countries there has been no restriction on this type of thing—it is self-regulating. Perversion and the publication of perversion causes a revulsion. That type of thing destroys itself, at least it falls to a level where it becomes not a serious matter in society. I do not know what reaction my colleagues get from looking at that—

Mr. Singer: What is your reaction?

Hon. Mr. Wishart: It is revulsion—but whether this is so for the young person or not I do not know. I am not sure what my reaction might have been when I was 12 or 16—

Mr. Bullbrook: What is your reaction to the Scandinavian laws, as the Attorney General of the province?

Hon. Mr. Wishart: Well, I am reading about it and getting the reports on it. I do not know. They say that in their country it has not become a problem, that the wide-open permission has caused a revulsion and kept it to a level.

I merely say this is one of the philosophies. I do not say it is mine, I say this is something we have to observe. If someone has a solution—

Mr. Bullbrook: That is what they said in Sodom and Gomorrah.

Hon. Mr. Wishart: Oh, I doubt if they were able to produce that kind of art in Sodom and Gomorrah. I do not know, I merely discuss the matter. I say we are making efforts by way of court prosecution, by way of our committee, and the problem is a large one. As the hon. member for Armourdale says, it calls for citizens' efforts mainly, for effort at the federal level and action. We can do what we can at the provincial level.

Mr. Lewis: Your reports have not shown you that the moral foundations of Scandinavia have collapsed?

Mr. Chairman: Order please!

The member for Port Arthur has the floor.

Mr. R. H. Knight (Port Arthur): Mr. Chairman, I so admire the member for Armourdale for doing what he did today that I cannot sit in my seat without at least making some commitment and making some comment on what he said.

We are living in a society with very mixed approaches to this type of thing. There are people in our society who do not consider what was seen in that book as necessarily dirty, and there are people in this society who think, as adults, that they have absolutely every right in the world to read these things and look at them. I am not going to say which side I am on. I will say—

Interjections by hon. members.

Mr. Knight: Wait a minute. I think this discussion is very good here and it is very wholesome, even if we are discussing matters which are considered very lewd.

Mr. J. L. Brown (Beaches-Woodbine): It may be very good, but it is not very wholesome.

Mr. Lewis: You decide what is wholesome for you—

Mr. Knight: I am very sorry, sir, but I have been elected as a legislator in this province and I like to make my contribution, just as you do. Mr. Chairman, I think that it is most unfortunate that the distributors of this material decided to flood the market with it before society has had a chance to cope with it and especially our children have been ready to meet it and see it.

I think that a person who is sufficiently well armed with knowledge and awareness of dangers can cope with just about anything, and I think that the reason these books are being sold in increasing volume is because people are buying them in increasing volume. If they are buying them they are buying them because they want to buy them, and I think that it is perhaps because they have just not been sufficiently prepared to cope with the situation as it is.

I think that perhaps this matter should be pursued in the estimates of The Department of Education, because here is where I think our children can be solidified in what they think, in their approach to this type of thing.

I would hope there will be a follow-through in that area in this discussion. I take this approach with my own children: that if you teach them the truth and tell them what is going on they are going to be that much better prepared to cope with whatever may be a danger. Sometimes something that looks like a danger is not a danger and it can be converted into something that can be very good.

The other point that I think the Attorney General can do something about is in the matter of restricted movies.

I wonder if the Attorney General, Mr. Chairman, could tell the House when the last time a movie theatre has been charged with misadvertising—I mean on the restricted sign outside the movie it says, persons 18 and over. Now, perhaps the Attorney General could enlighten me and enlighten the House as to exactly what that sign means. If a movie operator advises 18 years or over, and then allows a whole number of people under 18 to come in, is he breaking some kind of law? If he is, when was the last time a movie theatre operator has been prosecuted for having done that?

Hon. Mr. Wishart: No, I cannot at the moment give an answer to that question.

Mr. M. Shulman (High Park): Mr. Chairman, perhaps I could put a word in as a doctor. I do not think this particular question should be decided on a political basis. I hear members asking: What is the NDP view? What is the Liberal view? The member for Port Arthur has made a lot of good sense here. There are no simple answers and I am sorry that the member for Armourdale is not here to hear the comments I am making.

When we were medical students, at the time we went through school we were taught that pornography led to sex crime. If you read a book about homosexuality you went out and became a homosexual. If you read a book about rape you went out and committed rape. And this was a myth that went on through the years, and it has been completely

demolished and discredited. I am sorry that the hon. members for Quinte (Mr. Potter) or for Ontario (Mr. Dymond), are not here, I am sure they would agree with me.

Three years ago in Denmark they completely removed all censorship laws and the result was a tremendous proliferation of pornographic literature which went on for all of four or five months. Then the strange thing was, as the Attorney General has pointed out, the amount that was produced fell off rapidly, it just was not sold. People stopped buying what was available and now the level of sale is down to where it was before. But this is not the important point. The important point is that since this has occurred, the level of sex crimes of every type in Denmark has fallen drastically—the number of arrests for every type of sex crime. Pedophilia—which is the most serious one—has fallen off to something less than a half of what it was before these repressive laws were in existence.

So there are no simple answers. Banning things, we have already learned, does not make them disappear. We banned marijuana in this country but you do not have to go more than a block and you can buy marijuana. Banning dirty books is not going to make them disappear, sending people to jail is not going to make them disappear.

The member for Port Arthur had the answer. The answer is education, not passing another law. We would do better to speak to the Minister of Education than to the Attorney General.

I would just like to point out one other danger that can come of censorship. No matter who you pick as your censors—and I think the government has done a reasonably good job of trying to pick intelligent men—stupid, stupid mistakes occur. We have a situation here in Ontario where due to, the only thing I can imagine, a bureaucratic foul-up, a picture was banned last year—I presume because of its name.

"The Titicut Cup Follies" was a documentary on how the mentally ill are treated in mental institutions. I guess the answer is that the censor got very busy and obviously did not look at the movie, he banned it on the name.

This is the danger, essentially, that leads to all sorts of strange byways and it does not stop those persons who wish to make money from preying on those who cannot get their sexual satisfaction in a normal way. It is not going to stop those people from printing the books and selling them regardless what the price is. It will push the price up, that is what it will do.

For us to form societies for decent literature is a mistake. It has not worked in the States, and it is not going to work here. The answer is to educate our children and certainly the member for Armourdale is right—to police their reading to a certain extent. When they are children, their reading should be policed. It is up to us as parents to guide them. That is why I suggest in the great rush of enthusiasm, we do not all go out and say: "Well, we are going to pass a law and solve the problem", because we are not going to solve the problem by passing any law. We are not going to solve the problem by bringing in a strict censorship of the written word. This leads to other evils and it does not solve the problem.

I think what we should be really interested in this is what are the evils that pornography leads to. If it does lead to sex crimes then by all means fight as hard as you can. But if it does not, and every bit of medical evidence says it does not, then let us look at it from a different viewpoint entirely—and the viewpoint has to be that of education.

Mr. Lawlor: Mr. Chairman, whenever one listens to debates concerning straight ethical or moral problems, I think the subject matter has to be kept in some degree of perspective. What always bothered me, in our civilization hitherto and in this province as an exemplar of it, when morality was talked about, it was always talked about in terms of sex, as though there was not a whole ambit of other morality.

I think that point should be stressed in the clear if you talk in terms of, say, the cardinal virtues that have historically come down through western thought—temperance, justice, fortitude, courage and prudence. After all, temperance would be the one question here, leaving out the other moral virtues. I suggest to a civilization that has given over to all forms of hypocrisy, that honesty is far more fundamental, an open respect for other individuals, an assessment of one's own life in its widest dimensions.

In other words, the sexual ambit of the focus is a relatively small part of any mature human being's existence and the undue emphasis upon it by directing attention to it, I suppose, is somewhat self-defeating.

You know, if I may speak philosophically on this regard, the master of western wisdom is Plato, he said that the human being was a monarchy and that the high top of the monarchy in the human being was his intelligence, and that the intelligence must govern all

suavely with penetration, weighing all the factors, passions, senses, etc., which are unruly. They are forever like steeds, he said, getting out of harness and seeking always to go their own way, and must be held in golden reins.

He said you could not have a depotism, you could not repress. You had to have a constitutional monarchy where they have their role to play. That was his definition and picture of a just state, as a single man writ large, and the state, too, must use not repressive measures in this regard, except perhaps in one area which I will come to.

In other words, what I am concerned with is the moral point of view. The moral point of view is concerned with a number of factors. Basic to that point of view is the ability of human beings to step outside themselves and view themselves and their whole society, everybody around them, objectively —at least for a while.

That ability has come down through Confucius, and is in all the great religions of the earth. It is in Zen Buddhism, and is so much a fad among the youth of our times. And very well it may be, because it means that morality has not got to do with my personal actions *vis-à-vis* myself. It has primarily to do with the range of social activity of which sex again is only a relatively insignificant porton.

To give it undue weight, as has been done under Victorian auspices coming down to our own time, and I think has been proven in the courts—when they banned Ulysses—brings the whole realm of obscenity into disrepute. A book of that type of literature, being held up to public pillory, only convinces people who have any soundness of judgment or health in them that the society that operates through the courts in this fashion is bringing itself into disregard and disrepute and deservedly so.

This has persisted too long and if the vein of the debate here today that repressive measures and the courts ought to be used as instruments where there are certain preconceptions as to what is moral and is not moral particularly in the sexual arena, is to have sway, then we are at a standstill and at loggerheads and nothing will be effective.

On the other hand, I cannot agree, at least as far as I know about it, with the Scandinavian experiment. It seems to me an allation of factors, particularly as it affects young people. If the recommendations of the commission were adopted and the age of majority were taken at 18, Lord knows, at 45 men are equally immature. I would think that this literature or any literature ought to be allowed to be disseminated over the whole population as they see fit. But I think restrictive measures, nevertheless, must be made to bear upon younger people. If you consider this paternalism, so be it. They must through some measure, and this is the job of parents, be protected against themselves, so to speak.

Does this set up all kinds of Freudian repercussions and distortions of personalities because there are secret places that are not open to them? Well I do not think so to any great extent, I think we all can go through our own experience and see how we were able to absorb it, and reacted, but sure got through it. The main emphasis here must be on a form of mental health, and ability to absorb, to jettison and to allow the thing to reach its own obfuscation and to fall into its own misuse.

But to have these stores—and I was not aware that this kind of literature was so easily available in Toronto—pandering to the young in this regard ought to bring the full weight of the morality squad down on them, in my opinion. But it must be in conjunction with this age situation. If adults are fools enough to distort their lives and clutter their minds with this form of irrelevancy, so be it. But in an ongoing and developing society, I certainly do not think that there is much room. Again, if these documents that I have seen are so easily available, then there is a great defection in the operation of the morality squad in Toronto or throughout Ontario and the Attorney General should do something about it along these lines.

Again, this kind of a responsibility cannot be delegated to the customs service. Let them play their role in keeping the tripe out. At the same time I notice a place like Cole's is raided and their books carted away. I would think that they were a relatively chaste organization on this type of publication. There are these string of stores down Yonge Street which would seem, looking in their windows, to pretend to pander to health needs and to physical exercise and climbing Mount Everest and all these sort of things. This sort of thing makes no pretence, it's blatent, it's crude, it's demeaning.

May I say, finally, that in terms of the sovereignty of intelligence we should operate with health, driving nothing underground but guiding, making due and adequate proportional allowance to the whole range of human possibility.

The sexual function is a joy, a vow. The ethics that we have had is that the whole realm of sex has been under a shadow—that it is somehow dirty *ipso facto*. Which is nonsense.

It is a faculty in human life, and a range of experience which cannot help, for those who are balanced, to be most gratifying and to be most developmental. Those who are not immature could adopt through education and other methods the right attitude. But it seems to me that when that interrelationship of the republic of the soul, if you will, breaks down, civilizations break down. They become sloppy, they become lazy, they become self-indulgent. They adopt the form of self-indulgence in its more aggravated way—it is called hedonism and this is a hedonic tone. This is catering to the puny hedonic or pleasurable—to the pleasure principle exclusively.

When D. H. Lawrence wrote "Lady Chatterley's Lover" he was teaching a great message. He was almost a Jeremiah to our times, he was justified as my opinion in his depiction of the events and in his basic philosophical orientation he said: "All you Mrs. Grundys, all you blue stockings out there, blow your noses. You have called into disrespect something that God made glorious." Read the Canticle of Canticles for five minutes, Lawrence told them.

This whole generation is warped. They are the ones that were mentally ill, not Lawrence.

On the other hand, the pandering or catering to sex is a form of degeneration both in the individual and in the host.

Mr. Chairman: The hon. member for Sarnia.

Mr. Brown: I would like to add a word or two to this interesting debate this afternoon by saying that we all born uncivilized in the first instance and we learn to become civilized through our experiences with the people around us, primarily with our relationship in the family and we have to civilize a number of impulses.

The sexual impulse is rather late in arriving. It is one of the most difficult impulses to civilize as is the aggressive and hostile impulse—the impulse to be hurtful and vicious and so on. We can think of a great many impulses that are quite as harmful and detrimental to a society as sex, or the kind of inference that was made by the speaker from Armourdale this afternoon implied.

Things that are certainly far more serious, if you sit down in the evening and watch, are the order of violence and the order of inhumanity that gets expressed quite openly.

So there are a great number of impulses that need to be civilized. Generally, they are civilized by the people that are most closely related to us: our family, our church, our school. If these organizations fail to properly civilize, we then have individuals who cater to the smut that is produced for them because there is a market for them. We cannot say to the smut peddlers, "stop peddling your smut." We have to say to the family and to the school, to the church, "What has gone wrong in the civilizing influences that you hope to bring on the young people in your community?"

We cannot expect a censor board to civilize our children if we have failed to do it with those civilizing institutions that are the foundations of our society. We must be careful because there is a greater crime than nudity and that is the crime of prudishness which in itself produces a tremendous impulse for observing, seeing, getting second hand from photographs, from stories, the kind of information that is denied to children in the first instance when their curiosity is natural and young, tender and without smut.

We are all born into one or another of two sexes, and because that is true we are all curious about how we compare within our own sex and how we differ from the other sex. That curiosity begins very young, very early in children, and in our society, unfortunately, because of religion, because of attitudes, it is very often not permitted to find expression.

Much of the type of magazine that was circulated this afternoon is the result of the fact that there are a great many people, adults, walking around in responsible positions and in other positions, who are still cuirous, as a little child is curious, about the differences.

I think when you begin to hide the genitalia, you cannot see and you do not know what it looks like. You develop a tremendous curiosity. I felt the magazines that were circulated this afternoon should be complimented in that one respect. I would not in any way be concerned about my children seeing those photographs because they know the difference between men and women, and they know what the genitalia look like. They would not read into it the kind of implications that were read into it by the people who called that particular photograph a dirty photograph. That was not part of the picture, that was part of the person who was observing it.

Curiosity is a very natural thing and it extends to all parts of man and to all parts of his nature. We can produce the very energy, we can produce the very momentum that leads to this kind of a problem by being prudish in the first instance.

I would like to compliment the Minister for his carefully worded, but I thought courageous, stand on the issue this afternoon.

Mr. Chairman: Anything further on this particular point?

On vote 206, the hon. member for Sarnia.

Mr. Bullbrook: Mr. Chairman, since we were able to digest the estimates of The Department of the Attorney General and Minister of Justice last year, there has come about the first inquiry under The Provincial Courts Act and I would like to make some comments in connection with the inquiry held by the Hon. Mr. Justice Keith into the conduct of Provincial Judge Lucien C. Kurata.

In making these comments, I would want to preface my remarks by saying that I find criticizing a member of the judiciary a difficult task and one that should be done with a degree of delicacy. I certainly hope that none of the remarks that I make are translated in any way towards disrespect for His Lordship or for the bench in general. Now subsequent to the hearing, to the inquiry, and subsequent to the filing of the report, the hon. Attorney General rose in this House and advised us as follows:

> Mr. Speaker, I beg leave to table the report of the Hon. Mr. Justice Donald A. Keith, respecting his inquiry into the conduct of Judge Lucien C. Kurata. At the same time, I beg leave to table a certified copy of the order of the Lieutenant Governor in Council removing Judge Kurata from office effective May 1, 1969. Mr. Justice Keith, after completing an exhaustive enquiry, has come to the conclusion that Judge Kurata is, by reason of his misbehaviour, unfit to serve as a judge. The government has considered the report and agrees with that conclusion and the judge has accordingly been removed.

I want to say, sir, that to that point I take no issue at all with the statement made by the hon. the Attorney General. For some reason best known to himself he gratuitiously involves himself in the subjective evaluation of the conduct of the enquiry by the judge. He continues in saying:

> This was a difficult and trying inquiry for the commission. On behalf of those whom he has served, I wish to express our sincere appreciation. He undertook this responsibility with a minimum amount of notice; postponed other commitments in order that he might proceed with the inquiry as soon as possible. This was in the best interest of the administration of justice and all concerned. The exceedingly thorough report reflects the very conscientious intention which he gave to this matter in order that it could be resolved.

Firstly, I want to discuss the question of whether The Provincial Courts Act, in view of the experience we have now had relative to the enquiry into the conduct of a former judge, Judge Kurata, is adequate from the point of view of the lack of appeal provisions therein. I would like to initiate a discussion in this Legislature as to whether we should consider some appellate provisions. I would like to also discuss the question of whether the rules of evidence as we know them concurrent with the ordinary and normal evaluation of evidence as to probate of value, relevancy, privilege and other like considerations, should also be transported into the realm of judicial inquiries. Now in that connection, it is my feeling, sir, that, and basically as I recall, and I think I will read part of the problem that faced His Lordship, was the question which is paramount—the private good or the public good. As I understand the law, there is no statutory privilege available to a profession but that these privileges have been accorded as a matter of courtesy, and having regard to the proper and adequate enforcement of the law and the administration of justice concurrent with the activity of some professional groups, and—

Interjections by hon. members.

Mr. Bullbrook: Sir, I am going to be some time on this matter and I am given to understand that they want to consider the changing of the orders of the day and in that respect therefore, I would be prepared to—

Mr. H. Peacock (Windsor West): Let the acting House leader interrupt you and call the orders.

Mr. Bullbrook: Is this what you want to do?

Hon. A. F. Lawrence (Minister of Mines): Yes Mr. Chairman; if it is agreeable to the hon. member, I do not want to interrupt his speech here, but if he is going to be some time we do have some legislation to proceed with as indicated to the House last night, I believe, by the House leader.

Mr. Bullbrook: Well, I have orders from headquarters to stop. I will take the orders.

Interjections by hon. members.

Hon. A. F. Lawrence moves that the committee of supply rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

Mr. V. M. Singer (Downsview): On a point of order, I want to object, just as formally as I can, to the unusual, improper and most discourteous manner in which the business of this House has been conducted in the past 24 hours.

Last evening, immediately after conclusion of the debates, the House leader rose in his place and indicated to us, for the first time, that there were going to be three bills debated on second reading this afternoon.

At that time I objected to the very limited notice which he was giving to us, and my objections apparently had no effect. The end result of the matter, sir, was that several of us worked into the wee, small hours of this morning, and then went home for a few hours' sleep, came back again and worked all morning to get ready for the debate on these three very important bills.

And fascinatingly enough, sir, as the business of the House commenced this afternoon, the acting House leader, the Minister of Mines (Mr. A. F. Lawrence), came over and said: "I am sorry, the Minister of Energy and Resources Management has suddenly been called out on a great emergency. Let us continue with the Attorney General's estimates."

Well, those have continued. Now we see the Minister of Energy and Resources Management (Mr. Kerr) back in his seat; and I get another message from the Minister of Mines, the acting House leader, that now we are ready to go ahead.

I say, sir, this is most unreasonable, most unfair and certainly most discourteous; a most discourteous manner of treating the members of this Legislature.

Certainly it is most unfair and most unreasonable that the government could not have taken the trouble to give us a 24-hour notice or a 48-hour notice that this was their intention, and certainly having inconvenienced us to that extent, then the fact that they had to call it off for some emergency; and I have no knowledge of what the emergency is, and probably it is none of my business in any event. Having seen fit to call it off because of some emergency that the Minister of Energy and Resources Management ran into, again we have to be most discourteous, most unfair and most unreasonable to the hon. member for Sarnia (Mr. Bullbrook).

I suggest sir, that it is time that the government of this province, in ordering the business of this House, did it in a reasonable, sensible, logical and fair way. And that certainly is not the way that this was handled.

Mr. J. Renwick (Riverdale): Mr. Speaker, on the point of order, I concur entirely with what the member for Downsview has said about the matter. I assume and trust and hope that the Minister of Energy and Resources Management will see fit to comment on this particular point of order.

Hon. A. F. Lawrence (Minister of Mines): Mr. Speaker, may I merely point out to you that my understanding is that the two orders we intend calling as the business of the House at the moment, have been on the order paper since March. My understanding also is that if a matter is on the order paper, especially for any length of time, all of us should be prepared to proceed at any time with those matters.

I reject entirely the opinions, and I think they are only the opinions, of the member for Downsview in respect of a matter such as this. My understanding is that it is urgent that the House now consider at least two of these bills and it is therefore my intention now to ask that order number 11 be called.

Mr. Singer: Mr. Speaker, if I may just continue very briefly on the same point of order, notwithstanding what the undertaking of the hon. Minister from St. George is, or was, or might be. First of all, he has again changed the rules. Instead of calling three bills, we are only going to call two. Certainly, one of the great discussions that we have had about the faults and rules of this House is that the government does not have the courtesy or even the decency to keep the members of this House advised as to what the next order of business is.

It is sloppy, it is misleading, and it is deliberately contrived for some purpose that is not yet apparent. But it certainly is not a reasonable way to carry on the business of this province.

Mr. Speaker: Speaking to the point of order raised by the hon. member for Downsview; while the nature of his remarks is such—that he has directed remarks to the House leader, that there has been some degree of lack of courtesy, I must point out that

there is no point of order in the procedure. The prerogative is that of the government to call the order of business and whether or not there has been a lack of courtesy, does not constitute a point of order. Therefore, I would think it is up to the acting House leader to call the order of business at this time.

Mr. H. Peacock (Windsor West): With respect, sir, may I pursue the point of order?

I believe it is not only courtesy to the House but one of its standing orders that a member does not interrupt another member who is on his feet. If the government House leader had indicated that he wished to proceed to the legislation that he wants to introduce, I am sure he could have caught the Chairman's eye before the member for Sarnia rose.

Hon. A. F. Lawrence: Mr. Speaker, on that particular point, I would certainly indicate to the member for Sarnia my sincere apologies for interrupting his speech, if there is any question about that. I regretted having to do it and my understanding was that if he wanted to continue for another 10 minutes in committee of supply, he could do so.

I really do regret that portion of the afternoon's agenda but, in any event, my further understanding is that notice was given last night by the House leader that certain orders would be called today and we are now fulfilling that commitment to the House. That is precisely what we now intend to do.

I cannot see that there is any indignity or discourtesy to the House. If the hon. member for Downsview did not get enough sleep last night because of this hurried work, then we sympathize with him but it happens to us quite frequently over here, let me assure him of that.

In any event, he has had another two hours to delve into his legal research so I really do not know what he is complaining about.

Mr. Speaker: May I suggest that the acting House leader does call the next order of business at this time.

THE ONTARIO ENERGY BOARD ACT, 1964

Hon. G. A. Kerr (Minister of Energy and Resources Management) moves second reading of Bill 109, An Act to amend The Ontario Energy Board Act, 1964.

Mr. Speaker, before—

Mr. J. Renwick: Mr. Speaker, on a point of order!

We are about to engage on a debate concerning the principle of Bill 109, which is an amending bill. Therefore it is often difficult to spot exactly what the principle is when in fact a number of the sections are being amended which are all in that sense debatable on the principle.

I simply want to find out whether or not because of the delay and a certain suspicion which I have about the matter there is any intention of the Minister who is sponsoring this bill to introduce any amendments which at some subsequent time would have a bearing upon or affect the debate on principle, Mr. Speaker.

Hon. Mr. Kerr: Mr. Speaker, that is just what I was going to do. I wish to inform hon. members that I will be moving an amendment to section 7 of the bill in the standing committee on legal and municipal bills, following completion of second reading, and I would like to send a copy of this proposed amendment to both deputy leaders.

I think, Mr. Speaker, it would be only fair to the House if I read the proposed amendment. This is to section 7 and dealing with new section 25 (a):

> No gas transmitter, gas distributor, or storage company without the leave of the Lieutenant Governor in Council shall:
>
> a) sell, lease, convey or otherwise dispose of this gas transmission, gas distribution, or storage system, or any part thereof that is used or useful in serving the public as an entirely or,
>
> b) to enter into an agreement for amalgamation with any other company or,
>
> c) acquire such number of any class of shares of the gas transmitter, gas distributor or storage company that, together with the shares already held by the acquiring gas transmitter, gas distributor, or storage company, and its associations will in the aggregate exceed 50 per cent of the shares of that class.

Subsection 1 does not apply to:

> mortgage, charge to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness.

Three,

> Any application for leave under subsection 1 shall be made to the board which shall hold a public hearing thereon and

submit its report and opinions to the Lieutenant Governor in Council.

Four, clause (c) of subsection 1:

shall be deemed to have been in force as of the 22nd day of October, 1969.

The main reason for proposing this amendment, Mr. Speaker, is because the government believes in order to make this bill as presently printed more effective and in order to carry out the intent of the present bill, an amendment is required. In other words, if we wish the energy board to review mergers or amalgamations, it is also necessary to review in the public interest the purchase of majority shares as provided in the new subsection c.

Mr. Speaker: Is it proposed by the hon. Minister that the amendments he has just mentioned will be introduced in the standing committee?

Hon. Mr. Kerr: I hope, Mr. Speaker, to standing committee next week.

Mr. Speaker: Does any hon. member wish to speak to this bill?

Mr. Singer: Yes, Mr. Speaker, I do.

Mr. Speaker: The hon. member for Riverdale was on his feet—

Mr. Singer: Mr. Speaker, surely the Official Opposition on the second reading of a bill, by courtesy, has to get the first chance to make remarks in relation to it.

Mr. Speaker: If the hon. member for Downsview will try to control the exuberance of his verbosity, I will give him the floor and recognize his point.

Mr. Singer: Thank you, Mr. Speaker.

Mr. J. Renwick: Mr. Speaker, on a point of order—

Interjections by hon. members.

Mr. Speaker: I do apologize to the hon. member for Riverdale. I had overlooked the point that it is the tradition of this House to recognize the Official Opposition first. I do apologize to him.

Mr. J. Renwick: Mr. Speaker, if I may speak to the point of order.

Not at any time that I have been in the House has there been any recognition as an automatic rule at the time of second reading of any particular member of the House be he the leader of the Opposition or anyone else.

If we are going to start to change the rules to make this place a spontaneous Chamber of intelligent debate, we should not engage immediately in starting to lay down other rules as if we were not able to conduct it in accordance with normal Parliamentary procedure.

Interjections by hon. members.

Mr. Speaker: Order please!

I must repeat that while I do note at that particular moment that the hon. member for Riverdale was on his feet, nevertheless I did point out that I did not observe the tradition of this House in recognizing the Official Opposition which I should have done. I apologize to the House and to the hon. member for Riverdale.

The hon. member for Downsview.

Mr. Singer: Thank you, Mr. Speaker.

Mr. Speaker, a second example really of the lack of courtesy which the government has displayed or perhaps it is a symptom of panic, is when the acting House leader announced last evening, some time after 11 o'clock, that these bills were to be—

Mr. Speaker: I must point out to the hon. member that he should speak to the principle of the bill.

Mr. Singer: I am speaking to the principle, as reflected, Mr. Speaker, by the amendment that the hon. Minister has just put forward.

I would say, sir, that the amendment is a very important one and I am going to address many of my remarks toward it. But, had the courtesy which is normally extended, been given to the members of this House, we would have been advised last evening that the government did not intend to present for second reading the bill which the hon. Minister of Mines said had been on the order paper since last March.

What in fact happened, Mr. Speaker, was that we were compelled to prepare for debate on a bill, which, in fact, is not the bill before the House. It is the bill before the House with a substantial amendment and I say that again, it would only have been a matter of common decency that when this bill was being called for the business of the House today, that we would have been told in reasonable time that the Minister had intended to present an amendment, which would substantially change the thrust of this statute, and would substantially change the kind of debate that was going to take place.

Insofar as section 7 is concerned, and that is the section I want to address my remarks to, I want to say, Mr. Speaker, that there has been great concern throughout the province of Ontario about the heralded takeover of Union Gas by Consumers' Gas. And the government has been less than frank throughout the piece insofar as disclosing what plans, if any, they had in this regard.

I refer, sir, to the remarks to a question addressed by my leader to the Minister of Energy and Resources Management on Monday of this week, and I have an extract here, from *Hansard*, and it reads in this way, and this is a further indication of the lack of frankness or the inability of the government to make up its own mind or know what it is doing in connection with a matter as important as this as recently as Monday of this week. And this is the question posed:

Mr. Nixon: I have a question for the Minister of Energy and Resources Management. Is the government going to bring forward suitable amendments to The Energy Act, and perhaps I should say some other Acts, which will give it power to control the imminent takeover of Union Gas by Consumers' Gas?

Hon. Mr. Kerr: Mr. Speaker, I do not have anything really further to add to my answer I gave the hon. member last week.

So, it was not just the first time my leader had broached this question. It was at least the second time, and again, I point out, Mr. Speaker, it was on Monday of this week. To resume with Mr. Kerr's remarks:

We are still considering this matter and certainly a decision will be made within the next few days.

Mr. Nixon: Might I ask the Minister if he is aware that the actual sale of stock is taking place this week, and that if he is not prepared to take some action, it means he is abdicating this responsibility. This is probably the largest single energy purchase, or change, that has taken place for a century here and without commenting on its merits, we believe the public interest should be represented.

The leader of the Opposition's remarks, may I say, sir, were centred around the bill as it sat on the order paper since last March and in the way it was then phrased.

Hon. Mr. Kerr: I am aware of the details of the offer.

Mr. Nixon: What is the Minister doing about it?

Hon. Mr. Kerr: In two or three days, we will reach some decision.

Mr. Nixon: I would like further to ask the Minister of Energy and Resources Management, the following question—

Now, this gets on to something that relates to the other bill that may or may not be dealt with today. But there it is, Mr. Speaker. As recently as Monday afternoon of this week, the responsible Minister, so called responsible Minister, refused to give any answer to the leader of the Opposition in relation to the government's intentions to this very important question.

And next to that, after 11 o'clock last evening, the House leader says we are going to debate the bills. Still no additional advice, still no additional advice, Mr. Speaker, as to what the intention of the government is and the whole order of business apparently is rearranged and then suddenly another emergency case breaks.

What the emergency is we still do not know. The Minister was on his feet and did not tell us what the emergency was. The apology we got was from the Minister of Mines, I feel sorry the Minister of Mines was thrust into the position of being the spokesman this afternoon. I suspect he had nothing to do with the whole thing and he just was put in to fill up the breach, which he did not do too badly. But it still does not answer the problem that is here before us, Mr. Speaker.

If there is one Minister in this House who should be, or should have stood on his feet and apologized, it is the Minister of Energy and Resources Management. He should have explained to us this unusual procedure and why he was unwilling or unable as late as Monday to answer my leader's questions, and why he is unwilling or unable as recently as late last evening to give us any more direction than was given and why we had the two-hour delay this afternoon . . . three-hour delay this afternoon. And why he has now changed his whole approach to this very important clause number 7. I may say, sir, that perhaps the government heard—and the government hears very slowly, and once it hears, it reacts even much more slowly—heard some of the voices of protest that had been raised around the province in connection with this matter.

For instance, I have before me an editorial, just one editorial that appeared in one of the Ontario papers. This one comes from the Windsor *Star* dated October 21, Tuesday, October 21, 1969, yesterday, as a matter of fact, Mr. Speaker. So even the learned editors of the Windsor *Star* were concerned as recently as yesterday when they put pen to their editorial voice. This is what they had to say, and I think it is important enough to read this whole editorial:

> Consumers' Gas Company of Toronto, a Canadian firm, is in the process of buying up Union Gas Company of Chatham, also a Canadian firm. The process should be complete some time after November 14

when Consumers' offer to all Union shareholders expires. The result will be a single Canadian owned company holding franchise for gas distribution and sale through most of southern Ontario.

This very attractive business field will undoubtedly catch the eye of those very sharp businessmen—American investors—and the consolidated ownership will make it easier for American investors to buy up another Canadian company in the natural resources field.

Two governments, in Ottawa and Queen's Park—

Hon. Mr. Kerr: Mr. Speaker, on a point of order. In view of the proposed amendment, is all this tirade necessary?

Mr. Singer: Well, I am certain, Mr. Speaker, that if the Minister is as patient with us as we unfortunately have had to be with him, that in the course of my remarks he will see the pertinence.

Two governments, in Ottawa and Queens' Park have authority in this particular field. The Ontario government controls the franchises to Consumers' Gas and Union. The federal government has jurisdiction because the lines and transactions of the companies cross both provincial and international boundaries. Either government could thus step in to prevent an American takeover of the consolidated company after Consumers' buys Union.

But by the same token, each government could use the other's authority as an excuse to avoid action. The result could be an American takeover with each government blaming the other. That government action is improbable, might even be forecast by the apparent apathy of the Ontario government in moving to ensure some public scrutiny of the current Consumers'—Union transaction.

A government bill to add to the powers of the Ontario Energy Board has been given first reading.

That is the first reading the Minister of Mines refers to as having taken place last March, but there is no sign of further debate on the bill. And this editorial was dead right up until 11.05 p.m. last evening, "—or of amendments to bring the purchase in question clearly under the authority of the board —" and that was dead right until 10 minutes after 5 o'clock, this afternoon.

Hon. A. F. Lawrence: That is not true!

Mr. Singer: Yes, it is true; it is abundantly clear.

Hon. A. F. Lawrence: The editorial writer was not reading your own leader's question.

Mr. Singer: Oh nonsense!

Well all right, the Minister questions it. The Minister questions it.

Let me read that to him again because I am sure he did not understand. Mr. Speaker, only at the urging of the Minister of Mines am I going to read this question to him again, and the answer.

Mr. Nixon: I have a question for the Minister of Energy and Resources Management. Is the government going to bring forward suitable amendments to The Energy Act and perhaps I should say some other Acts which will give power to control the imminent takeover of Union Gas by Consumers Gas?

Now, listen well, Mr. Minister of Mines, to the reply of the hon. Minister of Energy and Resources Management:

Hon. Mr. Kerr: Mr. Speaker, I do not have anything really further to add to my answer that I gave the hon. member last week. We are still considering this matter, and certainly a decision will be made in the next few days.

Now surely, Mr. Speaker, even the erudite Minister of Mines cannot read into that answer any statement of fact at all, other than the fact that the hon. Minister of Energy and Resources Management chose not to say anything at that time, which was his privilege within the rules of the House, but that is what he chose to do.

The next question, Mr. Speaker, was this, and I am sorry again the Minister of Mines was not listening. I am going to read it to him again, let me read it to him again:

Mr. Nixon: Might I ask the Minister if he is aware that the actual sale of stock is taking place this week, and that if he is not prepared to take some action, it means he is abdicating his responsibility. This is probably the largest single energy purchase or change that has taken place for a century here, and while not commenting on its merit, we believe the public interest should be represented.

Hon. Mr. Kerr: —

And again a very illuminating answer—

Hon. Mr. Kerr: I am aware of the whole details of the offer.

Just bubbling over with information. And I am sure the Minister of Mines appreciates that.

Mr. Nixon: What is the Minister doing about it?

Hon. Mr. Kerr: In two or three days we will reach some decision.

Now, Mr. Speaker, if the Minister of Mines can read into that fascinating exchange—and if he still does not understand it, I will read

to him a third time—if he can read into that fascinating exchange the disclosure of any information from his colleague, the hon. Minister of Energy and Resources Management, he certainly is clairvoyant, he certainly knows much more about the natural meaning, the logical meaning of the English language than I do. And he certainly is able to take a nothing statement and to build a whole mountain out of it on no basis at all.

Mr. E. W. Sopha (Sudbury): Oh you people are falling apart.

Mr. Singer: Now before I was interrupted by the hon. Minister of Mines, I was about half way through the editorial. I hope I am not repeating myself, but let me attempt to pick up at the point where I think the Minister of Mines interrupted me.

> That government action is improbable might even be forecast by the apparent apathy of the Ontario government in moving to ensure some public scrutiny of the current Consumers'-Union transaction. The government bill to add to the powers—

I think I read this but it is worth repeating, it is important enough:

> A government bill to aid to the powers of the Ontario Energy Board has been given first reading, but there is no sign of further debate on the bill or of amendments to bring the purchase in question clearly under the authority of the board.

And the final paragraph in this editorial, and I would ask the government members to listen carefully to this:

> The probabilities, unless there is government action, are that Consumers' will take over Union with the public interest unrepresented and that the larger company will be an easier target for American takeover.

Well now, that is the kind of sentiment that has been expressed throughout the province, Mr. Speaker, and it is amazing to me that it has taken the government so long to finally make up its mind, if it has any, as to what it was going to do. Similarly, on Saturday, October 11—well, let us go back—on Wednesday, October 8, 1969, in one of the papers here in the province under the heading "Public Ignored in Gas Merger", a very strong story appears. And I think maybe this should be read in too.

> The proposed takeover of Union Gas by Consumers' Gas appears to be going ahead to the satisfaction of the two companies and their shareholders. Whether the move is to the satisfaction or interest of the public is not so clear. The facts are that no regulatory body representing the public has authority to study the role of the merger of the two big monopolies into one bigger monopoly. The rates now charged by both companies, and those that would be set by the merged company, are subject to regulation by the Ontario Energy Board, but the board has no authority over mergers. There is a bill before the Ontario Legislature which would give the Energy Board authority over amalgamations. But for two reasons that authority will not extend to the Consumers'-Union negotiations. First, there is a question as to whether the term "amalgamation" in its legislative sense can be held to include a takeover of one company by another and, second, the bill has been before the Legislature since first reading March 31—

That is the specific date. I am sure the Minister of Mines would be glad to hear that, March 31.

> —with no subsequent action. Normally such a bill would now have received at least second reading. This is not to say that the proposed purchase of Union Gas by Consumers' Gas is harmful to the public interest or should not go ahead, the point is—

And this is the very important point, Mr. Speaker, which the Minister's amendment nibbles at but does not really come to grips with—

> —that no one representing the public interest had a chance to look into the proposed merger of monopolies. The solution, if the public interest is to be protected, is for the takeover to be delayed by whatever government means necessary until the Energy Board is empowered to take its implications to the public. Amendments to the bill now before the Legislature should remove any possible misunderstanding as to the board's authority over takeovers, amalgamations, mergers or any other major transactions involving the ownership of such huge monopolies. The bill should also be advanced in the government's priority lists so it can be debated as soon as possible. Beyond Queen's Park, the federal government might consider the advisability of legislating to prevent the Canadian-owned monopoly gas companies passing into foreign control. This would not apply in the present case since both Consumers' and Union companies are Canadian owned. They must, however, be two of the very few companies in the Canadian oil and gas industry that

are not controlled by U.S. capital. And gas is of increasing importance in the national economy since its convenience and low air pollution factor make it increasingly popular with industry.

Well that is that news story. And then there is another one, October 11.

In case the Minister or any of his colleagues believe there has not been agitation about this, and in case they believe that they have given any clear indication of what their thinking is, let me read in this news story dated Saturday, October 11:

Legislative mills grind oh so slowly. Time and a quibble over words seem to have combined to deny any provincial government authority over the proposed takeover of Union Gas by Consumers' Gas. Bill 109, which would add to the powers of the Ontario Energy Board will probably not be passed by the Ontario Legislature before the takeover is complete. And even if the bill were passed, according to Energy Resources Minister Mr. George Kerr, it wouldn't apply, as presently worded, to the Consumers'-Union deal.

Bill 109 would give the Energy Board authority to study and rule on amalgamation of gas companies. The Consumers'-Union transaction could be held to be a takeover, and so not immediately subject to energy board even if Bill 109 becomes law without an amendment to widen the definition of amalgamation. The government must think it is worthwhile to give the energy board authority to rule on such transactions, otherwise it would not have bothered with Bill 109. It may even think it worthwhile to make Bill 109 apply to takeovers. But by taking no action to speed Bill 109 and ensure its application to the Consumers'-Union transaction, the government appears to be making an exception. If it is worthwhile to have the public interest represented in future gas company transactions, why should an exception be made for the transaction now underway between two very large gas companies?

Well, that is just a very small portion of some of the newspaper comment in connection with this very important matter, Mr. Speaker.

Now, while we have been getting, thanks to the Consumers' Gas Company, regular bulletins—and they are very interesting and very informative—it would appear certainly from the bulletin dated October 15, which is only a week ago today, the fact that this deal was proceeding on in accordance with the agreement made between the shareholders of the two companies and that there was no real thought that there was going to be any government intervention, or any role to be played by the Ontario Energy Board.

Ah, one would wonder, Mr. Speaker, when the Minister brings this bill before us with such undue and unreasonable haste, and with lack of full disclosure, as I have already referred to, whether he is not prepared to outline to us—and I think that he has got a duty and a responsibility to do that—as to the extent to which this deal that has been arranged has moved along.

When is the closing date? Have we got a deadline, Mr. Speaker? And I am beginning to suspect that perhaps there is a deadline. Have we got a deadline that we have to meet and which if we do not meet, which if this bill does not become law, either in this form or in some other form, will make the provisions of this bill as intended, or apparently intended, by the amendment useless?

If there is such a deadline, when is it? How quickly are we compelled to act? Are we, in fact, under the gun, Mr. Speaker?

And if we are under the gun, why? Why has the Minister not taken us into his confidence and said, "Well, things are very difficult you know. We have had this bill sitting there since March 31 and we have not moved on it. I will not answer questions from the leader of the Opposition but there is a date. It is not too far in the distant future, and unless we get some legislation on the statute books, through three readings of the House —and it is an awful bother, you know, to have to bring bills to the House and let the Opposition speak about them—but we have got to get this bill through the House and we have got to get it through quickly and we have to get the Lieutenant Governor in Council."

What is the deadline and why the sudden rush? If it was important in March when introduced, if it was important in light of these various bulletins put out by Consumers' Gas, let the Minister be completely frank, let him tell the people of Ontario what actually is going on.

Let him tell us for instance, Mr. Speaker, why the tenure of the deal is changed. As I understand it, there were two deals. The first was a deal which involved the takeover of assets only and as one reads the bill as originally printed, one would think that section 7 which introduces the new section 25a would have applied to the takeover of assets and so there was no necessity for an amendment.

But surely the Minister must have known as did pretty well everyone else in the province of Ontario who had any interest in this matter at all that somewhere along the line the people of Consumers' and the people of Union decided that the original deal which they had agreed upon was to change.

It was to be changed so that it no longer contemplated a sale and purchase of assets. It was to be changed so that it now contemplated a purchase of shares—which purchase of shares would include the control of Union. So that there was another way of doing it, and I would think that if the Minister had been on top of the situation—and perhaps we will hear from him later in this regard—he would be in a position to tell us what he knows about the reason for the change.

For instance, would it be reasonable to assume that the change in the nature of the transaction related only to the specific wording of section 7 as originally drafted? And those legal advisors who are retained by Union and by Consumers' thought that here was a legal way and an intelligent way of avoiding any public review or any review by the energy board.

I would be very interested to hear that question and if the Minister is on top of his job and his advisors know what they are doing, I would think he must have been following this transaction day to day as it was first talked about.

From the first time, from its very inception, he and his advisors must have been kept in the picture or brought into the picture. Or was it solely a financial consideration? Because if the assets of Union had been sold, as they appear, to Consumers', what would the taxation effect have been? I am certain that those accountants and other advisors of both Union and Consumers' must have studied this matter very carefully but the fascinating fact—if I know anything about the operations of large companies—is that long before any agreement was signed, this kind of study would have been embarked upon by the advisors to both these companies.

Let us remember we are not dealing with anything other than two large giants in Ontario industry and let us remember they had available to them at all times the best of legal advice, the best of accounting advice and the best of all other sorts of advice. They used it and they used it well and as they should, before they signed any documents. So I think we need to have a thoroughgoing explanation as to why the transaction failed.

Now, as we have examined this whole problem we begin to wonder if the Minister has any opinion about rates and the effect that this is going to have on rates. How are the customers of Union going to be affected by the takeover? How are the industrial customers going to be affected? How are the commercial customers going to be affected? How are the residential customers going to be affected?

I do not think we need worry at this point as to whether or not the shareholders who are selling their assets are going to get a proper price for them. Because as I say, they have had the ability to get proper advice and apparently they have entered into an agreement and they know what they are doing. But what we must be concerned about is the public.

What is going to happen to the industrial users? What is going to happen to the commercial users, and what is going to happen to residential users who now take gas from Union Gas?

Hon. Mr. Kerr: That is why there is going to be a hearing.

Mr. Singer: Oh yes, yes, yes. But I would think perhaps I am posing a series of questions that either the Minister is unable to answer or is not prepared to answer and he would rather have the hearing. I think that we should get enough of this information on the public record so that the public could be somewhat convinced, despite the bad start, the terrible start, that the government has made in bringing this legislation before the House, that there is some concern shown by the responsible Minister and by his officials as to the significance that this deal is going to have on the people of Ontario.

Now that is the point. I would think that we should have some better understanding than we presently have about the difference between the flow-through method of accounting and the ordinary method of accounting—

Mr. M. Gaunt (Huron-Bruce): Normalized!

Mr. Singer: The normalized method of accounting, that is the other system.

As I understand the flow-through method of accounting, it is used by one of these companies and it defers anticipated taxes levied by various levels of government.

I believe that system is used by Consumers' Gas and it is an accepted system, I am not suggesting for a moment that it is

not. So that in fact when a firm like Consumers' comes to the board they are able to present a somewhat different kind of a picture insofar as their earning base is concerned which would reflect on the rates charged.

I would like an explanation from the Minister how that relates to the normalized system of accounting which is a system of accounting, as I understand it, that Union has used. It is a sort of pay-as-you-go basis and reflects a different kind of base of anticipated profits and which would consequently affect the rates.

It has been suggested to me, Mr. Speaker, and I do not know whether it is correct or not, but I would hope the Minister would have some answers for us, that the first immediate effect of this takeover insofar as consumers are concerned, is that the ordinary residents of western Ontario who buy gas from Union Gas would probably get a reduction in rates. But as there is a merger of the two systems of accounting, the system of accounting, the flow-through system of accounting used by Consumers' will be the one that will apply through the new and larger company.

So the final effect of it will be that the whole flow-through process will catch up reasonably soon with the customers of Union Gas; and so that while initially their rates will go down, subsequently their rates are bound to go up.

Now, I would like very much to hear from the Minister what his views are on this. Does he believe that this is in the interests of the people of Ontario? I think this is the key.

Now, it is interesting that for better or for worse there are certain people who appear to be somewhat knowledgeable about the affairs of our stock market, who make assessments in their own mind about the importance of this kind of a transaction, and the kind of effect that it is going to have on the companies involved.

Both these companies trade on the Toronto Stock Exchange. When the deal was first announced, Consumers' was trading at about $19 a share, and Union was trading at about $14 a share. I think yesterday—these are only approximate figures—Union was trading at about $17 a share, so those dealing in the market at least have come to the conclusion that insofar as the shares of Union are concerned, they had increased in value by the notice of this exchange of shares, this buy-sell agreement relating to shares. The shares of Consumers' have declined from $19 to $15.

Now again I would think that we are entitled to get from the Minister his opinion as to whether or not the market assessment is a reasonable one. I am not suggesting that it is the be-all and the end-all, or that the market value of shares that are being traded is necessarily the final, correct or complete arbitor as to the effect of a particular transaction. But these are the effects up to the moment of this transaction, and I would think that the Minister owes us some kind of opinion in regard to this matter.

I am told that the gossip on the street, and it is a shame to use such a great authority in a debate in this Legislature, but the gossip on the street—that is on Bay Street in relation to the market indicates that—in the opinion of those who should know—Consumers' will eventually be hurt by this transaction. That is an opinion, that is an opinion only, and it is gossip. But I would like to hear from the Minister again, on what his opinion is, and what the opinion of his experts are, because in addition to the customers who are served by Union, Mr. Speaker, we have to have some concern about the customers who are served by Consumers' and we have to have some concern about the shareholders of Consumers'.

Hon. Mr. Kerr: Mr. Speaker, on a point of order, if the hon. member has concern for the shareholders of Consumers' he would not have made the remark that their shareholders will be hurt by this transaction. That is something out of the blue, and you have no reason for that remark.

Mr. Speaker: I think the hon. Minister does not have a point of order.

Hon. Mr. Kerr: It is gossip.

Mr. Singer: I was going to suggest, Mr. Speaker, that the Minister find the point of order. I would think it is reasonable and logical to look at the stock market phases in relation to a transaction of this kind, to comment on what values were on a certain date, and to comment on what values are at another date. To draw one sort of a conclusion, Mr. Speaker, and through you, to tell the Minister, of some of the opinions that have been offered.

I hope, Mr. Speaker, that if the deal goes through, it will be a good deal for Consumers' and Union, for the consumers of Consumers', for the shareholders of Union, and for the shareholders of Consumers'. In other words,

Mr. Speaker, I hope that we can be satisfied —and we are not—that is a good deal, in the public interest. That is what I am concerned about, Mr. Speaker. That is about all I wanted to say at this point.

Let me come to the amendment as proposed by the hon. Minister.

As you compare the present section 7, Mr. Speaker, with the amended section 7, these differences are apparent. Section 7, as it is printed in Bill 109, proposes to add an additional section to the present Ontario Energy Board Act of 1964, and the original section and the amended section start off in exactly the same way.

"The Ontario Energy Board Act is amended by adding thereto the following section 25 (a)"; and to that point they are both the same, so we are putting in a new section, a section that was not contemplated before.

Hon. Mr. Kerr: Mr. Speaker, they are not the same, they refer in the preamble to the Lieutenant-Governor-in-Council.

Mr. Singer: No, I did not say they were—I was only reading them both right from the top down.

Hon. Mr. Kerr: I am sorry.

Mr. Singer: No, I did not come to the conclusion at all that they were both the same, not even the preamble.

Hon. Mr. Kerr: The Lieutenant-Governor-in-Council is referred to in the preamble.

Mr. Singer: No, I have not even read subsection 1 yet. No, the Minister was a step or two ahead of me, I am coming to that.

Hon. A. Grossman (Minister of Correctional Services): The member is going to win an Oscar for this one.

Mr. Singer: On 25(a)(1):

> No gas transmitter, distributor, or storage company without the leave of the board first being obtained shall—

That was the original drafting. In the new amendment—now I come to the point made by the hon. Minister—

> No gas transmitter, gas distributor, or storage company, without obtaining the leave of the Lieutenant-Governor-in-Council shall—

Well, I have really very grave doubts about that change, Mr. Speaker, because at least as originally drafted, we had to go to the energy board—

Hon. A. A. Wishart (Minister of Justice): Still do!

Mr. Singer: No, no, no, no!

Without obtaining the leave of the Lieutenant-Governor-in-Council, that is the new one!

It would seem to me that the view of the Lieutenant-Governor-in-Council is all-prevailing rather than the view of the Ontario Energy Board.

Now when you hear my amendment—I am going to have one in just a few moments, Mr. Speaker—you will see really what we have in mind. We do not believe that this section as originally drafted or the section as amended satisfy the demand, the serious demand, of the public for proper protection of their interests. Nor is it able to satisfy the demand of the public that there will be a full, complete and open public discussion of the merits of this, to be done in the way I am going to suggest in just a few moments.

We replace, as I say, the Lieutenant-Governor-in-Council in the amendment as the final and deciding authority. So that is the first change in section 1.

Then 1(a), and the Minister will correct me if I am wrong, 1(a) is exactly the same as it previously stood. Is that right? 1(a) is exactly the same as it previously stood? Yes. And 1(b) is exactly the same as it originally stood? Then 1(c)—and this is new and I think it should be noted:

> Acquire such number of any class of shares of a gas transmitter, gas distributor, or storage company, that together with shares already held by acquiring gas transmitter, gas distributor or storage company and its associates will in aggregate exceed 50 per cent of the shares of that class.

Well now, that is a very interesting wording and it begins, as I say, to nibble at the approach that we are concerned about. But I am just wondering, when we get down to the last line of that, "will in the aggregate exceed 50 per cent of the shares of that class," whether that in fact is sufficient.

Let us look at that wording again: "Acquire such number of any class of shares that will in the aggregate exceed 50 per cent."

It seems to me, and I am sure you will agree with me, that one can control a company with much less than 50 per cent of the shares of a particular class. It would seem to me that if it is in the interest of contracting parties to acquire control that one should acquire control of the other by buying

shares, that it is not necessary to acquire 50 per cent, or at least 50 per cent of the shares of the company that is being taken over.

I would think that it would have been worth the while of the Minister of Energy and Resources Management, and the draftsmen that he called upon, to have had a brief consultation with the Minister of Financial and Commercial Affairs and looked at the wording that we have in the corporations statutes when we talk about control. It certainly does not go as high as 50 per cent.

I am not sufficiently familiar, Mr. Speaker, with the share-structure of Union, to have any opinion at all at this moment as to whether one needs 50 per cent of the shares to control it, or whether one might be able to control it with 10 per cent of the shares. But if it is anything less than 50 per cent of the shares, Mr. Speaker, it is quite probable, if Union can be controlled with anything less than 50 per cent of the shares—and I say that is more than certainly a possibility—that even this amendment is not going to bring in this particular transaction.

I do not know, Mr. Speaker, why the Minister uses the figure "50 per cent" and why he did not consult with his colleague, the Minister of Financial and Commercial Affairs and look at some of the statutes that we drafted in relation to corporate takeovers, insider disclosures and that sort of thing when we made it abundantly clear that you do not have to get up as high as 50 per cent before the government is concerned.

As I say, I do not know, Mr. Speaker, whether or not Union could be controlled for a much smaller percentage than 50 per cent of the shares, but certainly it is possible, perhaps even probable. And I would think, Mr. Speaker, that there is an obvious area there that needs much further and much more careful explanation before we could possible vote intelligently on second reading of this bill, even with the amendment.

The next new part to the bill is subsection 4, I think. Subsection 2 is the same as it originally stood and in subsection 3 there is a change. Subsection 3 says:

> An application for leave under subsection 1 shall be made to the board which shall hold a public hearing.

At least he proposes that there will be a mandatory public hearing which the original section did not. And that is an improvement. I will give him marks for that.

> —and thereupon submits its report and opinion to the Lieutenant-Governor-in-Council.

What happens in the councils of the Lieutenant-Governor-in-Council is somewhat of a mystery to some of us here. The Minister of Mines tells us, from time to time, that we really have no right to know and certainly while he and some of his colleagues are sitting there, I would suspect that the kind of deliberations that go on in the councils of the Lieutenant-Governor-in-Council, are going to remain somewhat secret.

Mr. Sopha: For all we know, the Lieutenant-Governor-in-Council is not there.

Mr. Singer: We will know, I suppose, in due course, if the Lieutenant-Governor-in-Council has decided. But why he decided, again we do not know.

Then finally, sir—and this is a very interesting thing—I suppose this might deal with the deadline I was worried about.

> Clause (c) of subsection 1 shall be deemed to have been in force from the 22nd day of October, 1969.

I guess today is D-day. There we are. Today is D-day here. Here we have retroactive legislation that was so secret that we could not find out about it until a quarter after five in the afternoon.

Mr. Sopha: A whole new principle, but no opportunity to study it.

Mr. Singer: Absolutely none!

Mr. Speaker, we are not satisfied with either section 7, as originally drafted, or the amendment to it. And therefore, I will now move, seconded by the hon. member for Windsor-Walkerville (Mr. B. Newman):

"That Bill 109 be not now read a second time, but that it be referred to the standing committee on government commissions for study;

And for the purpose of determining whether the amalgamation or merger of companies engaged in the distribution of natural gas, or the substantial acquisition of the assets of one such company by another, is in the public interest;

"And for such study and determination the committee shall have full powers to hear evidence, compel the attendance of witnesses, demand the production of documents;

"And for the purpose of carrying out the committee's responsibilities the onus shall be

upon the companies"—and this is very important, Mr. Speaker—"the onus shall be upon the companies and the Ontario Energy Board to show that such merger, or amalgamation, or substantial acquisition"—and I am sure it has not escaped the Minister's notice that we are not talking about 50 per cent, we are talking about substantial acquisition, and those words mean sufficient acquisition to be able to control—"or substantial acquisition is in the public interest;

"And for greater certainty shall have power to investigate any transactions herein provided for which are in process or have been completed, and make recommendations concurrent therewith."

Unfortunately, Mr. Speaker, time is running out, so I perhaps will not have enough time to fully explain that amendment. If you wanted to read it, sir, I could add a few words, but just before you do that—

Mr. Speaker: No, you go ahead first.

Mr. Singer: Fine!

What I did want to say was this. The reason for this reasoned amendment which we now put before you, which is the only kind of amendment allowed on second reading, is that we believe that the members of the Legislature, through its responsible committees, must have an opportunity to come to their own conclusions as to whether or not the transaction that is proposed is, in fact, in the public interest.

We are not satisfied, sir, that the government has given any indication up to the present time that it is deeply concerned with what the public interest might be. We are puzzled, puzzled beyond any ability to understand, as to why this most unusual procedure has taken place; why a bill can sit on the order paper from March 31 until October 22; and why in such a secretive and cloak and dagger method—at 11.05 last evening second reading had to be called; why no one was able to tell us the government intended to move and why not until a quarter after five this afternoon did we have any idea, Mr. Speaker, that the government was going to move in a different direction than it stated on March 31 of this year.

Sir, I would urge upon all members of the Legislature that this reasoned amendment be adopted and supported, because I think the time has come when the people of Ontario are no longer prepared to take you at your word.

The time has come, Mr. Speaker, when the people demand to know that their interests are bing protected, and it is only by the passage of this kind of an amendment that they will be satisfied in that way.

Hon. A. F. Lawrence: Mr. Speaker, since it is just about 6 of the clock and being aware, sir, that there may be some serious doubts in your own mind as to whether that particular amendment is in order or not—and I would think you might welcome the opportunity to deliberate upon this weighty matter overnight—I would suggest, sir, that the House now adjourn, and therefore, I intend moving the adjournment of the House.

Mr. Speaker: I would say that, in my opinion, the motion is quite in order. I appreciate the intervention of the hon. Minister, although I do believe that I should now put the motion to the House before adjournment.

Mr. Singer moves, seconded by—

Mr. Singer: Seconded by the hon. member for Windsor-Walkerville.

Mr. Speaker: We do require a seconder, we are not in committee.

Mr. Singer moves, seconded by Mr. B. Newman:

That Bill 109 be not now read a second time, but that it be referred to the standing committee on government commissions for study;

And for the purpose of determining whether the amalgamation or merger of companies engaged in the distribution of natural gas, or the substantial acquisition of the assets of one such company by another, is in the public interest;

And for such study and determination the committee shall have full powers to hear evidence, compel the attendance of witnesses, demand the production of documents;

And for the purpose of carrying out the committee's responsibilities the onus shall be upon the companies and the Ontario Energy Board to show that such merger, or amalgamation, or substantial acquisition is in the public interest;

And for greater certainy shall have power to investigate any transactions herein provided for which are in process, or have been completed and make recommendations concurrent therewith.

Hon. A. F. Lawrence: Mr. Speaker, with the intention, of course, that this matter be fully debated by the House, and certainly with no intention of cutting off debate, and in the expectation that the House would continue with deliberation respecting the bill, the second reading as well as this amendment, I want to now move that the House adjourn.

Mr. Singer: Mr. Speaker, before that motion is put, may I ask the acting House leader if he would be good enough to extend the courtesy to us this afternoon of telling us what the order of business is tomorrow?

Hon. A. F. Lawrence: The intention of the government is that we will continue with order number 11, and then go to order number 10, and at the end of that we will go back to committee of supply, for the estimates of The Department of the Attorney General and Minister of Justice.

Mr. Sopha: Somebody ought to adjourn the debate.

Hon. Mr. Kerr: Mr. Speaker, I am wondering if the hon. member for Downsview would let me have a copy of that amendment?

Hon. A. F. Lawrence moves the adjournment of the debate.

Motion agreed to.

Hon. A. F. Lawrence moves the adjournment of the House.

Motion agreed to.

The House adjourned at 6.05 o'clock, p.m.

No. 191

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 23, 1969

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, October 23, 1969

Report, standing legal and municipal committee, Mr. Demers 7443
Presenting reports, Mr. Welch 7443
Exploitation of Violence (Deterrent) Act, 1968-1969, bill intituled, Mr. Ben, first reading 7443
Improved jail facilities and new jail construction, questions to Mr. Grossman, Mr. Ruston 7443
Cost of Highway 401 for past 10 years in Metro area, question to Mr. Gomme, Mr. Martel 7444
Civil servant membership dues, questions to Mr. Welch, Mr. Pilkey 7444
System devised by Monsanto Company in St. Louis, Mo., questions to Mr. Kerr, Mr. Ben 7445
Damage to white beans in Kent county, questions to Mr. Kerr, Mr. Ruston 7445
Purchase of buildings below Wellesley St. and Yonge St., Toronto, questions to Mr. Simonett, Mr. Shulman 7446
Pulp and paper companies and pollution control, question to Mr. Kerr, Mr. Young 7446
School crossing situation, question to Mr. Wishart, Mr. Young 7447
Mandatory check-off of union dues, questions to Mr. Bales, Mr. Pilkey 7447
Averting strike at University of Guelph, question to Mr. Bales, Mr. Worton 7448
Vitamin D in fluid milk, questions to Mr. Wells, Mr. Ben 7448
Radiation control of colour TV, questions to Mr. Wells, Mr. Ben 7448
People formerly subsidized under OMSIP being billed under OHSIP, question to Mr. Wells, Mr. Deans 7449
Office at 135 James St. South, Hamilton, question to Mr. Wells, Mr. Deans 7449
Pulp and paper mills and water pollution, questions to Mr. Kerr, Mr. Deans 7450
Use of worthless medical machines in doctors' offices, questions to Mr. Wells, Mr. Sargent 7450
Medical Information Service via Telephone, question to Mr. Wells, Mr. Sargent 7451
Approval for residential plans of subdivision, questions to Mr. McKeough, Mr. Paterson 7451
Proposed detention home in Malden township, questions to Mr. McKeough, Mr. Paterson 7451
Financial statement of Sandwich, Windsor and Amherstburg Railway, questions to Mr. McKeough, Mr. Ruston 7452
Disposal of prohibited pesticides, questions to Mr. Wells, Mr. Burr 7452
Billing under OHSIP for medical service, question to Mr. Wells, Mr. Burr 7453
Construction on Highways 560, 584 and 643, questions to Mr. Gomme, Mr. Jackson and Mr. Stokes 7453
Proposed detention home in Malden township, questions to Mr. Wishart, Mr. Ruston 7453
Energy Board Act, 1964, bill to amend, Mr. Kerr, second reading 7454
Gasoline Handling Act, 1968-1969, bill intituled, Mr. Kerr, second reading 7477
Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7477
Recess, 6 o'clock 7480

LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, OCTOBER 23, 1969

The House met at 2 o'clock, p.m.

Prayers.

Mr. Speaker: Our visitors today in the east gallery are students from the Riverside High School of Windsor, also from the W. F. Herman Collegiate Institute of Windsor. And in the west gallery, we have the Eitz Chaim Private School students of Toronto, also students from St. Roch Separate School in Weston.

Petitions.

Presenting reports.

Mr. J. Demers, from the standing legal and municipal committee, presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bills with certain amendments:

Bill 180, The Used Car Dealers Act, 1968-1969.

Bill 193, An Act to amend The Upholstered and Stuffed Articles Act, 1968.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, I beg leave to present to the House the following reports:

The Crop Insurance Commission of Ontario third annual report.

The 1968 annual report of the Hydro-Electric Power Commission of Ontario.

The Ontario Cancer Treatment and Research Foundation annual report for 1967.

The 1968 annual report of the Ontario Cancer Institute.

The 1968 annual report of the Ontario Hospital Services Commission.

Mr. Speaker: Motions.

Hon. Mr. Welch: Mr. Speaker, I move that on Monday next the evening sitting will be from 8.30 to 11 p.m.

This re-arrangement is to accommodate the awards dinner on Monday night.

Motion agreed to.

Mr. Speaker: Motions.

Introduction of bills.

THE EXPLOITATION OF VIOLENCE (DETERRENT) ACT, 1968-1969

Mr. G. Ben (Humber) moves first reading of bill intituled, The Exploitation of Violence (Deterrent) Act, 1968-1969.

Motion agreed to; first reading of the bill.

Mr. Ben: Mr. Speaker, the bill requires film distributors to list, with the director of the board of censors, all scenes of violence shown in films for which they seek approval to exhibit in Ontario, and to pay a monetary penalty proportionate to the number and nature of the scenes of violence depicted. Television stations are prohibited from soliciting advertisements or sponsorship of any film or live presentation containing scenes of violence, bona fide sporting events excepted.

Mr. Speaker: Introduction of bills.

Mr. R. F. Ruston (Essex-Kent): The Minister is in the House; may I place my question to the Minister of Correctional Services? I am sure he is aware of the question.

Mr. Speaker: Perhaps the hon. member would provide me with the numbers so I could find the questions—

Mr. Ruston: Number 2365: Is the Minister making any plan to have a new and reasonable jail built in the Huron-Bruce area? And two—what plans does the Minister have for improved jail facilities in the London-Middlesex area?

Hon. A. Grossman (Minister of Correctional Services): Mr. Speaker, I should like to begin first by answering the second part of the hon. member's question, because this information will put the answer to the first one in better perspective.

On October 29, 1968, I announced priorities for the replacement of outmoded local jails with modern regional detention centres in a number of areas. The Quinte regional detention centre which will replace four old jails is now under construction. Plans for the Carleton regional detention centre are now being finalized by The Department of Public

Works. The other areas on the priority list, after Ottawa, were announced as being Halton and Peel, Hamilton, London, Niagara and Metropolitan Toronto.

As yet, no decision has been made as to which of these other five areas will be given preference. In the meantime as in all the other jails not slated for immediate replacement, repairs and improvements have been made. At the Middlesex jail improvements have been made in the interview facilities and admitting area, painting of jail interior, installation of new kitchen, office, medical, laundry and lighting equipment, installation of new beds, mattresses and so on.

Having regard for what I have just said, the needs of the Huron-Bruce area have been studied by the task force, but, as noted in the previous answer, this area is not on the priority list at this time, and no specific plans for new facilities for this region have been formulated as yet.

Mr. Speaker: I have the next question from the hon. member for Sudbury East.

Mr. E. W. Martel (Sudbury East): Why is it, that when a request is made for information by the NDP research staff into the cost of Highway 401 for the last ten years in the Metropolitan Toronto area, the request must go through the whole bureaucratic system for permission to supply such information? Why must the Minister study these figures first, before they are released and if the material is available, are we not entitled to receive it?

Hon. G. Gomme (Minister of Highways): Mr. Speaker, I do not think that it goes through any bureaucratic system at all. It was reported to me that it takes research to get the figures; there is no place in our books where we can turn it up and give it to them. This research is being done, and I would think that it is quite justified that I could have a look at these figures before they go out. When the material is ready the office of the NDP will get it.

Mr. Speaker: The hon. member for Oshawa.

Mr. C. G. Pilkey (Oshawa): A question of the Provincial Secretary: In view of the short notice given to civil servants, will the Minister extend the date at which section 6 of the Order-in-Council 286369 comes into force?

Hon. Mr. Welch: Mr. Speaker, I want to make sure that I have understood the question, and I am wondering if the hon. member is really making reference to section 2 of the order. I will read section 2 and not section 6. Section 2 reads:

> —where a public servant is a member of the Civil Service Association of Ontario, pursuant to a written authorization by the public servant, the membership dues are being deducted from his regular pay on the day this section comes into force, there shall continue to be deducted from the regular fortnightly pay of the public servant the sum of $1.20.

Is that the one the member is making reference to?

Mr. Pilkey: Yes.

Hon. Mr. Welch: Section 6, says simply, "the deductions referred to in this section, shall be remitted to the Civil Service Association of Ontario." The point is that you realize that we are now talking about public servants who have voluntarily agreed to a check-off now and who, on the date in question, leave their authorization there, not revoked. We feel that by virtue of those facts there is no need to make any further amendment to this order.

Mr. Pilkey: That might be the question, but I am talking about the opting out, obviously, and even though they joined voluntarily, surely they should have time to consider opting out of something of a permanent nature. Under your regulation, nine days from the time you announced it—even though they had joined voluntarily, it seems to be a very short interval in which to opt out. Could I put the question this way—does the Minister not think that period of time to notify those people who had voluntarily joined the CSAO totally inadequate?

Hon. Mr. Welch: Mr. Speaker, the civil service commission has notified all Deputy Ministers who in turn would notify their staff of this particular order, and the announcement in connection therewith. We feel quite satisfied that this is understood. We are talking now, about a group of public servants, to the tune of about 60 per cent of our employees, who, for years, have voluntarily supported and have agreed to the check-offs, and who will no doubt continue under this whole clause of union security after the twenty sixth. We feel that there has been sufficient time for them to know about their position under this particular order.

Mr. Pilkey: The Deputy Ministers would have notified them, and everyone would have known of this Order-in-Council, then?

Hon. Mr. Welch: Mr. Speaker, I cannot give that assurance, but I am satisfied that the civil service commission have, in the normal way, notified all Deputy Ministers of this order. What each particular deputy might do I cannot say.

Mr. Speaker: The hon. member for Humber.

Mr. Ben: Of the Minister of Energy and Resources Management—question 3391. Can the Minister indicate whether Ontario Hydro is considering installing the system devised by the Monsanto Company in St. Louis, Missouri, in the Hearn Plant?

Hon. G. A. Kerr (Minister of Energy and Resources Management): Mr. Speaker, the process under development by the Monsanto Company has received much publicity in Ontario, but it is experimental. Although its equipment has been installed in a relatively small plant in Portland, Pennsylvania, its operating experience is insufficient to provide a conclusion on its performance.

A four member group from Ontario Hydro visited the plant this past July. The unit has functioned only part of the time, moreover it treats only 6 per cent of the effluent from the 250,000 kilowatt unit, which is equivalent to treating the discharge from a small generating station of 15,000 kilwatts. The power output from the Hearn generating station totals 1.2 million kilowatts.

Mr. Ben: Would the Minister accept a supplementary question? Was this prototype plant designed to handle all the effluent that is coming out of this plant?

Hon. Mr. Kerr: Do you mean was this experimental plant designed to handle—

Mr. Ben: Is the Minister suggesting that it only worked at a 6 per cent capacity, or is he trying to mislead the House? In other words, is this unit capable of handling only 6 per cent of the effluent, or is it a prototype which is handling only part of the effluent, which happens to be 6 per cent? Which?

Hon. Mr. Kerr: No, it is not a prototype, Mr. Speaker. At the present time it has been used only in a plant that would handle 6 per cent of the effluent. It has never been used in any larger plant. It is still on an experimental basis.

Mr. Ben: The Minister is not giving me an answer; he is evading it. Would the Minister please answer this? Is it handling only 6 per cent because it is a small unit in ratio to the size of the plant, or because it is inefficient and therefore can handle only 6 per cent although it was designed to handle 100 per cent?

Hon. Mr. Kerr: As my answer indicates, Mr. Speaker, the unit functioned only part of the time.

Mr. M. Shulman (High Park): No, that is not right.

Hon. Mr. Kerr: Moreover, it treats only 6 per cent of the effluent from a 250,000 kilowatt unit.

Mr. Shulman: No. You have been misinformed.

Hon. Mr. Kerr: Oh, will the hon. member be quiet for a moment?

Mr. Shulman: The Minister has been given the wrong information. I have been down to see it.

Hon. Mr. Kerr: What I am saying is that it is still in the experimental stage. The plant in which it is used is a 250,000 kilowatt unit. I have no information that it has been used in a larger plant, and therefore that the percentage exceeds 6 per cent.

Mr. Speaker: The hon. member for Essex-Kent.

Mr. Ruston: Mr. Speaker, I have a question for the hon. Minister of Energy and Resources Management.

1. Is the Minister aware of the possibility of air pollution causing serious losses in the white bean crop in Kent County?

2. Would the Minister have his department check with the agricultural representative of Kent County, Mr. Andy Watson, and his statement that water particles contaminated through factory discharge could have caused some of the crop loss?

Hon. Mr. Kerr: Mr. Speaker, in answer to part one, no specific complaint of damage to white beans in Kent County has been made to the Air Management Branch. We are not aware of the statement attributed to the agricultural representative. This matter will be followed with The Department of Agriculture and Food.

Mr. Speaker: The hon. member for High Park.

Mr. Shulman: I would like to speak to the Minister of Energy and Resources Management, but this one unfortunately is for the Minister of Public Works.

Did his department purchase two buildings just below Wellesley Street on Yonge during the past year from Mr. E. Parker, who had recently left the department's employ?

How large was the profit made by Mr. Parker on this transaction?

Is it correct that the department paid one-third more for these two buildings than they had been appraised?

Hon. J. R. Simonett (Minister of Public Works): Mr. Speaker, the answer to the first part would be no. We purchased the buildings from Gibson, Willoughby Limited and Mr. Parker was their agent.

The second part—I have no knowledge of what the commission on this would be. I presume that this will be within the tariff set by the Toronto Real Estate Board.

The third part—the asking price of this property was $321,000. We reached an agreement for $280,000, so I cannot see where it could be one-third more.

Mr. Shulman: I am sorry, did the Minister say the asking price, or the appraised price was $321,000?

Hon. Mr. Simonett: I said the asking price was $321,000.

Mr. Shulman: Apparently the Minister does not understand the question, so let me try a supplementary. Will the Minister accept a supplementary?

Hon. Mr. Simonett: Yes.

Mr. Shulman: Did Mr. Parker not have some beneficial ownership in the company that sold these buildings to your department?

Hon. Mr. Simonett: Mr. Speaker, as far as I am concerned the answer would be no. Now I am not sure of this. The property was offered to Public Works through Gibson Willoughby Limited. If he had any interest in it, we know nothing about it.

Mr. Shulman: Does the Minister allow employees, or ex-employees, to act as agents to sell property to his department?

Hon. Mr. Simonett: Mr. Speaker, Mr. Parker is not an employee of Public Works. He is an Ontario citizen. He left Public Works and went on his own, so I would think he would have the same privileges as any other resident in the province of Ontario or the Dominion of Canada.

Mr. Shulman: If I may ask a further supplementary—did his duties in The Department of Public Works give him information as to the need for buildings in that area?

Hon. Mr. Simonett: Mr. Speaker, I would think anybody in the province of Ontario would have knowledge of buildings if they wanted to gain this knowledge of buildings in the city of Toronto, and of course they know that the government is buying buildings in this area all the time, so I cannot see anything wrong with that.

Now, if you are trying to say that there was something dishonest as far as Mr. Parker is concerned, I think you are barking up the wrong tree. I have known Mr. Parker for a long time. He is a very honest gentleman and a good citizen. Let these people live, will you!

Mr. Shulman: Mr. Speaker, the original question has not been answered which was: "What was the appraised value?" The Minister came back and gave us the asking value. Surely the Minister knows the difference?

Hon. Mr. Simonett: After all this is a property that was offered by a real estate firm, and their asking price was $321,000. It was not appraised. We bought it. It was approved for $280,000, and of course that was approved by The Treasury Board and The Department of Public Works. We think it was a good buy.

Mr. Speaker: The hon. member for Yorkview.

Mr. Shulman: The Minister has not answered the last question, Mr. Speaker.

Mr. F. Young (Yorkview): Mr. Speaker, I have a question of the hon. Minister of Energy and Resources Management.

Would the Minister name for the House the ten pulp and paper companies which have achieved satisfactory pollution control as reported in this morning's press?

Hon. Mr. Kerr: Mr. Speaker, there are nine pulp and paper mills which have achieved satisfactory pollution control, largely through the use of municipal treatment facilities. The tenth mill recently ceased operation.

They are Abitibi Provincial Paper Limited, Georgetown; Acme Paper Products Company

Limited, Toronto; Canada Glazed Paper Limited, Toronto; Continental Can Company of Canada, Limited, Commissioners Street mill and Paulson Street mill, both in Toronto —in other words, Continental Can has two mills in Toronto—Domtar Fine Papers Limited, Don Valley mill, Toronto; Domtar Fine Papers Limited, Georgetown; Dominion Cellulose Company Limited, Toronto; Strathcona Paper Company Limited, Strathcona.

Mr. Speaker: Would the hon. member provide me with the number of that question? I do not appear to have that one.

Mr. Young: Number 2380.

With the Minister's permission, might I ask a supplementary question, Mr. Speaker?

Does the Minister then expect to set achievement deadlines for the other companies? That is, deadlines when various stages of the pollution control programme will be achieved?

Hon. Mr. Kerr: Yes, Mr. Speaker, deadlines will be set for all paper companies.

Mr. Speaker: The same hon. member has a further question of the hon. Attorney General?

Mr. Young: Yes, No. 2389, Mr. Speaker, of the hon. Attorney General:

What action has the Minister taken as a result of the large petition presented to him on July 3, requesting that crossing guards be given the necessary authority to enable them to do the job they are expected to do?

Hon. A. A. Wishart (Attorney General): Mr. Speaker, I had meetings with that group, I had meetings with a number of delegations, with members of the Metropolitan Toronto school board, a number of other school boards, with interested persons, with members of Metro council, with members of the Metropolitan Toronto board of police commissioners, and discussions and correspondence with all of them, extending over a period of some several weeks, actually months. And I think that as a result those discussions were able to be carried on between the school board and the Metropolitan board of police commissioners that pretty well resolved this matter. I think the school crossing situation is fairly well in hand. I have not had any complaints really recently.

There is one area that we have been looking at; but we have not reached a decision yet. I want some further consideration of it with my colleague, the Minister of Transport —some possible change in legislation to clarify the authority of school crossing guards. I think generally in the actual day-to-day operation of the matter, it is performing quite satisfactorily.

Mr. Young: I thank the Minister. In the form of a supplementary question, I think that last point the Attorney General mentioned is the key one. Can we look for any deadline when this matter can be settled, when the guards may have this kind of authority? Because it is a pretty dangerous situation when a guard can hold up a stop sign and traffic can continue to move without any penalty at all.

Hon. Mr. Wishart: Well, when the hon. member asks for a deadline as to when we can accomplish legislation under the present conditions of this House, it is pretty hard to name a deadline.

Mr. I. Deans (Wentworth): It is up to you.

Hon. Mr. Wishart: It is in your hands. You can assist us greatly.

Mr. Deans: Something like landlord and tenant.

Hon. Mr. Wishart: Perhaps I can get my estimates through in another week or so.

Mr. Young: You get this legislation in and you will find co-operation.

Mr. Speaker: The hon. member for Hamilton East had a question of the hon. Minister of Labour. Would the House approve of the hon. member for Oshawa asking that question? The hon. member for Oshawa of the Minister of Labour.

Mr. Pilkey: A question of the Minister of Labour: In view of the recent amendments to regulations under The Public Service Act, will the Minister introduce amendments to The Labour Relations Act during this session, providing for a mandatory check-off of union dues?

Hon. D. A. Bales (Minister of Labour): Mr. Speaker, in reply to the question as relayed by the hon. member for Oshawa, this is one of a number of subjects currently under consideration arising from recent reports and submissions in reference to The Labour Relations Act. The matter of check-off of union dues has always been a matter of free collective bargaining in this province and I would

think it quite unlikely that it become a mandatory requirement according to law.

Mr. Pilkey: May I ask a supplementary question? Does the Minister understand that in at least four or five of the strikes now in progress in the Toronto area, in the Metro area, the central issue that has emerged in those strikes is the maintenance of membership, does he know that?

Mr. Speaker: The hon. member for Wellington South has a question of the same Minister.

Mr. H. Worton (Wellington South): Yes, I have a question of the Minister of Labour. Is the Minister in a position to report on attempts to avert a strike of non-academic employees in the University of Guelph that could close the institution tomorrow?

Hon. Mr. Bales: Mr. Speaker, in reply to the question, a meeting is under way today in Guelph between the union and the university under the auspices of my department. I do not know the outcome of that meeting as yet but I will try to keep the hon. member advised.

Mr. Speaker: The hon. member for Humber has a quesetion for the hon. Minister of Health. Do you have three questions?

Mr. Ben: Yes, the first question is 2299, Mr. Speaker.

1. Will the Minister assure this House that there is not a danger to users of milk with the addition of vitamin D thereto as reported yesterday by the medical health officer of the Ottawa area?

2. If the Minister cannot give this assurance will he take immediate action to ban the use forthwith of the addition of vitamin D to fluid milk?

Hon. T. L. Wells (Minister of Health): Mr. Speaker, could I have the number of that question, please?

Mr. Speaker: Number 2299.

Hon. Mr. Wells: Mr. Speaker, I am advised by our people that there are no dangers to users of milk to which vitamin D has been added.

The answer to part 2: the addition of vitamin D to all forms of milk has been endorsed by the Canadian Council on Nutrition, the Canadian Pediatrics Association, the Canadian Public Health Association, the Ontario Dietetic Association. Permissive legislation of the Food and Drug Directorate allows for the addition of vitamin D to all forms of milk and evaporated milk has contained vitamin D since 1950, fluid milk since 1966. I am not at this time prepared to consider any ban on vitamin D being added to milk.

Mr. Ben: Will the Minister accept a supplementary question?

In the light of the statements he has made that certain people have approved the addition of vitamin D—although he did not give the date of such approval—is the Minister aware that the medical health officer for the Ottawa area says that the addition of vitamin D to all fluid milk could do more harm than good?

Hon. Mr. Wells: Mr. Speaker, we are quite aware of the views of this medical officer of health. He has stated these views before and our people still stand behind the statement that I have made.

Mr. Ben: His people took positions on other things and they have had to eat them; here I guess they will drink them.

Mr. Speaker: Order.

Mr. Ben: Question 2300; of the same Minister, Mr. Speaker.

1. Does the Minister propose to take any action to establish guidelines for the control of radiation of coloured television sets similar to that being contemplated by the United States as reported in the Toronto *Daily Star* of October 16, 1969?

2. Has the Minister been in contact with the federal Minister of Health and Welfare in an endeavour to obtain action on the federal level?

Hon. Mr. Wells: Excuse me, what was the number of that one, Mr. Speaker?

Mr. Ben: Question 2300, Mr. Speaker.

Hon. Mr. Wells: Mr. Speaker, we understand that new regulations are being issued in the United States in this regard and as soon as these regulations are available we will be looking them over. I understand that they may be available now, but I also understand the federal people are studying these regulations and will be issuing some of their own. As I said in the cyclamate discussion the other day, this is an area which, I think, requires national initiative; these things should not be done on a piecemeal provincial basis; we should have a national statement.

We have had a national statement of intent from the Minister of National Health and

Welfare on this issue but I have not talked to him personally about it. We probably will be talking at our meeting in a month or so, but I support what he said about two months ago and I will reiterate it again for the edification of the House and say that we would certainly support the four safety rules for coloured TV viewers which he enunciated at that time. We certainly would support them. They were these:

1. Do not attempt your own servicing of your colour TV set. Consult an authorized repair man.

2. On his next servicing call ask the repair man to check the voltage regulator circuits and radiation shielding as specified by the manufacturer.

3. Cultivate good viewing habits. Do not regularly sit closer than four to six feet from the set and do not allow children to lie with legs extended beneath the set while viewing.

4. Place all coloured TV sets against the wall. Do not locate chairs immediately adjacent to the side or back.

These simple rules will assure safety even in those cases where radiation emission may be somewhat in excess of the accepted manufacturing standard.

Mr. Ben: Mr. Speaker, the Minister's predecessor was informed by the same advisors that there was no fear of radiation from coloured television sets and we are happy to understand from this Minister that certain precautions should be taken.

Now a supplementary question. What is the Minister doing to publicize these four safety steps which he has just recited for the benefit of this House?

Hon. Mr. Wells: As I said, Mr. Speaker, this is part of the process of publicizing them again, I just reiterate to the hon. member that these are the steps that the Minister of National Health and Welfare recommended for all of Canada. We will do what we can to help publicize them but the primary responsibility remains with them to do this for all of Canada.

Mr. Speaker: The hon. member for Humber has another question?

Mr. Ben: I have a question, Mr. Speaker, 2332—it was asked three days after the preceding questions and it is more or less along the same line. I would ask leave to withdraw the question because I think the Minister has more or less answered it.

Mr. Speaker: The hon. member for Wentworth has a question of the same Minister.

Mr. Deans: Mr. Speaker, a question to the Minister of Health.

A great many residents of Ontario who were previously receiving fully subsidized OMSIP are now being billed under the OHSIP programme. Will the Minister instruct his department to investigate more closely all of the transferrals from OMSIP to OHSIP to assure that hardship is not being imposed on many whose income status has not changed?

Hon. Mr. Wells: Mr. Speaker, I thank the hon. member for this question. I had not been aware that there were a great many people who had been receiving subsidization, who are now being billed. If the member has any cases he would like to bring to our attention we would be most happy to see these and to look into them.

The only thing that I can think that might possibly happen is that each person who is on either complete assistance or partial assistance receives, after each year they have been on assistance, a form which they are supposed to fill out to again certify that they are eligible for assistance, and some people neglect to fill this form out.

Now if they neglect to fill the form out—and I think perhaps there is a follow-up and if that is neglected too—they automatically go on to a billing cycle. It is a procedure which I think the hon. members will realize we must impose. We cannot just keep people on assistance year after year without any check and some of them do neglect to send back this notice.

If you will bring any special cases to my attention we will check them and I will look into it with our people.

Mr. Deans: I thank the Minister for his assurance. I have already brought a number of cases to the attention of his department.

I wonder if I might ask the Minister of Health in regard to a question I asked previously in the House and that he did not answer?

Mr. Speaker: Does the hon. member have the number?

Mr. Deans: I do not have a number for the question, but I have a date for the question. The question was asked on October 1 and it was:

Is the office at 135 Jane Street South in Hamilton, which was previously being used

by Ontario Medical Insurance Plan, presently being used by OHSIP?

The Minister answered that he was not sure and would check and I would like to urge him to make a very quick check of this because the people of the city of Hamilton are becoming increasingly frustrated with their inability to get any action through that office.

Hon. Mr. Wells: In answer, Mr. Speaker, it is an OHSIP office but I do not think it was intended to be a complete information centre. It is a branch office out of which certain functions are done but it is not a complete information centre. But I will be glad to look into it.

Mr. Speaker: According to my records the hon. member had directed this question, which is No. 2065, dated October 1, to the hon. Minister, and the hon. Minister had taken it as notice. Does this dispose of the question?

Mr. Deans: I am now seeking the answer.

Hon. Mr. Wells: There were several questions along that same line and I am sure I answered one somewhere along the way.

Mr. Speaker: Has the hon. member received his answer now?

Mr. Deans: I am now satisfied that the office is being used, but I am not satisfied that it fills the need.

Mr. Speaker: But the answer has now been given.

Mr. Deans: Yes. I would like to ask a question of the Minister of Energy and Resources Management.

What action does the Minister intend to take to assure that the statements attributed to Mr. H. J. Clark, and Mr. E. W. C. Turner, that the pulp and paper industry in Ontario will not meet the five-year deadline for dealing with water pollution which was set in 1965, are not considered by the industry to be a licence for ignoring the deadline set, and are these statements to be construed as government policy permitting the industries to ignore the deadlines?

Hon. Mr. Kerr: Mr. Speaker, we have publicly acknowledged there are a number of pulp and paper mills in the province who all achieved satisfactory control of their waste by the original target date of 1970. It must be recognized that much has been accomplished by the industry in reducing the effects of its waste in the province's waterways. OWRC is pressing for an acceleration of waste treatment measures and there is an improved attitude in the leadership of the industry to meet these objectives.

We must, however, speed up the rate of implementation of pollution control facilities. The industry has not been given any encouragement to delay expensive installations of essential works. My remarks last night clearly described the attitude and objectives of the government. The answer, therefore, to part two is no, Mr. Speaker.

Mr. Deans: Might I ask the Minister by way of a supplementary question, if he does not feel that public statements of this nature, particularly in this very vital area, can only act to hinder the pollution efforts all across the province in terms of water pollution?

Hon. Mr. Kerr: Well, not really, Mr. Speaker. There was a very frank discussion at this particular conference yesterday, and the remarks of some of the people from OWRC indicated in a very pointed way and a very frank way that the industry was not doing enough and that the deadline set five years ago cannot possibly be met between now and January 1, 1970. So, being realistic, we told them that they had to accelerate their abatement programmes and put on a programme, and that if they do not comply with whatever regulations we set down there will be prosecutions. I hope that the 1970 target may not be delayed by more than two or three years.

Mr. Speaker: The hon. member for Grey-Bruce has a question to the Minister of Health.

Mr. E. Sargent (Grey-Bruce): I have a question regarding radiation and television sets—

Mr. Speaker: That was question 2224?

Mr. Sargent: Right, sir. Thank you, question 2224. Is the Minister prepared to consider an investigation of the extent of the use of worthless medical machines in doctor's offices in Ontario, as a result of the report in the New York *Times* last week which indicated that between 5,000 and 10,000 useless medical machines are present in doctors' offices giving approximately 20 million useless treatments per year? Is the Minister aware that legislation being drafted in the United States will prohibit the distribution of useless and worthless medical equipment?

Hon. Mr. Wells: Mr. Speaker, I wish I had time to read the New York *Times*, also,

but I find after I read the Toronto papers I do not have time. I am very interested by this question from the hon. member but in order to answer it fully I think I would have to have a little more specific information as to what is meant by useless machines, because I and our people are not sure what he is getting at. We are not sure what that article is getting at, and if he can supply us with a little fuller information, we would be happy to look into it. Something like the names of the machines and the kind of worthless treatments that are being done, and the kind of legislation that is being proposed.

Mr. Speaker: The hon. member has a further question of the same Minister. Question 2304.

Mr. Sargent: I have not got that, I am sorry.

Mr. Speaker: I would be glad to send it over to the member.

Mr. Sargent: It would probably get the same treatment anyway. He does not know the answer to anything.

Mr. Speaker: Order. Would the hon. member like to ask this question, 2304?

Mr. Sargent: Yes, I would like to ask it. Oh, this is a tough one. He will not know about this. It is from the New York *Times* too.

Mr. W. G. Pitman (Peterborough): Oh, the intellectual level of this place is really starting to move up.

Mr. Sargent: Well you sure could use it down there, I can tell you. Would the Minister advise if The Department of Health in Ontario is considering the commencement of a new medical consultation service known as MIST—Medical Information Service via Telephone—now very successfully in operation in Birmingham, Alabama, Medical College? The Minister can take a pass on that one too, I guess.

Hon. Mr. Wells: Well, we are happy to have this piece of information via the New York *Times* from the hon. member. We will look into it.

Mr. Speaker: The hon. member for Essex South has a question to the Minister of Municipal Affairs.

Mr. D. A. Paterson (Essex South): Yes, Mr. Speaker, to the Minister of Municipal Affairs. When subdivisions are before the Minister's department for approval, are these requests forwarded to The Department of Education and to the county boards of education for their comments? Does the Minister's department give consent to mobile home sites, or is this decision entirely within the jurisdiction of the municipality concerned?

Hon. W. D. McKeough (Minister of Municipal Affairs): Mr. Speaker, in reply to the first part of the question, I would just say that when an application for approval for residential plans of subdivision is received, the department circulates copies of the proposed plans to The Department of Education which in turn circulates them to county boards of education, and normally the different school boards as well. Comments are received from The Department of Education and the boards of education and are then used as the basis for making decisions with regard to these plans of subdivision. I think it is also fair to say that in many cases members of the staff are in direct contact with county boards of education or the separate school boards, to attempt to resolve the problems that might arise.

As for the second part of the question, I think the simple answer would be no, we do not give consent. It is within the jurisdiction of the municipality. It is a matter of local zoning policy or a lack of zoning policy and it would be forwarded in turn to the Ontario Municipal Board once the policy has been set for approval or otherwise. Under the zoning by-laws we feel the municipality has the ability to provide for the location and control of mobile home sites within their jurisdiction.

Mr. Speaker: The hon. member has a further question.

Mr. Paterson: Yes, I have a further question of the same Minister. Is the Minister concerned about the establishment of a juvenile detention home in the Malden township in Essex county, in view of the policy of opposing scattered, non-farm residential development where full municipal services cannot be provided?

Is the Minister aware of the refusal of a consent for severances as per file C-14142, for two family home sites by the owner of the properties on both sides of the proposed detention home site? Will the Minister review these severance applications in the light of this new development?

Hon. Mr. McKeough: Well, Mr. Speaker, I have no direct involvement with the establishment of the juvenile detention home in Malden township. I understand that the home is being established in an existing farm house, which means that a land severance would not appear to be involved. There is no severance involved. The municipality, I understand, is now somewhat concerned although the municipality in the past has not deemed it necessary to prepare either an official plan and have it approved, nor has it passed any kind of a local zoning by law, both of which if it was unhappy, would have controlled this sort of thing. It is too late to do so now.

I am aware that consent for three residential lots under the file number mentioned was refused. Severance of these lots would appear to be in contravention of the established policy of creating non-farm development in a rural area. I do not see any reason for reviewing the severance application file C-14142 since the establishment of a juvenile detention home in an existing building would appear to have no direct bearing on the prevention of new unplanned, non-farm residential development in the rural area.

As a matter of fact, there may be sound reasons for the establishment of certain institutional uses, such as isolation hospitals, prisons, and detention homes in rural areas remote from urban centres. Such decisions are the concern of the appropriate departments of government in consultation with the local municipalities.

I realize what the member is driving at but the municipality had control over what might have happened on that farm. They chose not to exercise that through a planning policy, through zoning by-laws, but that is no reason for me to create what may be, and probably would be, further problems from unplanned development by granting these severances.

Mr. Speaker: The hon. member for Essex-Kent has a question of the same Minister.

Mr. Ruston: Mr. Speaker, I have a question of the Minister of Municipal Affairs. Will the Minister take steps to have a financial statement of the Sandwich, Windsor and Amherstburg Railway made available to interested parties such as the city of Windsor and area MPPs?

Will the Minister enquire of the chairman of the Ontario Municipal Board if he would answer my letter of August 15 as to a similar request from his office?

Hon. Mr. McKeough: Mr. Speaker, I was in touch with the chairman of the municipal board, or rather the Deputy Minister was, about this particular matter. He received a letter from the hon. member for Essex-Kent. He was not in his office when the deputy talked to him.

He was under the impression that he had replied to the member. He believes he has replied to the member. Perhaps the member has not received the letter or perhaps, in fact, the letter was not sent. In any case, the chairman apologizes for not getting the information back.

The answer, simply, is that he does not have the financial statements and therefore is in no position to supply them, nor do we in our department. I believe the Provincial Treasurer has copies of the financial statements from the S W and A, and perhaps it would be better for the hon. member to contact the Provincial Treasurer.

Mr. Speaker: The hon. member for Sandwich-Riverside.

Mr. F. A. Burr (Sandwich-Riverside): Mr. Speaker, a question for the Minister of Health: Will the Minister consider designating immediately suitable locations where prohibited pesticides can be turned in before those, who have condemned chemicals on hand, dispose of them in obvious but undesirable ways?

Hon. Mr. Wells: Mr. Speaker, I think I answered briefly the other day, and I said that we are working right now with the waste management branch and Energy and Resources Management and will have something soon. We will be putting it in the press as quickly as possible. They are working on it right now and I have not got any information for the hon. member today, but we will have it for all the people who have the stocks of DDT that must be disposed of, and we will have it as quickly as possible.

Mr. Burr: Well, Mr. Speaker, it is five weeks ago that the ban was placed. Why is it taking so long to let the public know what they should do?

Mr. Speaker: I thought the Minister had answered the question. Has the hon. member a further question?

Mr. Burr: After the Minister has received the discarded DDT and other pesticides, how will it be possible again to dispose of them? Will he not agree that they should not get into the biosphere, into the air, the water and the part of the earth that we use? Has he

any indication what will happen to the DDT then?

Hon. Mr. Wells: Well, Mr. Speaker, I said our people are working on this and we will have an answer to it worked out. I might point out to the hon. member, he said it is five weeks. It is five weeks since we announced the ban. The ban does not take effect until January 1. You can still use the supplies if there were any place that anyone wanted to use them now, not that we approve of this. We have to have all these arrangements made before January 1, and we will have them much before that date, and I will have them here to announce in the House and we will have them for the press.

Mr. Burr: A question from two days ago to the same Minister, No. 2345: Does not the fact that under OHSIP, some Ontario citizens can be billed 11 per cent more than others for the same type of medical service violate one of the basic conditions established by the federal government; namely, that a provincial plan must be universally available to all people on the same terms and conditions?

Hon. Mr. Wells: I do not know where the 11 per cent comes in. Do you mean 10 per cent?

Mr. Burr: Well, it is 10 per cent less; but 11 per cent more.

Hon. Mr. Wells: The answer to the question, Mr. Speaker, is: "No". And I use as my authority the federal Minister of National Health and Welfare who says: "No it does not violate the universal condition."

Mr. Speaker: The hon. member for Rainy River has questions for the Minister of Energy and Resources Management.

Mr. T. P. Reid (Rainy River): Last, but not least Mr. Speaker, I trust.

Mr. Speaker: No I do not think so.

Mr. T. P. Reid: To the Minister of Energy and Resources Management: What action does the Minister intend to take to see that all mill plants comply with the 1970 deadline for pollution control?

Hon. Mr. Kerr: Mr. Speaker, really that question was answered in question 2835.

Mr. Speaker: Are there any answers to previous questions from any of the Ministers?

Hon. Mr. Gomme: Mr. Speaker, I have the answer to 2346.

At the present time the department is constructing a large multiplate pipe culvert at Nickel Creek, approximately six miles west of Elk Lake. When completed this will permit another one half-mile section of reconstructed highway to be open for traffic and reconstructed westerly from this point. It will be programmed in accordance to the available funds.

I have the answer to question 2348. The department has spent $444,230.20 for construction purposes on Highway 584 since its designation in the fall of 1958, and the answer to question 2 of that is: the annual maintenance cost, winter and summer on Highway 584, for the fiscal year 1968-1969, was $74,094.60.

Hon. Mr. Wishart: Mr. Speaker, I was asked a question yesterday which I took as notice. The question is number 2367. I was asked by the hon. member for Essex-Kent: Was the Minister aware of the purchase of a juvenile detention centre in Malden Township? Second part of the question: Was the Minister informed of the location of this home, and was the municipality of Malden Township contacted, prior to negotiations for this facility?

The answer to the first part of the question is: "Yes, I was made aware of the intention to purchase this home". I might enlarge upon that, Mr. Speaker. The building in question, situated on Pike Road in Malden Township, was originally purchased, I understand, by the Optimist Club of Windsor, Ontario for the purpose of a detention home.

On approval of the Treasury Board on September 17, 1969, it was leased to The Department of Public Works for the purpose of a juvenile detention home for the city of Windsor in the county of Essex, at an annual rent of $3,600 for a period of ten years, following which period the title and the property without further payment will be transferred to the province of Ontario.

The rent, which will be paid by the province in the next ten years, will cover the present capital cost of the purchase of the property by the Windsor Optimist Club, which was already moving in this area of civic assistance in this municipality.

I was informed of the location and other details relating to the home in July of 1969. At the time we were advised, the problem of fire protection, and water supply were discussed with responsible departments of the Township of Malden. In fact, there is a report containing a discussion with the fire

chief, and I have it before me. I recall that the fire station is some three miles away, water is to be laid on past the property with hydrants within a few feet of the property and so on. So that I cannot say that I am certain it was discussed with the council; certainly the departments of fire and water and so on and township officials were aware of the intention.

Mr. Speaker: Orders of the day.

Clerk of the House: The 11th order; resuming the adjourned debate on the amendment to the motion for second reading of Bill 109, An Act to amend The Ontario Energy Board Act, 1964.

THE ENERGY BOARD ACT, 1964
(*continued*)

Mr. Speaker: The hon. member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Thank you, Mr. Speaker. This bill has fundamentally two principles: a principle which was dealt with at length yesterday afternoon, and a second principle which I would first like to deal with, which is perhaps of lesser importance but should be adverted to in this second reading. It has to do with section 3 of the new bill, touching the fixing of the base rates.

I would like some explanation from the Minister as to questions of wording—certain words have been left out. They may be nugatory, on the other hand I suspect in legislation where words are deliberately omitted there is a purpose behind it or an evil to be cured. What I am referring to is that in the old bill, the old Act, the one in effect at the moment, the basis upon which the computation would be made would be on the property, plant and equipment equal to the actual cost thereof. And here are two differentiations in the wording of the bill before us. This bill simply speaks of the cost, not the actual cost, and it speaks simply of the property, and not of the property, plant and equipment. Is there a reason for this and, if so, what is that reason?

To go on with respect to the clause itself. Just what ingredients go into the formula in finally reaching the base rate is commendably to an extent given greater scope and spelled out to a larger degree in this new section than was previously the case, particularly with respect to the word "excessive", where the property is acquired by a public utility, a gas utility, at an excessive cost then a review procedure goes before the energy board and they may use their discretion in reducing the figure that is being presented, therefore, in assessing the depletion base upon which the final figure will be arrived at.

In section 1(d) a number of criteria standards are set forth for consideration by this board, which is an innovation and which is commendable and which I shall ask shortly how it would pertain to section 7, when we get to it. There are real problems in connection with this base and I would like to point one or two of them out to the Minister. It is generally conceded, and I will refer him, for some kind of an authority, to the *Financial Post* article of May 3 of this year, which states that a seven or eight per cent return on the investment is usually in good order. And I would wonder, even now, as to how things stand, say, with Consumers' or with Union Gas, for instance, touching on that particular situation.

The fixed assets of Consumers' Gas as of September 30, 1968, were $312.5 million. That is after depreciation. The shareholders' equity was $164.8 million, the net earnings were $43 million, the depreciation $8.5, taxes $7.7 million, the profit after taxes was $7.6 million; the return, if you take the basis of your return—and this is always the questionable point, on shareholders' equity, was 26.1 per cent. That was before taxes and depreciation.

After taxes and depreciation, the return on shareholders' equity again was 10.7 per cent. I will not run through all the figures connected with Union Gas, its fixed assets as of March 31, 1968, were $183.7 million, its profit after taxes was $10 million, its return on shareholders' equity before taxes and depreciation, was 37.6 per cent, and after depreciation and taxes was 11.6 per cent.

The basis upon which it is set out in this Act allows, not only for the depreciation on actual value, but it also allows for some measure of discretion regarding the touching of working capital, which would no doubt alter the percentage ratio. But I suggest to you that even now the benefits being gleaned by these two major companies which control the overwhelming distribution of gas—in the case of Union Gas, in the industrial field in southwestern Ontario; in the case of Consumers' in major urban centres, on residential and commercial, and they have franchises given to them by the municipalities throughout the province—and that the returns, as indicated by me here this afternoon, are very

high. And therefore very questionable even as it stands. So with the inception of the new monopoly, the situation may be considered even possibly worsened, unless the board exercises extreme discretion in the setting of the rates.

I would like to turn to section 7 of this bill, and I suppose a caustic remark might be in order directed at Downsview. I felt that the member for Downsview had shown some degree of discourtesy last night, he ate up all the time when my deputy wanted to get out of here but, of course, that is his prerogative. In any event, he did not supply us, after repeated requests, with their motion for amendment. It was only by going to the orders of the day that one actually got it.

I think those little slights ought not to eventuate in this House. Despite the slights that we feel—

Mr. V. M. Singer (Downsview): I did not know the member could be offended so easily.

Hon. A. Grossman (Minister of Correctional Services): He did not even know he cared.

Mr. Lawlor: —and, despite the slight bleeding proceeding from the nostrils, we nevertheless intend to vote for the amendment as put forward.

But we want to make clear at this stage that the Minister himself, in the course of making initial remarks, indicated that he would be sending this matter on to some committee. The committee being mentioned by the Liberal amendment refers to the standing committee on government commissions. We do not much care which committee it is, we thought perhaps it should be the legal bills committee, and I have reason to believe the Minister had the legal bills committee and municipal affairs in mind, as to where he felt the matter should be.

Of course, the Liberal amendment goes much further. It actually sets this committee up as an investigatory body with very wide powers of investigation. Even at that, the public interest in this matter seems to us sufficiently pertinent and salient that perhaps that should be brought into being. In any event, we anticipate the emergence of the committee and in bringing it forward we want to forewarn, Mr. Speaker, and submit this caveat, that we would make a motion forthwith on the coming into being of the committee and the hearing, that a number of individuals and bodies be brought before the committee for interrogation and for submission by them. And I am thinking, of course, of the energy board itself, and I am thinking of the municipalities throughout this province which are directly and immediately affected.

I am thinking, of course, of Consumers' Gas representation, Union Gas representation, representation also, if you feel it feasible, from the shareholders of these corporations who might also be given an opportunity to attend. Apart from that, I would submit to you that in a matter of this kind involving a monopolistic, regulatory body, or entities which are under regulatory bodies, that the department of the combines branch of the federal government, The Department of Consumer Affairs and Corporate Affairs of the federal government, ought to be given an opportunity to attend and make submissions.

Apart from that, I would think that even ranging a little further afield, our own Department of Consumer and Financial Affairs, in order to protect the interests of the consumers of this province, ought to give this matter its surveillance and come again before the committee if it feels it is proper and make its submission so that we will get a total picture of what is really involved in this pivotal matter touching the economy of Ontario for the future.

What we need, Mr. Speaker, and what we do not have in this province, is some philosophy touching on mergers, amalgamations and acquisitions of major companies, on takeover bids of all kinds, and particularly with emphasis in the field of public utilities serving vital needs of the wide population, and who enjoy rather special privileges.

I would refer the Minister in this regard to a report of the Economic Council of Canada, called the "Interim Report on Competition Policy of July, 1969," at page 167, where this committee after a thorough review of monopolistic practices of the segments of the economy and the impact that each area makes upon the total, particularly if it is using restrictive means, how this may be controlled and how it may be directed, and in the section called "mergers in regulated sectors" it gives a number of terms and criteria as to how you should survey and control these entities, and that is where, under section 7 or any other section—as a matter of fact under no section—this legislation is defective.

There is no provision, Mr. Speaker, setting forth the aims, the objectives, or a criteria to determine the merits or the validity, the benefits or the defects of these mergers. I suggest

that your bill ought to have some kind of criteria just as you had in section 3 as I mentioned a moment ago. That is not provided for, nor is there any provision made for notices being given to interested people to appear before the energy board when they are reviewing such matters.

For instance, I suppose it would be somewhat improper for him, as Minister of Energy and Resources Management, to make representations before his own board in effect. Nevertheless, where is the public interest represented before that board? Ought not the government to have some role somewhere, some department which can present the goverment's case with respect to the coming together or merging of companies, and with respect to the setting of rights?

Who makes representations? As this report on competition policy indicates, it is a fatalistic consequence of the ingrown habits of tribunals of this kind, particularly rate setting tribunals, to become afflicted with the policies of the very industry that it is seeking to regulate. These are the people who are before it. These are the people it lives in cahoots with so to speak. In other words it has to, day after day, hear from the same individuals. It grows accustomed to their charm, and after a while comes to think very like the beings that they are seeking to control, to manage, in the public interest, and therefore they cease, by a fatal declivity, to represent that interest.

And is there any reason why the Energy Board does not suffer from an equal affliction, and is there any provision in your legislation as a preventative against it? None whatsoever, and in this regard the legislation is defective and therefore I think provision should be made under your regulations or in the bill, for notices to go out—again I would think to an independent department, say the consumer and financial affairs of this government, and the monopolistic branches of the federal government with respect to the operation and running of these privileged bodies.

The member for Downsview (Mr. Singer) in his remarks of yesterday was perfectly right in bringing a critique to bear against your proposed amendments as they will come in committee, particularly with respect to subsection (c) having to do with the acquirement in the aggregate of 50 per cent of the shares of any particular class. Of course, Consumers' Gas initially made an offer in seeking to get hold of 67 per cent of the common voting shares of Union Gas by way of negotiation.

Of recent date, as the Minister knows, they have changed that, have lowered the amount they are prepared to pay over and above the share issued from $4.50 per share to $4 a share, but are seeking to acquire 100 per cent ownership. They sent out, and I have before me, notices to the shareholders of Union Gas setting forth this offer. Whatever may eventuate from it the offer remains open until the 14th day of November of this year, at which date they may make their final determinations as to what they wish to do.

Therefore, the second point arises with respect to your amendment. You want your cut-off date here, the twenty-second day of October, 1969, but suppose—has the hon. Minister considered this—suppose Consumers' Gas has already acquired 51 per cent of the shares of Union; that the people who hold the shares of Union come forward in that number—they already held five per cent—as of the day before yesterday. Just what do you propose to do in that eventuality? Propose legislation forcing Consumers' Gas to divest themselves of the shares, or what steps do you intend to take?

There has been a most questionable delay on the part of the Minister, having this legislation before this House since last March with the whole thing in motion and well known to him, a most notorious delay in bringing forward his legislation and then flouncing around yesterday afternoon in some state of panic as to precisely what date he would set as a cut-off date and a determination.

There is something radically wrong in the operations of the department in this regard. The very least you could have done if this legislation was so crucial was to bring it in the first day of the session. Why has that not been done, I would like to know?

Of course, the fourteenth day of November, I would point out to the House, may not be the final date so far as Consumers' is concerned. They have left themselves with an extra clause saying "subject to extension by Consumers'," and it may enlarge the time in which it can move in this regard.

As I said previously, the view of the member for Downsview touching the control situation—everyone knows it is difficult to determine what effective control is. Consumers' Gas could very well have effective control with 19 per cent of the shares or even less. The fact is that with 50 per cent—if you are seeking to avoid a movement into the operations of Union Gas in such a way as you consider detrimental to the interests of the people, then I am afraid you are going to

have to revise your formula because it is not going to work.

As I said, it is difficult to determine what effective control is, but on the other hand I do not suppose with two merging monopolies it is all that difficult. Surely it is within the competence of the energy board itself to determine what effective control in this instance would be? And your legislation ought to be further amended to simply provide for the effective control factor or feature in the legislation.

I would ask the Minister to consider doing just that if he feels that that is what he seeks to achieve. Over here we are not convinced one way or the other and remain in grave doubt as to the benefits or otherwise of this merger. The Consumers' Gas has said that upon the merger taking place—this is its very sweet carrot—that $2 million to $4 million will be saved by the industrial plants of southwestern Ontario in reduced rates. And then there is some curious practice inside Union that it collects some kind of corporation taxes in advance—I do not know how that is spelled out—which is an unheard-of feature, which I suppose the energy board knows all about, at least I trust it does, but which I doubt sincerely it does at the same time. So that Consumers Gas is going to eliminate that curious feature also as a base or carrot to gain the goodwill of the people and the municipalities of that part of the province.

All in all, there is a substantial caveat to be brought against the legislation as it presently stands. It leaves much to be desired. I would trust that this new Minister in his first test, so to speak, of office, his beginning baptism of fire, already is indicating a certain discontent to an out of the handishness, so to speak, but I would have him settle down calmly to his task and if this legislation is of benefit, it can be proven, you know, within reason, to members over here. So far as we are concerned, we will assist and support him, but let it be known, give us the facts, bring the people before us so we can make a rational determination of an area which is an area almost exclusively reserved for experts. It is a tricky business. In the taxation committee we reviewed a good deal of the policy of gas wells and storage. We were never able to come to any determination, even with the expert help available to us, although we did not have time to go into it really deeply on this occasion. On this major merger of two Canadian companies, I would hope that you would provide us with that space of time in which to give this a thorough scouting so that the ultimate best interests of all are provided for.

Mr. Speaker: The hon. member for Sarnia.

Mr. J. E. Bullbrook (Sarnia): Mr. Speaker, of necessity I am going to have to reiterate some of the remarks made by the hon. member for Lakeshore and the hon. deputy leader of our party. I will try to be brief in this connection.

I first think, I certainly feel an obligation to invite the Minister in his reply to the comments made from this side of the House to explain the question of exactly what has gone on; what dealings have taken place relative to the amendment proposed by him yesterday, because my colleague, the member for Downsview, touched upon it with a degree of vigour and I think justifiably so. One has to wonder when we have standing on the order paper since May 31 of this year, this legislation—

Mr. Singer: March 31.

Mr. Bullbrook: I am sorry, March 31 of this year – this legislation which would attempt through one of its sections to prohibit the dealings that have gone on to a certain extent between the two companies, namely, Union Gas of Canada, Limited and Consumers' Gas, relative to the acquisition of assets. And it is my information that the original dealings—I think public information—that the original dealings between these two companies were with respect to the acquisition of assets.

Now, the dealings for internal reasons we suppose—and I am prepared to give these companies the benefit of that evaluation of the circumstances—for internal reasons these dealings were changed to a share acquisition. But the fact of the matter is that the government as a whole obviously had complete knowledge of the intention of Consumers' in connection with it.

Consumers' themselves, under the date October 15, advised their shareholders—and October 14 The Department of Financial and Commercial Affairs had issued supplementary letters patent, making available the non-convertible shares to carry out the terms of the acquisition, or the terms of the merger, or amalgamation, whatever word you wish to use. So the fact is, we do have one branch of the government having issued these letters patent on October 14 enabling this transaction. Surely the other branch of the government that has direct responsibility must

at that time have been giving consideration to it.

There is no doubt that both Opposition parties were concerned, and obviously so, with the application of section 7 to that transaction and the obvious deficiency in the legislation as proposed and before us, in dealing with the transaction. And I must suggest, and then we get back to that unhappy phrase, but I think it is germane that we have a right to know, and the people of Ontario have a right to know, just exactly what had been transpiring by the officers, agents or otherwise, of the responsible Minister in connection with this matter.

I would like very much to know, and I certainly do not intend for one minute, Mr. Speaker, to invade the personal detail of the life of the hon. Minister, but I would very much be interested in knowing that during the time of his absence from the House yesterday afternoon, whether he was dealing with the proposed amendment that he has now given to us, and with whom he was dealing at that time. I would be very interested to know whether there was any liaison, and I mean no disrespect or I insinuate nothing. I just want to know whether there had been any liaison with any officer, agent, director or otherwise of Consumers' or Union. I do not think that is really that significant but I think it really is worthwhile in reinforcing the position taken by my colleague, the member for Downsview. I sincerely invite the response of the Minister in this connection.

Now, to the substance of the motion. It goes without saying that I am speaking in complete support of the amendment proposed by my colleague. The fact of the matter is, and I say this respectfully, it is easy enough for my colleague to talk about this acquisition by Consumers' of Union. I represent a riding in southwestern Ontario that is fully franchised, as I understand it, to the benefit of the Union Gas Company of Canada. We never had any dealings, we have never had any dealings, Mr. Speaker, with the Consumers' Gas Company. Consumers' Gas Company, in point of fact, has never to my knowledge sought out the enfranchising of themselves in connection with their respective responsibility in the area that I represent.

So the question of competition, which is something that eventually will be decided by an appropriate body—and let me intervene and say this, that I consider the appropriate body to be a body that represents the 117 people duly elected to this Legislature, who represent directly the approximately seven million people of the province of Ontario, who really are the public interest.

The Ontario Energy Board does not directly represent that public. They represent the policy of the government, and while I recognize too that the government has a responsibility to the people—

Hon. G. A. Kerr (Minister of Energy and Resources Management): It is the policy of this Legislature.

Mr. Bullbrook: No, not necessarily at all.

Hon. Mr. Kerr: The energy board was set up by this Legislature.

Mr. Bullbrook: It does not necessarily represent the policy of this Legislature. It represents the policy of the people, because in fact what the Minister is stating when he says that, is that the backbenchers of the government party will not at any time take issue with government policy, and as late as yesterday, we deem that that is wrong. They have enough courage to make an evaluation as to the propriety of proposed legislation on their own. So all the Ontario Energy Board does in effect is exemplify government policy and not the policy of this Legislature.

Mr. Singer: Absolutely.

Mr. Bullbrook: That is the nub of the matter and that is the essential distinction between the proposal made by this party, and happily supported by the members of the New Democratic Party—as we understand it from the previous speaker—and the proposal made by the hon. Minister in this connection. I have digressed in that respect. I was speaking about the local question, and I want to speak about it, because again it is a matter for valuation in assessing the question of the public interest. As is known by all, sir, in essence we are dealing with a public utility here, the transmission, distribution and sale of natural gas, and properly controlled, as far as financial return and obligation to the public, by legislation. The fact of the matter is that there are enfranchising agreements that accrue to the benefit of the various companies. Now, as I was going to say before—I did digress—the question of competition to me is not that significant. But, of course, that is up to the appropriate body, namely the select or standing committee involved to decide. But it would seem to me that I am not overwhelmed with the aspect of mergers lessening competition because I really do feel, and this is

purely a personal comment of course, I really do feel that there is adequate protection at the present time. But, the fact of the matter is that the city of Sarnia by way of example does—

Mr. Lawlor: Same as Bell Telephone. I do not agree with that.

Mr. Bullbrook: No, well; I am sorry, I am not following the hon. member.

Mr. Lawlor: Well, I disagree.

Mr. Bullbrook: All right, that is fine. We have disagreed before. But the fact of the matter is that the people of Sarnia, through its elected officials, has seen fit to designate Union Gas Company as its enfranchised agent to carry out this responsibility to the the public. And I think the city of Sarnia is entitled, certainly it is entitled, to say whether they have any concern to express in connection with this merger or amalgamation. They certainly are and there is no doubt about it, and they are entitled to express it to the public at large, namely this Legislature. And there is one example I would suggest, parochial somewhat, but exemplary of the total picture in Ontario—

Mr. S. Lewis (Scarborough West): Not parochial at all.

Mr. Bullbrook: —of the rights of the people who have dealt unilaterally with Union Gas Company. I want to reinforce again, if I might, the comments made by the hon. member for Lakeshore and my colleague from Downsview in connection with what I must say, and I hope this word is not too vigorous, but the almost asinine aspects of 50 per cent —really.

I bear not to this House, through you, Mr. Speaker, any great sophistication in the world of finance, but I think from the time that I was ten years old I recognized that 50 per cent was not the essential evaluation or equation with the word control. This goes without saying, having lived for the last 15 years in western Ontario and being approximately involved or acquainted with the dealings of the Ford Motor Company in the United States—and you recognize that Henry Ford, I think holds about 3.8 per cent now of the stock of Ford Motor Company.

But Union Gas, by way of example—and my colleague from York Centre will get into this, he is sophisticated—you do not have to be sophisticated to see the holes in this legislation. If it does not invite them to acquire 49.8 and still control, the fact of the matter is—he will get into this—that for years Union Gas was not a private company, but the Rogers family, through relatively minor holdings, about 10 per cent, in effect did have control for many years. So let us be realistic in this respect.

Mr. Singer: You control the province with 42 per cent of the vote.

Mr. Bullbrook: Aside from the propriety and the right of everybody in this Legislature to evaluate what is in the public interest or not, surely in common sense you cannot accept this philosophy of control? If you do you abdicate not only your reason but a great deal of your responsibility.

An hon. member: Mostly your reason.

Mr. Bullbrook: So that those are the reasons that I would support the motion on the floor. I suggest in closing that I am really concerned about the total government attitude in this connection. One does not want to insinuate, I said this before, but one wonders when one reads in the financial pages of the press what has been going on, and in such an essential industry, which absolutely, without fear of contradiction, is the utilization of the public domain, is profit made out of natural resources belonging to the people as a whole, which is a privilege conveyed to these corporations by the people whom they serve.

Mr. Lewis: How about public ownership then?

Mr. Bullbrook: Well we will not get into that today. That could be the matter of another debate some time.

Mr. Lewis: Strikes me as interesting.

Mr. Bullbrook: I hesitate to confront you in any debate, but some day we might have to do that, much as we do not like. So let me say in closing, sir, that on behalf of the constituents that I represent I express deep concern in this connection.

Mr. Speaker: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Thank you, Mr. Speaker. The remarks that I want to make are also in support of the resolution, at least to a point, anyway. Unlike my friend from Sarnia I do want to be parochial in my thinking at this particular point. I would like to see this come before the committee, in fact would insist that this come before the committee, because I feel that some of the

things that have been brought out in the proposed merger are of vital importance to the entire community that I reside in.

Being serviced by United Gas, which is a part of the Union Gas makeup, I was rather surprised—shocked maybe would be a better word—to read how if Consumers' were able to take over in this particular case they would be able to reduce the rates of Union and United Gas by two per cent initially. But whether initially or on a long-term basis, I want to question the operation of the energy board, because I am concerned that the energy board is not taking into consideration many of the operating procedures of the companies who come before them requesting rate increases or rate structures.

What concerns me is that I have been paying for at least the last ten years two per cent, and at least two per cent, more than I ought to have been paying for the product that I am receiving in the Hamilton area as a result of the energy board not paying particular attention to the actions that are undertaken by United Gas in terms of its delaying corporate tax payment.

As I understand the article here it states that the Consumers' Gas would be able to reduce the cost by two per cent because the United Gas, or Union Gas, have been able to use a method whereby they tax the consumer an additional amount on a yearly basis for taxes which would not be payable for some years to come. I object to that. I feel that this has to be taken into consideration when the energy board is setting the structure of return to Union Gas, and it obviously has not been taken into consideration.

And I want to have Union Gas and United Gas represented on the day that this is before the committee so that we can find out how it is that they can grossly inflate their operating expenditures in this way, and rook the public as they have been doing over the last "x" number of years, who knows how long, to the tune of two per cent, which in the general income bracket they are in is a sizeable sum of money. Now, I feel that if on this and this alone it were to be brought to the committee it would be a worthwhile endeavour.

The Minister' statements of introducing this particular amendment before the committee really would not be of any help to us unless we were able to get into the nitty gritty of how these gas rates are set. I am concerned, as I said before, that the energy board is not paying enough attention to whether or not the operating expenses of the companies coming before them are being inflated by the use of delayed tax measures and thereby being inflated by the use of delayed tax measures and thereby being permitted to garner to themselves much larger profits than they would normally be permitted under the Act. For that reason I would certainly support the amendment.

Mr. Speaker: The hon. member for York Centre had been on his feet previously.

Mr. D. M. Deacon (York Centre): I yield.

Mr. Speaker: The hon. member for Essex South.

Mr. D. A. Paterson (Essex South): Thank you. As the critic of this department I had prepared remarks on this total bill several months ago, taking into consideration the Royal commission on our economic prospects. We sorted up a chairman, a chap by the name of W. L. Gordon, and he had a section in his Royal commission report on natural gas. I think I can base my reports on the light of what has been transacting in the last few days.

But before I get into this principle of section 7, there is one area of concern that I have in this particular bill and that is contained in section 3—that is an amendment that the Minister has seen fit in changing the rate base, or how it is to be determined for the transmitter or distributor or storage company and the returns to the province of the resource tax.

I would seek clarification from the Minister in regard to this particular section before the vote is taken as to whether this new criteria which the province is putting forth establishes resource tax on this, whether the resource tax itself is right at the wellhead in relation to the production of gas and oil. Further, I have a later concern on this, the states of rate base shall be determined by the board on the total of a reasonable allowance of cost of property if that is to be used, reusable and serving the public—

Hon. Mr. Kerr: Is the hon. member dealing with section 3 or 6?

Mr. Paterson: Section 3.

Mr. Speaker: I must point out and remind the hon. member that we are debating the second reading of the particular bill, and the debate at second reading should deal with the complete principle of the bill rather than the direction of a remark to specific sections of the bill, section by section. I know it is

difficult in this particular case to refrain from referring to sections, but I must point out that we are debating the total principle of the bill.

Mr. Paterson: Yes, I agree with you Mr. Speaker, but I was getting this direction to the hon. Minister so that it might contain an answer in his remark, because there is the fundamental principle and whether, under this new structuring and possibly under the new Assessment Act of the province, these properties are going to be assessed at real value. And, if a reasonable allowance is made for the new property builders, will the rates in fact tend to go up through other provinces?

The further section here, taking into consideration the cost of working capital, which is going up at the present time, could possibly be a fundamental factor in determining the future rates.

The main concern with most of us, of course, revolves around the section that has been discussed by previous speakers, and the amendment was put forth by the deputy leader of my party. As I read the bill initially, I had the impression that the principle of this section was designed to protect the public interest from the acquisition of assets of one company in the energy field by another in the same field.

Apparently this Act, as was written, is useless in protecting the public interest and in relation to the present situation involving our industry. Thus the Minister's amendment and our deputy leader's recent amendment, up to this time, this merger or this takeover, did not have to come before the energy board, and I assume that the Minister is going to correct the situation. I do not think it is a reflection against the principles of these two companies—I know of these men who are involved in the financial field, and I think they are very honourable people.

I notice remarks in the press where some of them were quite happy to come before the energy board and I believe this is to be commended. But the controversy that I think that has come forth in the press, I believe some of the clippings were read by my deputy leader, possibly brought forward this amendment from the Minister and, of course, ours.

Back in the Union Gas consuming area, a portion of which I represent, the householders were openly impressed that the rates are going to be lowered initially as a result of certain economies that can be brought about by the amalgamation of these two companies. This is good, and I think it is acceptable by the people. However, the hon. member for Hamilton expressed that there is a difference in the financing or the bookkeeping procedures of these two companies, and that does give me concern. It is a matter that should be explained to the energy board and to the public or the committee of this House as we have suggested.

I think that Union Gas has been basically paying its way on taxes or standard liabilities —this has been done before; necessary or not, I cannot say, but it is a good business practice, whereas Consumers' Gas has possibly deferred any of its liabilities to keep its rates low in the Metro area. If this is so, how will this affect the consumers ultimately in the existing Union Gas area? They have been promised a lower rate initially, but in the long run, will they not be assessed a higher rate to meet these liabilities now outstanding against Consumers' Gas?

My friend from Hamilton thinks we have been paying slightly more in the Union Gas area; possibly here we have, meeting with these commitments, but are we in the future going to be tagged with the outstanding obligations of the Consumers' Gas Company? I think this should be clarified before the energy board and legislative committee.

Why the merger of these two large companies? They have separate areas in the province in which they are dealing, and there are numerous smaller companies in my particular riding but they are really not a factor. Well, as a fundamental principle I think the public should know what are the long-term supply contract of both of these companies, because these are the basis for determining the prices in future for natural gas. I think this is in the prime interest of the public—to know these answers.

Now in questions to the hon. Minister, we have determined the real estate of the companies in control around Lake Erie, but I believe the production from these fields is very small in relation to the total consumption of these two companies. I believe from my research and studies that the householder is the largest portion of the percentage of the gas industry's revenue, although industry itself may be the largest volume user. It is a fact that industrial sales are essential to the financing of longer and larger transmission lines, and the expansion in the new areas of the province. This has got me to wonder—why the merger? Is the Minister aware—this

is a supposition on my part, I guess—but any negotiations where a new large industry coming into the Consumers' Gas group area would make this merger a necessity in the interest of the people of this province, in order that one large amalgamated company could gain purchase and power either from the gas wells from the west or to the south to satisfy the means of such an industry.

The reason I question this, or suggest this, is based on the fact that I feel that there is a critical shortage of Hydro looming on the horizon here in Ontario. Certainly we have had difficulties with our nuclear hydro generating stations. High-quality coal is becoming increasingly unavailable, and certainly we have tapped the major sources of water power for Hydro generation.

Somehow I get the feeling that possibly this Minister, or Ontario Hydro, may have an agreement or an understanding with the Consumers' Gas group that if they can provide the huge quantities of gas that would be required to operate a hydro generating station, they would have to get much lower prices and much greater volume; possibly this is what this merger is all about. This, as I say, is a supposition on my part and possibly the Minister would care to comment on this, but if this in fact were true, possibly this would be the underlying factor that would make this merger a good thing in the interests of the people of the province of Ontario, to meet this energy need.

In conclusion, I would certainly support the reasoned amendment of my deputy leader, and I do hope the Minister can take my few questions under advisement and give me an answer.

Mr. Speaker: Perhaps the hon. member for Windsor West, whom I will recognize, will permit a brief interruption?

Mr. D. M. De Monte (Dovercourt): Mr. Speaker, I would like to bring to the attention of this House a delegation from Italy, headed by the Senator, the hon. Francisco Smurra. It is a delegation to the Plastics Fair here, and it is a delegation of producers of plastic machinery.

Dr. Sergio Salvatore of The Department of Foreign Trade is also in the gallery, Mr. Speaker, and Dr. Gianbatista Peruzzi, of the Italian Trade Commission in Toronto, together with Dr. Mario Carosi, the Consul-General of Italy.

Thank you, Mr. Speaker.

Mr. Speaker: I am sure all hon. members want to extend a cordial welcome to our very distinguished visitors.

The hon. member for Windsor West.

Mr. H. Peacock (Windsor West): Mr. Speaker, there are two particular aspects to this Bill 109 before us.

One is a matter for legislative study. The other is a matter for the investigative functions of the Legislature's standing committees.

The Minister's intention to refer the bill to a standing committee of this House certainly comprehends the first object, that of study of the legislation by the committee, but it does not, I think, comprehend or take account of the need for the second approach, that of investigation. That is why this group is supporting the reasoned amendment of the deputy leader of the official Opposition, which does set out the very real need for the investigative role of this Legislature to be recognized in serving the public interest in this transaction between Union Gas and Consumers' Gas.

The legislative aspect calls for, on the part of many members like myself, much more detailed study—altogether apart from the transaction which we have been discussing—of the provisions of the bill which will apply in any instance where gas companies are engaged in the business of transmission and retail distribution. But in regard to the investigative role of this Legislature, Mr. Speaker, the transaction between Union Gas and Consumers' Gas raises at least four points that can only be settled through the exercise of the investigative powers of a standing committee of this House.

First of all is the rejection by Union Gas of the takeover bid announced by Consumers' Gas in February of last year. At that time, as you know, Mr. Speaker, the Union Gas directors informed their shareholders that the company did not believe it was in the interests of its shareholders, customers, or employees to join with Consumers'. This Legislature needs to know clearly why the Union Gas directors have now decided to accept the takeover bid, even though, as the member for Sarnia puts it, it may simply be a matter of an internal revision of the form of offer. I do not think that is all there is to it. The Legislature needs to be informed, and therefore the public of the province, through a standing committee exercising the investigative powers that the member for Downsview wants to place in its hands, as to the reason for Union Gas's earlier rejection of Consumers' offer.

Secondly, Mr. Speaker, the House needs to know, as the member for Wentworth and other members have pointed out, what impact the accounting practices of the two companies, differing accounting practices, have had and will have on the rate base and the resulting charges to customers of the combined firms.

Thirdly, it would appear that Consumers' Gas Company's intention to reduce overall billings by approximately 2 per cent relates to this different method of accounting, and it would be incumbent on the standing committee to determine whether in fact that 2 per cent is the full extent to which Consumers' Gas, having acquired Union Gas, could effect rate reductions, or whether, not instead the rate reductions could be conceivably larger, or for some reason should be a lot smaller than is proposed by the Consumers' Gas Company—

Mr. Singer: Or will disappear within a very short period of time.

Mr. Peacock: And, as the member for Downsview suggests, may well be wiped out by some other factor that we do not now have before us that only can be anticipated by the management of the Consumers' Gas Company.

Fourthly, Mr. Speaker, Consumers' proposes to afford further rate reductions to Union Gas customers by the introduction of special competitive rates of the type already approved for Consumers' Gas, and that again brings into question the ability of the Ontario Energy Board to effectively scrutinize the manner in which this new large corporation is going to go about offering service to its consumers.

That is why, Mr. Speaker, we have determinted in this group to support the reasoned amendment of the member for Downsview. That amendment, Mr. Speaker, on division, probably is not going to carry, and therefore when the standing committee, to which the Minister wishes to refer this bill, meets for consideration of the bill, it is the intention of members of this group, who are present on the committee to move to call for representations from the municipalities to be served by the newly integrated company, the directors of those companies, and their management, the officials of this government who are involved in examining the companies' rate structure, the energy board officials, and others who are experts in the field, outside the government service, who can advise the committee on the questions that will come before it.

It is only in this manner that we are going to have a full disclosure of the impact of the transaction on the Ontario economy, and that is why we intend to support the motion by the member for Downsview. If that fails, why we will move in the standing committee to make sure that the reference not only fulfills the need of the Legislature to study the general application of the legislation, but also to undertake a genuine investigative role into its application to this particular transaction between Consumers' and Union Gas.

Mr. Speaker: Now, the hon. member for York Centre had been up previously, but I have two or three other members. Does the hon. member for York Centre defer?

The hon. member for Huron-Bruce is next.

Mr. M. Gaunt (Huron-Bruce): Mr. Speaker, I want to make a few comments in relation to a subject which is slightly different than has been receiving attention up until this point. I want to talk for a moment about the gas storage rights, particularly as they apply to Lambton county and to that part of Ontario.

I know the members of the Legislature were circulated with a brief some few days ago. The brief came from the North Lambton Gas Storage Association. This is a group of people with whom I have had the pleasure to meet on one occasion, and I was certainly very convinced that they had a case. And I just want to put a few of the facts before the House and the Minister, if I may, sir, at this time, because I think the bill which is now before us is deficient in a number of areas relative to this particular problem.

I think the association feels that the compensation and the principles for establishing compensation for gas storage rights have not yet been established in Ontario, and this whole area is in a great state of confusion and uncertainty. The Energy Board Act, according to the association, should be amended to embody some of the principles that were stated in 1964 in the report of the energy board to the Lieutenant-Governor. There were nine principles, I believe, which were fully discussed at that time and contained within that report. I think the association feels that of those nine principles, there are four which are certainly very vital to their whole case. I want to bring them to the Minister's attention at this time.

First of all, the storage rental payments should be based upon the capacity and performance rating of the storage reservoir. Two, there should be a minimum storage rental payment per acre. Three, in the determination of storage rental payments, account should be taken of the use and usefulness of storage and, four, storage lease agreements and arbitration decisions in respect of storage rights should be subject to re-negotiation or re-determination of storage rental payments at stated intervals with provision for arbitration in the event of disagreement.

There were certain guidelines that were set out in that report. These are contained in the brief, and I think in my knowledge of the subject, it appears that these rates are fairly justifiable. Certainly the rates which the farmers in that area and the people who are being paid for these rights, are not as high as they should be when one compares the fact that the storage companies, for instance, in Michigan, are paying very high prices. This is just a matter of a number of miles across the border, and these companies are paying very high prices to acquire the storage reservoirs from people in the state of Michigan. And yet, in Lambton county, only a matter of 40, 50, 60 miles away, we have people who are getting less than a quarter of what the people are getting in Michigan.

Perhaps one of the problems that has borne down on this particular subject, is the fact that the energy board in 1964 recommended, for instance, that in one particular pool a payment of $13.88 be made, and the municipal board came down with a decision in 1966 indicating that that payment was not appropriate and recommended a payment of $5. Obviously, a great deal of difference between the two figures.

I think what the association is asking for is that the appropriate amendment to The Energy Board Act be made and I do not see them contained in this particular Act, although reference is made to storage rates. I think they are asking, because of the long experience of the energy board in dealing with oil and gas problems, and particularly after they have spent two years investigating this whole matter, that they be allowed to apply the principles and the formulae that were set out in their report of 1964, which are, according to the association, basically sound.

They also make the point that the report came out in 1964 and in the interval between 1964 and the present time, the cost of servicing and the cost of everything associated with this problem have risen and so the rates set out in the energy report of 1964 should accordingly be raised 50 per cent.

So, I bring these matters to the attention of the Minister and I would hope that he would give consideration to empowering the energy board to determine rentals for ten-year periods on the basis of the formulae that were devised by the board itself in 1964. I think this is only fair and when one would take into account that these rates be adjusted upward to the extent of 50 per cent, I think we are talking about a reasonable rate, a justifiable rate, particularly when one compares it with the rates paid in the United States.

So I would draw those matters to the attention of the Minister in the hope that something will be done about that, because these people have been underpaid; they have been paid a token payment over the years, and I think it is just about time that they got a fair shake in this regard.

If I may address myself for a moment to the motion which was proposed by my colleague, the member for Downsview. I think this is a very important matter. The motion is an all-embracing one. I think it is vitally important that the public interest be protected and I think this is the only way in which it can be. I am very concerned about the 50 per cent indicated in the Minister's amendment. I feel that it does not give the type of protection that the public of Ontario deserve to have in cases like the proposed merger between Union and Consumers'.

I think the Minister, surely, having rested well last night, should reconsider and take another look at that 50 per cent. I am sure he is a reasonable man and he can see the weight of the arguments coming from this side in favour of so doing.

Mr. Speaker: The hon. member for Grey-Bruce.

Mr. E. Sargent (Grey-Bruce): Mr. Speaker, I wholeheartedly support my colleague, the member for Downsview, in the amendment that this be referred to the standing committee on government commissions for study, for the purpose of determining the whole amalgamation, because it is in the public interest to do so.

First, I submit, Mr. Speaker, that monopoly control is not what we want in this province of determining the whole amalgamation because it is in the public interest.

First I submit, Mr. Speaker, that monopoly control is not what we want in this province today. From the price standpoint alone, there is no competitive factor as a yardstick to judge what the rates shall be and this is dangerous in itself alone.

The fact is, Mr. Speaker, we relate back to three or four years ago when either Consumers' Gas or Union Gas or in consortium brought a private bill before the members of this House, before the private bills committee, to get fixed assessments on their transmission lines at local level. And as I recall it—I may be wrong, I am wrong a lot of times, but as I recall it—the private bills committee turned down their request for fixed assessments at local level in municipalities for the pipelines or transmission plants. This was turned down but it came back in to the private bills committee, and in effect it meant about $70 million of taxation to the municipalities in Ontario which was turned down by the private bills committee. Municipalities need this money to run their affairs.

I hate to make insinuations but somewhere along the line the big interests got together and they came to the government and said, "This bill must go through." So all the top legal brass in the province of Ontario—Robinette, the whole ball of wax—were sent in there and they railroaded this bill through the private bills committee, and now it is a fact that they get fixed assessments on their transmission lines in all municipalities across Ontario, and this is costing the taxpayers of Ontario millions of dollars alone in fixed assessment at the local level.

I submit to you—the hon. member there gave us the figures—they had fixed assets, one company, of $340 million and they showed a profit of $40 million last year. Why cannot they pay their taxes like everybody else?

So in the inherent value of this bill they will assume this inequity will go on to infinity because it has passed this House once as law that they have fixed assessment, so they will in infinity have this inequity as part of their asset. So, briefly, I want to say that it is very important that the people of Ontario know just exactly what is going on, because this is a dangerous thing. More and more we must realize that we must guard against monopolies, that it is the day of the take-over and everything is a take-over and we are losing the right to govern ourselves, and free enterprise is going to suffer because of the fact that this government is going down the line with big business and I support this amendment 100 per cent.

Mr. Speaker: The hon. member for Humber.

Mr. G. Ben (Humber): Mr. Speaker, in rising to speak this afternoon I do so on three points with reference to (a) the bill itself, (b) the amendment to the bill, (c) a gross omission in both the bill and the amendment. In doing so, I was hoping that I could refer to a gentleman whom I asked to be in the gallery because I felt that his vindication was surely at hand. I have every reason to believe that, within the next few months, federal recognition will be accorded to this far-sighted engineer, the first man in Canada to see the emperor's new clothes for what they really are—nothing but nakedness.

Mr. Winnett Boyd's famous statement that the Canadian approach to nuclear power is a physicist's dream and an engineer's nightmare is now seen to be true ten years after he made it.

I refer to this, Mr. Speaker, because this Act is called The Ontario Energy Board Act. It makes reference to The Energy Act. It only refers to fuel, gas, and so on, and omits the most important source today, uranium, nuclear energy. So at least that will satisfy, Mr. Speaker, how I happen to be on that particular topic, because to me it is a glaring omission in this Act. There ought to have been something said about it.

When Mr. Boyd was employed as a consultant by Atomic Energy of Canada Limited, he saw through the nuclear power approach hiding behind the image of the well-meaning and indeed lovable Dr. Keys—a great scientist and a great physicist—to the essential fallacy that underlay this approach, the Lewis approach, the Gray approach, the natural uranium heavy water approach to nuclear power production.

Today Ontario faces a winter of discontent, and a decade of disruption because this government would not listen to Winnett Boyd. That is why I asked him into the gallery today to capture the first fruits of the recognition that will shortly be his, as his insight and foresight are belatedly recognized by the people of Canada.

This man knew and knows the truth about nuclear engineering, and the fallacy of believing that because something works in the laboratory it can necessarily be engineered on the grand scale. Today, Ontario residents are suffering because the scientists who wanted a low-temperature reactor won out over the engineers who wanted a high-temperature reactor. Today we have low-pressure

wet steam instead of superheated steam, and so the mechanical end of the Canadian system is wasteful almost to the point of absurdity.

However, that is not the main criticism. What is fundamental in the Canadian error is that the natural uranium reactor is the kind that will not work—will not sustain itself—unless it is held on a leash, rather like a straining German shepherd dog. There are so few neutrons in natural uranium that, unless the flying neutrons of radioactivity are slowed down—"moderated" as the engineers say—they will shoot right past or right through their targets. The atom will not be split and there will be no chain reaction. If there is no chain reaction, there is no heat. If there is no heat, there is no power. So we have to have heavy water to slow down the reaction, and to produce a kind of waltz of the neutrons in which billiard-ball mechanics will apply.

Heavy water is expensive and very difficult to manufacture. There is a shortage of it all over the world. Men died in wartime to sabotage a Norwegian plant making only a few pounds of it a year. Today, in Nova Scotia, the Deuterium of Canada plant has failed, and the General Electric Plant at Port Hawkesbury is not yet on line. In desperation, Hydro has upped its own plant production—on paper—from 400 to 800 tons a year. But that plant will only come on line if everything goes according to schedule, in 1972, and initially it will be dependent upon steam for its power.

Hon. Mr. Kerr: Mr. Speaker, on a point of order. I appreciate the remarks of the hon. member because it is all certainly part of my continuing education, but I do not think it is on the principle of this bill.

Mr. Ben: Mr. Speaker, at the present it may not be, but in order to get to the principle one has to have a preamble to introduce his particular topic and in this particular instance—what I am getting to is the suffering the people of Ontario are going to go through because of this Minister's omission in bringing in a properly drafted amendment to The Ontario Energy Board Act of 1964.

Mr. Speaker: I might say that the amendment before us deals with certain areas of The Ontario Energy Board Act. It proposes to amend certain sections in certain ways and it seems to me I have been endeavouring to relate the hon, member's remarks to the amendments that are before us, and I fail to see where the content of his remarks has anything to do with the amendments that are now before us.

Mr. Ben: Well I can easily relate that, Mr. Speaker, by suggesting, with respect to my deputy leader. I am sure he will forgive me if I suggest that perhaps his amendment may be remiss or short in draftsmanship in not including certain other material in the particular amendment, because we can talk to the amendment.

Mr. Speaker: I think we are dealing only with the content of the amendment to this bill.

Mr. Ben: Very well. Then with my deputy leader's permission, I will have to take my deputy leader to task for not including certain things in his amendment; but I am sure he will forgive me.

Mr. Singer: I stand chagrined.

Mr. Ben: There, you see, he stands chagrined. He sits chagrined too.

To continue, Mr. Speaker, in desperation, Hydro has upped its own plant production—on paper—from 400 to 800 tons a year. But that plant will only come on line if everything goes according to schedule in 1972, and initially it will be dependent upon steam for its power.

That steam will, in turn, come from the Douglas Point nuclear reactor, which is about as unreliable as they come. I quote from the new Hydro report, just received, page 13:

> Two major planned outages took place during 1968, one between March 15 and April 12 to permit commencement of work on changing the boiler room to a dry atmosphere to facilitate the recovery of heavy water, and the other between May 21 and July 21 for the introduction of operating improvements. Among the latter were improvements in the detection and correction of heavy-water leaks, modifications to increase tightness against leaks in the reactor building, modification of various components in the heat-transport system, and the commissioning of an additional standby diesel generator.

But Pickering will be unable to start up unless and until it is filled with heavy water —1,700 tons of it—and Bruce—

Mr. Speaker: Order please. Would the hon. member please indicate to me where, in this particular amending bill, there is any reference to the topic on which he is speaking?

Mr. Ben: Mr. Speaker, that is exactly my objection to the amendment, that there is not any reference to it and there should be.

Mr. Speaker: I hardly think that is a proper point to be taken; we are dealing only with this particular amending bill to the original Act which deals with certain specific amendments and I believe that discussion should be restricted to the principle of those specific amendments.

Mr. Ben: With all due respect I suggest to you that, speaking to amendments, we can refer to any errors, omissions, additions or possible deletions, that is the only way we can speak to amendments, saying we support it because (a) it contains everything that we think should be in it or (b) we do not support it because there are omissions in the bill or amendment. What would be the sense of discussing the amendment if we cannot say what it lacks or what is the sense of discussing an amendment if we cannot praise what we think is good in it, how else are we going to discuss it?

Mr. Speaker: I must say that the hon. member has lost me and I cannot judge whether he is in order or not. He may proceed.

Mr. Ben: Mr. Speaker, I was saying that Pickering will be unable to start up unless it is filled with heavy water, 1700 tons of it, and if Bruce is ever constructed, it will need a further 2400 tons. But where is this heavy water to come from? The *Globe and Mail* Report on Business of Friday, October 17, carried a story by David Crane which was headlined, "Heavy Water Crisis May Force Chalk River To Close." What author David Crane did not stress enough was that India and Pakistan have been promised priority over Ontario in deliveries of heavy water for international prestige reasons and that Rumania is also demanding a guaranteed initial fill-up before it will consider any Canadian deal, as is Australia.

We cannot meet these demands. We cannot sell a Canadian concept because we cannot supply the heavy water needed for fueling the reactor and also for the cooling process, so long as this is also a requirement. Even if we get rid of heavy water as a coolant, we will still not have enough—

Mr. Speaker: Order please.

Mr. Ben: —the use of the moderator—

Mr. Speaker: Order please. I was trying desperately to relate some degree of relevance in what the member was saying, to the amendment before us. The hon. member has indicated to the House, and to me as Speaker, that there are certain omissions which he feels should and could be debated at this time. However, I would point out to him that if there are omissions and he feels The Energy Act should be amended in respect to the matters upon which he feels debates should take place, that is, omissions, he should introduce his own amendment to the Act.

We are not dealing with any such omissions in this particular amendment and I would rule that any further discussion along the lines he has been embarking, would be out of order insofar as this bill is concerned.

Mr. Ben: It is a pity, Mr. Speaker, that you did not wait for my next sentence which is where the relevancy to this energy amendment arises from the fact that international payment and energy policies are inextricably interwoven. Hydro is in the thick of it, it cannot get the brown coal it needs, and Nanticoke will be in a state of permanent embarrassment from that point of view. It cannot make power by burning natural gas which this bill does relate to, Mr. Speaker.

It costs too much. It cannot find any more Hydro. If it takes peak load power from the States, balance of payments are involved. If it buys brown coal, the balance of payments are involved; if it buys heavy water to meet its deficit as it must, balance of payments are involved. All of which would suggest that would have been better not to have put all its eggs in one basket, but to have shopped around for the best and most economical way of delivering cheap power to the people of Ontario which is, after all, what Hydro was set up to do in the first place, and cheap power also means cheap gas.

Mr. Speaker: If the hon. member had indicated that at the beginning of his remarks, I might have been able to see the relevancy.

Mr. Ben: Thank you. Sensible shopping is comparison shopping, Mr. Speaker, and there are Consumers' guides in the retail field, there are independent appreciations by qualified engineers readily available to Hal Smith and his colleagues, but they have chosen to ignore them.

In this particular respect, Mr. Speaker, if this merger goes through, we will not be able to comparison shop. Too many people equate competition with two sellers in one market but that is not necessarily so. You can have

competition when the two sellers are not in the same market because on the one hand although you say it is not competition, on the other hand, you have at least comparison. Comparison is sometimes as much to the advantage of the consumer as is competition.

For example, how do we know that we in Toronto are getting a good deal from Consumers' Gas unless we compare their activities and their prices and their supply systems, to what somebody else is getting in another jurisdiction? We do not have to have Union Gas in Toronto for Union Gas to be competitive with Consumers' Gas. We do not have to have Consumers' Gas in Southern Ontario to be competitive with Union Gas.

As long as they are both the same size, selling approximately the same types of services to the same type of consumers, we have a pretty good comparison.

In this particular instance, I was talking about, they did it to Hydro, they just tagged on the coattails of a federal programme whose imminent demise is going to make the Arrow story pale by comparison, and the result is, we are getting very inadequate and expensive and unreliable power for the province of Ontario. There is going to be the most complete about-face by the federal government or by this government also that Canada has ever seen.

At the present time I am not about to apologize for what the previous federal government has done, let them apologize for themselves, but for the people of Ontario, the crunch will fall more heavily than on any other group in Canada. It is our industries that will be short of power, our homes that will be dark. It is our production plants that will be slowed down, our kitchens that will be cold, when the federal government pulls out of the heavy water natural uranium programme, as it will within a year, and declare open season on nuclear shopping.

So, as far as we are concerned, Bruce must not be built to the heavy water, natural uranium specifications; let Pickering stand as a model of this folly. Let it be the museum of a grandiose idea that failed. But let us not go any further into this stream which is now, as Mr. Boyd predicted ten years ago almost to the day, and engineer's nightmare. Let us admit that the system will never work however much good money, taxpayers' money, that we throw after bad. If we would have had competition in that field, we would have never been in this fix, if we would have shopped around. If they would have been able to set up comparative systems in the province of Ontario.

Mr. Lawlor: The hon. member wanders far afield.

Mr. Ben: This government is preparing to wipe out any possibility of comparison in the distribution of natural gas throughout the province of Ontario. In essence it is going to make it impossible for the people of this province to know whether they are getting a good deal from the distributors of natural gas, or a bad deal or no deal at all.

In essence what we are again doing is just throwing more good money, taxpayers' money, after bad. The United States, as a matter of policy, guarantees a supply of slightly enriched uranium for the life of each reactor it sells. Continuity of operation is therefore assured. However, Canada can not guarantee a supply of heavy water to keep its concepts going, not even overseas and Ontario is rated below overseas potential customers, in the world nuclear rat-race.

In this regard let me digress here, Mr. Speaker, to point out that if we do have a merger of these two companies, we could, through a strike, have the supply of gas cut off completely, to the greater part of Ontario. At the present time, Mr. Speaker, if Union people should go on strike, there is always the possibility that we could pull gas from Consumers' system into the Union system that its supervisory personnel could keep the consumers supplied in Southern Ontario, while the reverse could also be true. But, if you absorb Union by Consumers' and there is a strike, everything closes down. Absolutely everything.

I think that Canada will have to swallow its pride, but Ontario must not wait for the debacle to take place. We can not afford these winters of discontent. We cannot afford to see our gross provincial product tumble because of a lack of energy.

This is why this is so relevant today. And this is why the bill must be amended. Mr. Speaker, we are not only concerned with the natural gas today, we are concerned with the total energy picture of Ontario. That is why this amendment is so germane to the issue. It is foolish to bring in a bill which only hits at the fringes of the real problem, which is why we want the whole subject opened up before committee.

Today Mr. Boyd sits mute in the gallery, and I am happy to say that he has entered the House and is sitting in the gallery. He is

ready to appear before the standing committee on government commissions to tell members the way that we ought to go to assure Ontario an ample supply of power, of energy, for its growth and for its continued prosperity. We cannot, as responsible legislators, deny him the opportunity to speak. For ten years he has been muzzled, but for ten years he has always stood firm in his convictions that engineering and applied science must figure largely in any practical programme, and that pure science and physics cannot alone be trusted to carry real people, in real everyday situations, towards their goals.

There are men in high places who know I am speaking the truth today. There are men whose offices are at the head of University Avenue who have deliberately concealed the facts from the people of Ontario for an entire decade. But now the truth is out. Ontario Hydro has been led up the garden path. It has been the guinea pig of Canadian national prestige and the entire venture has fallen flat on its face. Now we must get out from under, because our prime responsibility is to the people of Ontario, to protect them against one type of energy in one person's hands.

So let the record show that the official Opposition in the Ontario Legislature, under Andrew Thompson and under Robert Nixon, has consistently probed and studied this question. We have had the benefit of the best technical advice. We have been long patient, hoping against hope that things would reverse themselves, that even our own advisers would be proven wrong.

We wanted to believe that Ontario was on the right track. Mr. Nixon went to Douglas Point. There are caucus memos expressing his grave concern, dating back to when he took office. The published reports of the Senate Committee on Science Policy are a complete document of Senator Andrew Thompson's latter-day concern. Oh, yes, we are on the record, all right, with questions mostly, and with leaders' speeches in Hydro and energy and resources debates. The theme runs true throughout: concern, trying to believe against the overwhelming evidence for disbelief.

Now we can no longer keep up this tatter of faith. We finally know the truth. The Canadian heavy water system, discredited by a small nucleus of reputable engineers around the world, cannot and will not provide the promise of power that we thought it would. We have to end it all. We have to open the store again, and call for bidders on the open market—bidders who can deliver complete systems that will bring power to Ontario while there is still a chance to keep up the momentum of our economy.

And, Mr. Speaker, if this bill is not sent to the committee, if this amendment is not carried, and if this merger is permitted to proceed without 100 per cent guarantee to the people of the province of Ontario that they will have an uninterrupted supply of energy at reasonable, competitive prices for the rest of their lives, that our industry will keep humming in winter as in summer, then I say that this government and we, the legislators, have failed completely in our responsibility to the people and all of us should be chucked out in the next election.

Mr. Speaker: The hon. member for York Centre.

Mr. Deacon: Mr. Speaker, ask the Minister to reconsider his position in this whole matter and to support the motion of my deputy leader because I am sure he recognizes the two important principles that are being overlooked in his amending motion: the matter of the 50 per cent amounting to control, and the second matter, that Cabinet approval in effect is sufficient for any merger or acquisition that takes place.

In the case of Consumers' Gas, there are over 17 million shares outstanding. The largest single block is under five per cent, but that block because of the sheer value of it, which is over $12.5 million, has a very forceful, a very important, voice in whatever happens to Consumers' Gas. And the same way, as has been mentioned before by one of my colleagues, Union Gas, which has some 15 million shares outstanding, has been controlled virtually by the Rogers family. In fact, the chairman of the board, Mr. David Rogers, who has some approximately two or three per cent, has definitely had the controlling voice through the family ownership and family trust, of some ten or 11 per cent over the years.

Because of the sheer size of the company, 50 per cent means nothing. Effective control can be 15 per cent, or 11 per cent as it was in the case of Canadian Breweries when it was controlled by Argus Corporation. We should have any transaction which amounts to effective control, before the Legislature for scrutiny. Effective control can certainly be 11 per cent. If it was 11 per cent in Canadian Breweries, it is 11 per cent here.

This matter of putting the onus on the companies which are merging to prove that

the merger is in the public interest is also important, and these hearings should be open. They should not be closed. The matter of an energy board hearing is far different from a hearing before a committee of the Legislature, because an energy board is an appointed group. A public hearing in a committee of the Legislature is a far different thing, because then you have the public's elected representatives who are not necessarily experts, but they do, we know, have a good understanding of the concerns of the public. They have there an opportunity to question and other people also have an opportunity to question. It is certainly very important that the Legislature be the place where the onus is demonstrated that such a move is in the public interest and for any merger or acquisition to be approved.

I am sure the executives, the directors of Union Gas and Consumers' Gas, would welcome such an opportunity to come before the elected people and not just an energy board hearing. The energy board is primarily concerned, really, with rates, and being certain that with a sole distributor of a form of energy, that the public is getting a fair deal out of it.

There is an element of competition in the natural gas business. The element of competition is with other forms of fuel, but I can recount a couple of situations in the past where certainly the fact that one company was close to another in markets that were fairly similar, proved to be of some value. That was around 11 years ago. When you compare the rates offered industrial customers in Hamilton and Toronto, the Dominion Glass Company of Hamilton was paying approximately 50 per cent more for its natural gas than was its competitor, Consumers' Glass in Toronto, the reason being that the Union Gas Company, or its subsidiary at that time, United Fuel, was buying its supplies of gas from Ontario National Gas Storage Company, a company which was a wholly owned subsidiary of its parent, Union Gas.

Ontario Natural Gas Storage bought gas during the summer time when there was a very low demand, put the gas into underground storage fields and then sold it during the winter at profitable domestic price rates for domestic heating where they could get the maximum amount for it. But Consumers' Gas did not have such an advantageous storage position. It did not have these underground storage fields at that time. In order to find a market for the gas it had to buy under contract during the summer from the Trans Canada Pipeline, it went to industries and said: "If you will purchase natural gas during the summer, during the spring, during the fall, when there is a very low demand for it from our housing market, and will agree to have that supply interrupted during the heavy peak demand, we will sell you that gas at a very advantageous price." And so their average cost of fuel, because of the fact that for a major part of the year they were buying this interruptable gas at a very favourable rate, gave them a great advantage over their competitors. It was not until a great outcry was made by Dominion Glass, was made by brick companies and other industries in the Hamilton area, who were deprived of this very advantageous, industrial, interruptable rate, that Union Gas was finally forced to change its rate structure.

But the concern of the energy board is not with a rate structure, it is concerned really with the return on the overall investment.

The Minister shakes his head about that, but there are different rate structures in almost every utility across Canada and the United States, and the energy board does not exercise jurisdiction over large private contracts, because they certainly refused to take any steps whatsoever at the time industries were trying to get some favourable rates for Hamilton 11 years ago. The only reason we have got those rates for Hamilton was because we showed the disadvantage to which the Hamilton industry was placed because of this approach taken by Union Gas, with regard to their purchasing of gas for storage purposes, making a profit on that storage rather than seeing that the community benefited by being able to have the use of the gas for industry during the time of the year when the community itself for home-heating purposes did not require much.

It is a very definite advantage that I would like to hear Consumers' Gas executives indicate that will not be destroyed by this acquisition, because when there are two distributors side by side in neighbouring communities there is definitely an advantage of seeing which one is doing the better marketing job and pointing out to the other one the improvements it can make.

With regard to the treatment of income tax, we have also seen a very interesting point that was cited by the member for Wentworth in regard to the higher rate that was charged by Union because of its very conservative accounting procedure. The fact is that Union was reporting to shareholders its earnings after providing for taxes which it

did not have to pay in the future. It was also taking that very conservative treatment in setting its rates.

Consumers' Gas has taken the approach that it should only charge its customers for rate-making purposes the taxes that are actually paid out to the federal or the provincial government and it proposes to change, I understand, the accounting system and procedure and make rate-paying applications to take into account this procedure which only charges today's consumers for the taxes that are being paid today.

Mr. Deans: Tell me, if we allow the take-over will I get back the two per cent over the last, say ten years that they have not paid?

Mr. Deacon: No, you will find that that is tucked away in a reserve and I am sure you will have some difficulty getting that back.

Mr. Singer: You might have some difficulty finding where that went to.

Mr. Deacon: I understand that this is not going to be an amalgamation this time. Union is going to continue as it has been before, it is going to be a company, 100 per cent of the voting shares of which are owned by Consumers'. There will be no difference in the operation other than in the aspects I mentioned. There probably will be a change in rates to take advantage of the different approach that Consumers' has taken in the past with regard to taxes and with regard to its approach to getting industrial load. Actually Union did follow Consumers' practice a few years ago and has now given the Hamilton area and its other industrial areas the advantage of these interruptable rates.

But what I would like to have happen here, and why I am so much in support of the motion of our deputy leader, and why I hope this Minister and all members on the other side will reconsider the proposal of the Minister, is because very definitely you know as everyone knows, you know that 50 per cent is not necessary for control.

Mr. E. A. Winkler (Grey South): I know that this change is in the public interest, and if you do not, maybe you had better learn that.

Mr. Deacon: I do not see any point in bringing in legislation that does not bring about any improvement in what we had before. This legislation that the Minister proposes does not cure or cause any ability of this Legislature to have any say as to whether these amalgamations or effective amalgamations take place or not.

Mr. Singer: You do not want the legislators to talk.

Mr. Deacon: We should be in a position, that when one of these amalgamations does go through or does become effective, we can take the same action that was taken down in the United States when the Schlitz Company took over Labatts. It was found not to be in the public interest and they forced reversal of the takeover. We must take the same action here if we in this Legislature find that what is proposed here and consummated does not meet the public interest. If it is not shown to the satisfaction of the members of this Legislature that it is going to help the customers of both companies, we should definitely have power to reverse the whole transaction.

Mr. Speaker: Are there any other hon. members who wish to speak on this before the Minister?

Hon. Mr. Kerr: Mr. Speaker, I would like first of all, referring to the hon. member for Downsview's remarks yesterday, that if I have inconvenienced him or any other member of this Legislature by the consideration of this bill at this time, I regret that feeling. However, as it has been said, this bill, the printed bill, has been on the order paper since last March and at that time the government was concerned with the matters that are included in subsections a and b—sales, mergers and amalgamations of regulated gas distributors.

Now subsequent to that, and because of the public interest in this bill and in the legislation, the government considered the advisability of extending the legislation to cover majority stock take-overs in this industry. As the hon. members know, since early June this Legislature has been dealing almost exclusively with estimates and for these reasons the bill has not been proceeded with. There was a great deal of legislation that was left on the order paper after we adjourned at the end of June. In fact, if this bill had been dealt with last spring as it is presently printed, the amendments that I am now proposing would have to be by way of new legislation.

Mr. Singer: That is a good excuse.

Hon. Mr. Kerr: Because of the transaction involving two of the province's three major gas distributors, it is now essential that this bill that is before the House, with the amendment proposed, be approved so that

the Energy Board will have an opportunity to review this transaction at a public hearing and report accordingly.

The hon. member for Downsview has asked for information about the Consumers'-Union gas deal. He has asked for dates. This information is all contained in those circulars and pamphlets and the details of the offer—in those pamphlets which he claims to have received in the mail and if he will review those he will see that the second offer was made on October 15 last. It provided for—

Mr. Singer: You said I was wrong when I said there were two offers.

Hon. Mr. Kerr: No, I think you were talking about something prior to the introduction of this bill as printed, in other words prior to last March. This is the assumption I had from your remarks.

As I say, Mr. Speaker, it provided a seven-day withdrawal period and a closing date of November 14 next. The closing date according to the offer can be extended to December 15 by the offeror. The hon. members, I think, will recognize the significance of the effective date of this amendment, which is the end of the withdrawal period. This is something that was also raised by the hon. member for Lakeshore—

Mr. Singer: How is it you just discovered it?

Hon. Mr. Kerr: Mr. Speaker, with the co-operation of the hon. members, it is my hope that this bill will go to committee next Tuesday, back to the Legislature for further consideration as is the procedure, and I hope third reading and Royal assent by the end of this month. Now assuming there is an application for a hearing—and there is an indication in a statement by the president of Consumers' in the paper this morning that there will be an application. If there is—this is after the bill becomes law—that hearing could take place some time in late November—

An hon. member: What is the hurry?

Hon. Mr. Kerr: Well, if you would just listen, you would see—and then a report by the energy board, and recommendations to the Lieutenant Governor in Council could be made early in December.

Mr. Singer: I wonder if the hon. Minister would permit a question?

Hon. Mr. Kerr: No! This is therefore why—

Mr. Singer: You will not permit a question?

Hon. Mr. Kerr: No—we are having the House consider the bill this week. Now, as hon. members will no doubt appreciate, that in holding a hearing under—before—the energy board, that there is a period of notice, and then you have to consider the hearing itself. So as I have indicated this all has to take place some time before the middle of December.

Mr. Sargent: When?

Mr. Singer: Unless they are satisfied with less than 50 per cent they do not have to have a hearing.

Mr. Sargent: Why?

Hon. Mr. Kerr: Well, according to the offer —I will answer, Mr. Speaker—I will answer the hon. member's interjection. According to the offer as I read it, Consumers' have to acquire 67 per cent of the shares.

Mr. Singer: No, they have made an offering for it. They do not have to acquire.

Hon. Mr. Kerr: They have to acquire a certain minimum number of shares, and that amounts to 67 per cent of the outstanding shares of Union Gas. But they will acquire, and will purchase 100 per cent. So that, I think, would answer your interjection.

Mr. Sargent: Well, why does it?

Hon. Mr. Kerr: Because it is in the offer—part of the offer.

Interjection by an hon. member.

Mr. Speaker: Order please. The Minister is making his statement.

Hon. Mr. Kerr: I am dealing now, Mr. Speaker, with the Opposition motion which asks that the bill not be dealt with at this time, and that it be sent to the standing committee on government commissions.

Mr. Speaker, as the hon. member know, the standing committee on government commissions deals with government commissions. Its function is not to deal with regulated, private, gas utility companies. The standing committee really has neither the time nor the expertise to consider a complex and technical matter such as a stock take-over.

Mr. Bullbrook: Do they decide—

Hon. Mr. Kerr: No. Amalgamation or a merger. The Opposition motion deals with really hypothetical mergers and takeovers and amalgamations. It usurps the power and

function and purposes of the Ontario Energy Board which was set up by this Legislature.

I could Mr. Speaker, remind the hon. members of the functions of the energy board, and what it would be doing for example in this particular transaction. Among other things, it would consider the rates charged to customers of the gas companies. It would consider or issue certificates of public convenience and necessity for extension of gas distribution systems. It would consider all bookkeeping and accounting methods. These would be regulated and controlled. Any discontinuance of service to users must be considered by the board. Any changes in rates, except decreases, now require a public hearing; the rate of return to be earned by any gas distributor is a concern of the board, considered by the board. The bill before us, Mr. Speaker, will extend the board's powers to assure that any sale, merger, amalgamation, or stock takeover, majority stock takeover, will in fact be in the public interest.

Mr. Speaker, the hon. member for Downsview's motion is not only inappropriate and unworkable, it also serves to frustrate the intent of his motion as he describes it, in that it will prevent us from having legislation enforced to deal with this transaction in which he is so currently concerned.

Mr. Singer: How will it prevent you from passing retroactive legislation?

Hon. Mr. Kerr: Because you do not want to proceed now with the second reading of this bill, you will require a hearing before a standing committee on government commissions.

Mr. Bullbrook: The last paragraph gives ample power.

Hon. Mr. Kerr: In no way at all would you get back with sufficient legislation in time to deal with this transaction.

Mr. Singer: Quite wrong, if you brought it in in time you would be all right, and if not it is your own doing.

Hon. Mr. Kerr: I am sorry. Now I would like to deal, Mr. Speaker, with some of the more, shall we say, valid remarks from the hon. member for Lakeshore, and he deals with, I believe, section 3 in respect to rate-base.

I think that this is a minor amendment, and the main thing, as the marginal note indicates, is to control unreasonable inflation of the rate base. The rate base itself is established at a public hearing by taking the book value of a plant and property, less depreciation, and adding an allowance for working capital for useful inventory. Now the allowable rate of return is based on this rate base and is set by the board to provide an adequate return to carry on properties. Therefore, I think the amendment to this section appears to just add the words "property" in the third line, and then after storage company "that is used or useful in serving the public." So really we consider section 3 a fairly minor amendment to the previous section, and I think it gives the board a little more control over the actual rate base.

Mr. Sargent: Why are you pushing this bill for monopolistic control?

Hon. Mr. Kerr: This is what we are trying to deal with.

Mr. Lewis: Why are you doing this—

Interjections by hon. members.

Mr. Speaker: Order. Order.

Hon. Mr. Kerr: The hon. member for Lakeshore also deals with section 7, and with reference to the matter of control, I think that if the standing committee, for example, feels that 50 per cent is not the correct figure to have in this proposed section, then it may change it. But I think that we are primarily interested—particularly in The Energy Board Act, or The Energy Act, as compared with The Ontario Securities Act—that we are primarily concerned with the sale of gas distribution companies, with mergers, and with amalgamations.

Mr. Singer: Control does not matter?

Hon. Mr. Kerr: Well, control can be, as the hon. member has observed, indicated in many instances, as small an amount as 10 per cent of the shares.

Mr. Singer: Or even less.

Hon. Mr. Kerr: But why should we be concerned, really, over who has control? What we are concerned with under The Energy Act is the operation of the systems. This is what we are concerned with, and as far as that is concerned, Mr. Speaker, the existing legislation in the province of Alberta, and in the province of British Columbia, provides for the same percentage—over 50 per cent is referred to in both Acts.

Interjections by hon. members.

Mr. Speaker: Order, order. We will continue.

Hon. Mr. Kerr: We are concerned under The Energy Act with the operation of these systems and the rates to customers and the proper operation of the systems to guarantee a reasonable rate to customers and also that there will be adequate service to people who want service in the gas field.

Mr. Singer: What you are in fact saying is that you do not need this at all, this control.

Hon. Mr. Kerr: No. We feel that a stock take-over, for example of over 50 per cent and certainly of 100 per cent as is offered in this particular transaction, is in fact an amalgamation. This is what we are worried about.

Mr. Singer: But not control of the company.

Interjections by hon. members.

Mr. Speaker: Order.

Mr. Lawlor: Distinction without a difference.

Hon. Mr. Kerr: The hon. member for Lakeshore also referred to other remarks of other speakers regarding what was in the public interest. I cannot help reiterating that the operation of the energy board is in fact concerned with the public interest in all the ways that I have already mentioned in describing its role in detail. Certainly a public hearing—

Mr. Lawlor: How is this two per cent—

Hon. Mr. Kerr: In the case of a public hearing which would be held under the provisions of this Act, every detail of a transaction of this kind could be considered by the board. Anybody from a municipality, another gas company or a customer can appear before this board and be heard before the board to object or otherwise. So in my view, appearing before a board that is expert in the matters dealing with gas distribution companies—which is something they are doing continuously—would be much more effective, reasonable and adequate than a standing committee of the Legislature.

Mr. Bullbrook: Are they expert in deciding what—

Hon. Mr. Kerr: This is why we set the board up. This is why the Legislature set the board up. If hon. members do not want the board, then bring in legislation to do away with it.

Mr. Bullbrook: You did not set the board up to digest the public interest.

Hon. Mr. Kerr: We certainly did. Everything the board deals with, every decision it makes—

Interjections by hon. members.

Mr. Speaker: Order.

Hon. Mr. Kerr: The hon. member for Sarnia indicated that he supported the deputy leader's motion. I think he also mentioned that one of the companies had applied for supplementary letters patent, but I wish to point out that application was made after the first offer was made, so that the first offer was public knowledge and it was only then that the supplementary letters patents were issued. So there was no underhandedness of any kind in this regard.

Mr. Bullbrook: I never inferred that. Never at any time.

Hon. Mr. Kerr: I thought that you were wondering why we knew. Did we know because of the application for supplementary letters patent?

Mr. Bullbrook: I wondered why you took so long to do something about—

Interjections by hon. members.

Mr. Speaker: Order.

Mr. Singer: And so long to bring in the amendment.

Hon. Mr. Kerr: He also made some reference—

All I can say to you in reply to that, and I am sure the hon. member knows this, is that it takes time for the government to consider an amendment to legislation. You certainly know the procedure regarding consideration by caucus and by Cabinet and drafting legislation. This takes some time.

Interjections by hon. members.

Mr. Speaker: Order.

Hon. Mr. Kerr: Since we adjourned last June this amendment has been considered.

Interjections by hon. members.

Mr. Speaker: Order. I might say that interjections are out of order. All hon. members

have had an opportunity to enter into this debate. The replies at this time should not be made to out-of-order interjections.

Hon. Mr. Kerr: Regarding the statement by the hon. member for Sarnia regarding my absence yesterday, I was called out on another matter. I had, as he indicated, no liaison whatsoever with either party—I think he said either party—involved in this transaction.

Mr. Bullbrook: I did not indicate that.

Hon. Mr. Kerr: No, you asked the question. I just want to make sure that that is made clear. He also referred to the matter of public interest and I have already made a statement on that. I feel the public interest will be adequately served by this bill and amendment going to a standing committee and, if it is approved by this Legislature, by going before the energy board at a public hearing and then subsequently to the Lieutenant Governor in Council.

Mr. Bullbrook: Are members permitted to appear before the energy board?

Hon. Mr. Kerr: Yes, it is a public hearing, you are a member of the public.

The hon. member for Essex South, I believe it was, requested information regarding all accounting matters to be dealt with, any changes in the county for taxes, the effect of the merger on customers' rates, and also reference to Ontario Hydro. I think these matters would be aired at a public hearing before the board. I think the choice of the word merger is unfortunate.

This is not entirely a merger as one of the hon. members indicated. These two companies will continue separate in name. In public announcements, I believe, the president has indicated that there would be no change in the operation of these two companies, at least immediately. So really it is not a merger in the true sense.

The hon. member for Essex South also dealt with particulars of section 3 and how it would affect storage rights. These are rather technical matters that I hope will be dealt with in committee. You also asked about long term supply contracts, that the public should know. These matters would certainly come up in a public hearing.

I know of no agreement, I might say to the hon. member, between Hydro and any gas company to supply power. I am not aware of any agreement which is in some way the reason for this particular stock takeover. The hon. member for Wentworth made some reference to rates and the situation in Hamilton I believe with United Gas, which is a subsidiary of Union. Certainly the energy board does take into consideration the operating procedure of the gas company. As I have indicated, there will be no rate change unless there is approval by the board, and I would think, as I have already indicated, the type of accounting, how rates are arrived at, are all things that are the concern of the board.

The hon. member for Windsor West indicated that by having this legislation go before a standing committee that this would be the legislative study part of the procedure. The investigatory study would be by the standing committee on government commissions. As I have already indicated, I do not think that would be effective; I do not think it would be workable. I still say that that type of study will be carried out by the energy board and again that is the purpose of the energy board.

Mr. Lewis: Would you allow those groups to appear before the standing committee?

Hon. Mr. Kerr: Such as municipalities—

Mr. Lewis: And the energy board and representatives—

Hon. Mr. Kerr: Yes. There is no reason—I think it would be important for the hon. members of this House to notify any interested party when the standing committee meeting will be held and, of course, when the public hearing before the energy board will be held. All of this would be a matter of public notice.

Interjections by hon. members.

Hon. Mr. Kerr: Now I would like to deal with the remarks of the hon. member for Huron-Bruce, because he spoke mainly of a different matter than this much beleaguered section 7. He dealt with section 6 and he refers to a report that was made, I believe, back in 1964, and suggests that the formula set out in that report should be adopted by the government and included in this legislation. Now, it is my information that many of the recommendations that were suggested in that report are in fact in this bill, Bill 109, and as proposed, to be amended. There are four recommendations which the hon. member referred to that are not included in this bill. I think these matters again could be brought before the standing committee and could be considered, if not in this legislation, as future government policy.

The hon. member for Humber, as I say, helped my continued education as far as nuclear energy was concerned. However, as all hon. members probably know, control in nuclear energy is exercised by the Atomic Energy Control Board under The Canada Energy Control Act. However, he referred to the lack of supply of heavy water and also the fact that there seems to be some doubt as to the establishment of the plant in Nova Scotia. I must admit, Mr. Speaker, that I am concerned about the supply of heavy water, particularly in respect to two plants in Ontario which will require it.

I might say, by way of reference, that the province is still very much interested in establishing its own heavy water plant, and we may have to do this. But I think in the last few inferences from his remarks where he asked for a continuous and 100 per cent assurance that there will always be a gas supply, he is in fact calling for some form of anti-strike legislation and certainly this is something that is beyond the purview and principle of this particular bill.

I believe the hon. member for York Centre dealt again with the matter of effective control and Cabinet approval. He did not feel that the Cabinet was the correct body, that it should come as indicated in his hon. deputy leader's motion, before a standing committee of the Legislature. Again I can only reiterate that the only existing legislation I am aware of in Canada dealing with share takeover, majority share takeover, in an energy Act or a utilities Act, or public utilities Act or a gas Act, has the same provision we are proposing here, in that majority shares—

Mr. Singer: I thought you prided yourself on being pioneers.

Hon. Mr. Kerr: Well, again I reiterate that you may very well be getting into the field of the securities commission in worrying about who actually has control. We are worrying about—

Mr. Singer: Somebody has to worry.

Hon. Mr. Kerr: I repeat, we are worrying about the system.

Mr. Singer: Not worried about control at all?

Hon. Mr. Kerr: Mr. Speaker, in closing, all I would say is that the hon. members of this House, if they are seriously interested in having the Energy Board review the particular transaction that is now taking place between Consumers' and Union, will reject the amendment proposed by the hon. member for Downsview and the Opposition and approve the government amendment to Bill 109.

Mr. Speaker: The original motion, of course, is for second reading of the bill and the first question now is, shall the word "now" stand as part of the motion? Therefore, all those in favour of the—

Hon. Mr. Kerr: Mr. Speaker, could you read the motion?

Mr. Speaker: The original motion?

Hon. Mr. Kerr: I do not think the hon. members really appreciate what you have just said.

Mr. Speaker: Well, the Minister had first moved second reading of Bill 109. Is the hon. Minister suggesting I read the motion of the member for Downsview?

Hon. Mr. Kerr: That is fine.

Mr. Speaker: The Hon. Mr. Kerr had moved reading of Bill 109, and as I stated, the first question to be decided is whether or not the word "now" shall stand as part of the motion.

Mr. Singer: I am quite willing to let you read my amendment, Mr. Speaker, if you want to.

The House divided on the motion as to whether the word "now" should stand, which question was decided in the affirmative on the following division:

Ayes	Nays
Allan	Bolton
Apps	Bullbrook
Auld	Burr
Bales	Davison
Belanger	Deacon
Bernier	Deans
Boyer	De Monte
Brunelle	Edighoffer
Carruthers	Gaunt
Connell	Haggerty
Demers	Innes
Downer	Lewis
Dunlop	Martel
Dymond	Newman
Evans	(Windsor-Walkerville)
Gilbertson	Paterson
Gomme	Peacock
Grossman	Pilkey
Guindon	Pitman
Haskett	Reid
Henderson	(Rainy River)
Hodgson	Sargent
(Victoria-Haliburton)	Singer
	Smith

Ayes	Nays
Jessiman	(Nipissing)
Johnston	Sopha
(Parry Sound)	Stokes
Johnston	Worton
(Carleton)	Young—26.
Kennedy	
Kerr	
Knight	
Lawrence	
(Carleton East)	
Lawrence	
(St. George)	
Meen	
Morningstar	
Morrow	
McKeough	
McNeil	
Price	
Rowe	
Rowntree	
Simonett	
Snow	
Stewart	
Villeneuve	
Welch	
White	
Whitney	
Winkler	
Wishart	
Yakabuski	
Yaremko—49.	

Clerk of the House: Mr. Speaker, the "ayes" are 49; the "nays" are 26.

Motion agreed to; second reading of the bill.

THE GASOLINE HANDLING ACT, 1968-1969

Hon. Mr. Kerr moves second reading of Bill 108, The Gasoline Handling Act, 1968-1969.

Motion agreed to; second reading of the bill.

Clerk of the House: The 26th Order, House in committee of supply; Mr. R. D. Rowe in the Chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

(continued)

Mr. V. M. Singer (Downsview): What has happened to Bill 107? You have changed your minds again. You do not know for 24 hours in a row what you are going to do; you could not stand a debate on that one now, eh?

Interjections by hon. members.

Mr. Chairman: Order, please. Order. Can we get started on this business?

On vote 206.

Mr. E. W. Sopha (Sudbury): Mr. Chairman, I should like to—

Interjections by hon. members.

Mr. Chairman: The hon. member for Sarnia—

Mr. J. E. Bullbrook (Sarnia): I wanted to continue now because I was interrupted yesterday.

Interjections by hon. members.

Mr. Chairman: Order please. The Chairman did not realize that the member for Sarnia had not completed his remarks.

Mr. Bullbrook: It is not so important I suppose, but with your indulgence, Mr. Chairman—I had begun yesterday a discussion in connection with an evaluation of the enquiry made by Mr. Justice Keith into the conduct of formed provincial Judge Lucien Kurata.

I had prefaced my remarks at that time by mentioning the need for, in my opinion, absolute delicacy in the responsibility we have as legislators in connection with any evaluation of the judicial function. I have not taken it upon myself, since election to this House, to have ever publicly taken issue with a judgment. We provide, under our system of justice, for adequate appeal proceedings, and procedures concurrent therewith.

I agree with the attitude expressed on many occasions by the hon. Attorney General in connection with reticence to do so, and I have used this, Mr. Chairman, as I speak in a probation. I had used it as late as a week ago to find out of course, that the Attorney General does not dispense justice, the courts do. He is responsible under the constitution of this country for the administration of justice, and so we agree there.

I am going to try to be brief on this matter. I want to say this again: What I have to say here expresses a personal concern that I have, and is not to be taken as exemplifying any matter of policy, or for that matter any degree of unanimity, on the part of this party. I think I should record the

fact that we are far from unanimous in our evaluation of the legislation, and the collateral effects upon the judiciary concurrent with the implementation of the legislation itself.

The fact of the matter is that yesterday, in reading the statement of the Attorney General in connection with the report of the enquiry officer, I said that I personally agree that Judge Karata should have been removed, and that was the conclusion that his Lordship arrived at. One of the tragic circumstances, I suggest, is that once the whole matter became so public—the function—the function of Judge Kurata as a judge, could not have continued. His position was not only self-usurped at that time but usurped as a result of the legislation and I cannot, I am not able to put forward to the House and to the Attorney General, or to you, Mr. Chairman, any great substitutional facility for you.

I think that we have to discuss to some extent, the ramifications of what really took place because of our system of justice. My colleague from Sudbury has mentioned the genius of our pretty system of justice this morning. Through the course of our legal and municipal bills obligations we discussed this matter again. What is the function and responsibilities of the quasi judicial bodies, and, concurrently again, the genius of the British system in pure judicial function?

The problem, basically, as I see it, is this, that as a citizen of our own province, there are certain rights that one has when one is involved with the courts and I am prepared to accept the concept that when one is clothed with the additional responsibility and public duty of being a member of the bench some of those inalienable rights are somewhat self-restricted. I am prepared to accept that concept.

I am also prepared to say that this matter, that this type of investigation, cannot be equated with a criminal proceeding. I say in point of fact that the onus of proof so to speak, in these matters, cannot be beyond the reasonable doubt and I agree with this wholeheartedly Mr. Chairman, to the Attorney General through you. I agree with this. We cannot look to any onus to prove beyond a reasonable doubt.

But concurrent therewith I personally am really concerned about some of the things that went on during the course of this matter. Yesterday I began by discussing the question of privileged communication. That is what I began with and what I understand the law to be and—I am subject to correction—there is no such thing as legislative privilege. In effect, privilege is a courtesy extended by the court itself. So that in exercising a purely judicial function, there is a discretion, a discretion within the judge, the arbiter of the individual matter, to exercise that courtesy in connection with the extension of privilege. I am only presently familiar with the facts that only on one occasion, in connection with psychiatric evidence, that courtesy was not extended.

Basically, the posture of the courts and therefore the general position in connection with the administration of justice, is that evidence of that nature will not be received. It is a type of communication so essentially private in its nature that even the public good does not outweigh that degree of privacy, and in this particular case, I suggest most respectfully, that there was irrationalization during the course of this enquiry, by the learned enquiry officer, whereby he came to the conclusion that he would accept evidence of this nature.

The reason I bring this out and I consider it of significance, is that when one evaluates the total report of 221 pages, the question of credibility is the real foundation stone for the ultimate recommendations made. Perhaps I should not use the phrase tainted evidence, because it really is not that technically tainted, but in effect, what happens is that we have come to a conclusion as to the credibility of a person based on the acceptance of that type of evidence, and then we are prepared to go so far as to accept the evidence of self-confessed prostitutes as against that person. We are prepared to throw out of the window to a great extent some concepts of fundamental justice, I would think.

By way of example, the question of corroboration comes into this matter in connection with sexual offences, and I see corroboration certainly involving Policewoman Watson; the only corroboration available was the evidence of another police constable who happened to say that he saw her in the corridor at the same time—a conclusion just as consistent with the explanation made by Judge Kurata.

This is why I say I beg your indulgence, Mr. Chairman. It is not my main purpose here to take issue with the mental process, the legalistic processes, of the enquiry officer. My main purpose is to convey a concern as to whether or not we are depriving our

judiciary in matters of this nature of certain rights they are still entitled to.

I want to read, in this connection—from page 77 of the report—the exact words of the enquriy officer on this matter of the propriety of admitting the evidence of the psychiatrist. I think it should be recorded:

> In my view, and I have read these documents, I read them for the first time this morning, they are distinctly relevant. They bear directly on one of the matters to which I am required, by the letters patent, to direct my attention, and to enquire into.

Then the important words:

> They are not a matter in which the private interest outweighs the public interest.

And there, I think, comes the essential evaluation that we have to make as legislators—wether, when you clothe yourself with the mantle of judicial position, you automatically say, "Henceforth, even my most personal dealings, even in that connection, the public interest outweighs the private interest." Because if you follow the logic, Mr. Chairman, if this is correct, then one wonders if the Roman Catholic judge, in the privacy of the confessional established by that church, is really entitled to consider that some of the discussion he has with his priest should not be not available for digestion, by the public. Because if this principle is correct, that is true.

If the public interest outweighs any matter of private interest, then we wonder whether that very much entrenched concept of the privacy of that communication is available during a witch hunt. I do not mean to say that this was a witch hunt, but on a witch hunt.

I want to say something, if I might, Mr. Chairman. As I read the report, and it must be clearly understood that I am not putting this forward as what happened, but as you read the report, what happened could be just as consistent with a total conspiracy by the police, just as consistent. Everything that happened in this matter, and I am not saying for one moment—I hope that everyone understands this and I am making it clear—I am not suggesting, implying, insinuating, that there was any conspiracy in this connection. I am saying that what happened was just as consistent with a conspiracy, and the point I make, and the reason I raise this matter, is that it is our obligation as legislators to make sure that we do not, through legislative enactment, permit the possibility of removal from the bench as a result of a conspiracy, in effect.

As far as the actual evaluation of the evidence, I had intended to go into it in great detail. I really had intended, and had I spoken yesterday, I suppose I would have. I would have gone into what I most respectfully suggest were blatant inconsistencies; were the acceptance of evidence that normally would not have been accepted, other than the privileged communication; were the establishment really of a deductive rather than an inductive process of evaluating the circumstances; what in effect was a scholastic approach, that we premised, that were going to come to a conclusion and then we build up to the conclusion itself.

I just want to say, had I been the Attorney General of the province of Ontario, having read this report, as I am sure he did, I would have concurred in its conclusion. I would not have continued on to congratulate the inquiry officer in connection with the conduct of it, because I must say on one other occasion in the past, Mr. Chairman, I had occasion to read—and again I say most respectfully—the Rand report on the removal, or the recommendations in connection with Mr. Justice Landreville.

The problem is, how do we escape it; I suppose you never can. The problem is that you put forth a certain person with their well defined moral and ethical standards and try to, in effect, have them evaluate the propriety of somebody else's moral and ethical standards. What happens is that it exudes more subjectivity than one would want to see.

So that in connection with this matter, the essence of what I have tried to convey is this: respect for the bench as I will always have, I hope; respect for the position of the inquiry officer involved in this particular inquiry; not too great an attraction for the words of the Attorney General in announcing this matter in the House; and perhaps the initiation of some subtle discussion by all colleagues as to whether we might be able to devise a new way. I do not know.

As I say, I am totally prepared to accept the concept that there are certain rights that are restricted when you have that concurrent larger responsibility. That is the purpose in bringing the matter up.

I am not entirely content that we should not perhaps consider some appeal procedure in the statute itself. Maybe that does not answer the question, but I would probably hazard a guess, as one not too well trained

in the criminal involvement as far as the legal profession is concerned, that counsel might well have had a successful day before the Court of Appeal in connection with some of the legal matters dealt with in the report itself. That is really not germane. I realize that. That is not the important thing. It is not the important thing, but I am constrained. I wanted to go into detail on this thing, but I think it might do more harm than good. I really did want to evaluate. I really did want to evaluate and discuss the total legal approach here, but the person whose conduct was involved has suffered enough and one would hope the press would not unduly get into this matter again. He suffered enough, but I think we have to have some response as to the attitude of the Attorney General.

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, I fully appreciate the sincerity with which the hon. member has put forward his views. I, too, feel, and would hope this discussion would not be publicized, but I do feel constrained to reply to some of the comments he has made, and I shall have to do so and I shall do so briefly.

First of all, with respect to my comment as to Mr. Justice Keith accepting the grave responsibility of being the commissioner on this inquiry and doing the inquiry, carrying it forward and reporting; I have nothing to retract. He himself in his report said on page 8 and I quote: "It is a decidedly unpleasant and difficult task that commissioners must carry out in such circumstances, but as our law stands, and has stood for many years, it must be done on those occasions, fortunately rare, when misconduct is alleged against persons holding the position of provincial judges".

It was not an easy task and he accepted it and carried it out, I thought, in a most exemplary way. Section 8 of our Provincial Judges Act sets forth functions of the judicial council established under that Act and that section says:

> The functions of the judicial council are (a) at the request of the Minister to consider the proposed appointment of the provincial judges and make a report thereon to the Minister and (b) to receive complaints respecting the misbehaviour of or neglect of duty by judges, or the inability of judges, to perform their duties and to hold inquiries in respect thereof and inquiries held by the judicial council under clause (b) of subsection 1 shall not be public.

Now the purpose of that, I think, was well expressed in our debates on that section, and Mr. Justice Keith referred to that in his report on page 132.

Private inquiry before five of the most responsible judicial and legal officers of the province is designed specifically to save provincial judges from public inquiries, if the complaints are frivolous and vexatious. If the matter is still one of serious doubt then the statute provides that there be a public inquiry before a commissioner who has power to subpoena witnesses and to force the production of documents, and of course, as the statute requires, to give the unfortunate provincial judge every opportunity to be represented by counsel, cross-examine witnesses and to call witnesses on his own behalf.

I would just point out, and I will try to do this briefly, the appearance before the judicial council no one need know about, no one did know about it, it was private, it was *in camera*, judge had counsel there, his counsel. That very eminent and capable body decided that there should be a public inquiry so I think the Act is designed in a very capable way to deal with those things which are frivolous and vexatious so that the public does not even know about them. The judge is in no way damaged.

Mr. Chairman, I have a few more remarks and very briefly, I will adjourn the debate.

Mr. Chairman: Will you complete these remarks later?

It being 6.00 o'clock, the House took recess.

No. 192



Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Thursday, October 23, 1969

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969



Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Thursday, October 23, 1969

Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7483

Motion to adjourn, Mr. A. F. Lawrence, agreed to 7522

LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, OCTOBER 23, 1969

The House resumed at 8 o'clock, p.m.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

(continued)

Mr. Chairman: We are on vote 206; the Minister was in the midst of a reply.

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, I have a few more remarks to make in the matter of the Kurata inquiry. I wanted to deal briefly with the matter of privilege.

Mr. Justice Keith in his report dealt quite extensively with the question of privilege, and then, as I understand it, ordered the psychiatrist to give his evidence, and he mentioned at page 43 in his report.

An hon. member: What page number?

Hon. Mr. Wishart: Page 43. He was dealing there with the question of privilege; it may be helpful to recall the extent of, and the limitation of, the privilege accorded communication of the client to his solicitor. He then said, which is very significant: "This is of course the only general privilege recognized by our law," and this is so. And he goes on to quote the authorities: "The only privilege that is recognized by law is that between solicitor and client." And then there is some custom or courtesy or privilege between doctor and patient, but it is not one recognized necessarily by the law. And later in the authority quoted by Mr. Justice Keith, on page 43, Parkin, second to last paragraph: "No privilege exists, or can be claimed, when the communication relates to an unlawful transaction."

Mr. J. E. Bullbrook (Sarnia): I am sorry, Mr. Chairman, I am not following the pages here.

Hon. Mr. Wishart: Page 43 of the report.

Mr. Bullbrook: Well, not the report that I have—the report filed in the law library. Well, in any event, go ahead, sir.

Hon. Mr. Wishart: I have an extra copy, which I will be glad to send the member.

Mr. Bullbrook: Well, the book is quite descriptive, and in the book I have, the report is dealt with on pages 70 to 77.

Hon. Mr. Wishart: That is fine. I would like you to make that report available, and again I refer to page 43 where His Lordship pointed out that no privilege exists or can be claimed when the communication relates to an unlawful transaction, such as the commission of a crime or fraud, and then on page 49, when he is coming to the conclusion of his consideration of this point, about the centre of the page, he said, after reaching the conclusion:

> Where the public interest is the paramount question—

and he says:

> The public interest is certainly paramount in this case and I rule they are admissible in evidence.

That is, the documents which were relevant with respect to the evidence. I think there is no question, bearing in mind the only privilege that is really recognized by law is that between solicitor and client. A long line of cases established that this type of evidence here, medical evidence, or evidence of a psychiatric examination, is not privileged and that the public interest is paramount. These are the three things, I think, I wish to emphasize.

Then there was one comment that the hon. member made, which I cannot let pass. I have some regret that he saw fit to make it but I am not going to dwell on that.

Mr. E. W. Sopha (Sudbury): Well, come on, tell us what it is.

Hon. Mr. Wishart: Well, I am going to tell you but I do not want to make an argument about this. He said that the evidence

in this inquiry was as consistent as a conspiracy by the police as a finding which the judge arrived at. I do not think—

Mr. Sopha: That is what Arthur Maloney argued.

Hon. Mr. Wishart: I know he argued it, but having read the report and the evidence, I find my own clear conclusion is that there is no evidence of conspiracy here whatsoever.

Mr. Bullbrook: I must rise on a point of order. The debate was as distasteful to me as it was to the hon. Attorney General. I made it amply clear, Mr. Chairman, that I did not say, insinuate, infer or allege a conspiracy in the case. I did make the statement that the evidence in my opinion—and the Attorney General might well disagree with this—was consistent with a conspiracy. The point I tried to make was, that if there was a conspiracy in a hypothetical situation, do we have sufficient structure and strictures to protect the judge? That is the matter.

Hon. Mr. Wishart: I accept that fully, except that I do reiterate that reading the report very thoroughly and carefully, I could find no evidence of conspiracy. Now, it may be proper perhaps to say, although I do not think it is, that the evidence is as consistent with conspiracy as with the opposite. But I say when you find no evidence of conspiracy, I do not know how you can say that. That is my point.

Mr. Bullbrook: Well, I do not think it is fair, Mr. Chairman, to say that it is improper of me, I think I must have conveyed to the total House, as I say, the distasteful aspects of this. I did not want to say anything that was improper. If it is a question of evaluation and opinion of evidence, then he and I can disagree, surely. But please do not infer any impropriety to me, because as my colleague, the hon. member for Sudbury, said, what I say is the very thing his counsel argued.

Hon. Mr. Wishart: I accept that. I think I make my position clear, that I can find no evidence on which such an argument could be based. And that is all I want to say, Mr. Chairman.

Mr. Sopha: I would like to say to the Attorney General that probably neither he nor his advisors thought about the matter when he introduced The Provincial Judges Act.

They did not anticipate that there would be an abrasion of judicial sensitivity in respect of the name accorded to what were formerly called magistrates. We on this side of the House can accept no responsibility for that, as I say, invasion of judicial decorum, we were not consulted. But a number of Her Majesty's county court judges have now spoken to me *ex-cathedra* about the assault they feel upon their prestige in that magistrates are called provincial judges. Geographically, the province is bigger than a county and they are called county court judges and they feel that in the public consciousness, it will be thought that provincial judges are superior to county court judges. Now, what I would like to ask—

Mr. V. M. Singer (Downsview): Perish the thought!

Mr. Sopha: Now what I would like to ask is what does the Attorney General intend to do? Is he going to give them a new name that will uplift their spirits and restore their sense of prestige, might they be called—

Mr. Singer: A blow to their egos.

Mr. Sopha: I seize the opportunity to go down in history by suggesting in this public place that they be called superior court judges. Now I say that unblushingly as if I dreamed it up—

Mr. Singer: I think it is only fair.

Mr. Sopha: —as if I am the inventor. Might we change their title to superior court judges? Then we would have provincial court judges, superior court judges and supreme court judges and everybody would be happy, world without end. Amen!

Interjections by hon. members.

Hon. Mr. Wishart: Mr. Chairman, the hon. member says we were not consulted about the name. Of course, we debated this Act in the House for a number of occasions or sessions but I did not get any suggestions at that time. We did consider the name for some time before we brought in the Act under the name of provincial courts and we have had delegations and letters from the judges and sessions with them and I know their feeling about that—the fact that is, of the county and district court judges saying it would appear that we are a secondary court—although federally appointed—to what was formerly the magistrates' court and we have racked our brains to find a name.

We thought of superior but by reason of the fact that the words superior court and judges of the superior court are used in the

federal Judges' Act, are used in the Criminal Code and are used in The British North America Act, to adopt it for the provincial court would cause more confusion and would confound the whole situation worse than it is, if it is confounded now. I wish I could think of a name that would distinguish the provincial judges and yet not offend the county judges because—

Mr. Singer: Their majesties?

Hon. Mr. Wishart: Her majesty's courts?

Mr. Singer: No, No, call them, each one, your majesty.

Hon. Mr. Wishart: No, I am talking about the court not the judges. They are, of course, a provincial court. They are the ones we appoint as a province—and the only ones we appoint as a province—so I do not know whether this is too serious a matter. I do not think the work of the county judges is affected or they have been so upset as to go into a decline. We may have to live with it for a while. If anyone can come up with a name that will distinguish the provincial court from the county court and put it in its proper positon in the hierarchy, I will be glad to accept it.

Mr. Sopha: While we are on the subject, I just want to wonder out loud, in a contemporary way—and this place ought to deal, if it is to be relevant to life in Ontario, with contemporary matters—whether Judge Walter Martin has started an epidemic down at the courthouse. I observed in the Toronto *Star* tonight that another judge has taken up the hue and cry and has reprimanded two lawyers in open court for failing to appear on behalf of an accused.

I thought the lawyers had the greatest reason in the world for not appearing, poor old fellow. I think he was charged with some felony which involved breaking and entering—some very serious crime—and they had the greatest reason in the world for not appearing: he had not paid them. Neither one appeared and they were not retained.

A judge by the name of Morrison, whom I do not know, blew a gasket this afternoon and had the lawyers brought before him and reprimanded them. He said, very curiously, to them that he was not going to take any action for what he called the most flagrant case of contempt that he had ever seen. He was not going to take any action but he did not limit himself from failing to practice another form of intimidation. He was going to have a transcript sent to the Law Society of Upper Canada about this. What business it would be of the law society is quite beyond my comprehension.

I hope those learned benchers, when they get it, will send it back to him and say that if you have a case of contempt in front of your court, deal with it as you deem fit. They are not a court of appeal from contempt of court procedings. I am just worried about this, I hate to call it a precedent but certainly it was a very startling case—Judge Walter Martin fining those two lawyers and especially in the light of the fact that he called the doctor who testified, a liar. Or at least, he said that he was not going to believe him when he said that one of the lawyers had a case of uncontrolled diabetes. Well, I just rather wonder, as a lawyer, aloud here: What do you do when the judge does not show up? That has happened to me.

I have been in court all ready to proceed and the judge did not turn up, and he has gone to his great reward now. He did not show up, my memoirs will show, because he was a little bit worse for the barleycorn. What remedy did I have? He did not turn up in court, so finally, about 11 o'clock, the sheriff went down to see if, perhaps, he was ill. He found him under the sink in the bedroom, drunk.

We have no remedy against that sort of thing, and really it is a case of keeping your cool. I do not see that these county of York judges have to go into all this.

I will ask the question this way. I have often wondered something, as a lawyer. I have defended many hundreds of criminals, and I liked very few of them that followed a life of crime. I could probably count the ones I liked, as persons, on the fingers of both hands. I have often wondered whether a fellow can go out, carry on a war against society, be apprehended by the police, charged with crime, and then expect to start to command the daily life of a lawyer, and have the lawyer do his bidding at his behest.

It is a question of keeping these things in balance. Certainly, I would not want to say that the lawyers ought not to have appeared before Judge Morrison, and explained the reason for their absence. Perhaps they should have done that, but lawyers, like everybody else, are human, and prone to mistakes.

I must say, out in the boondocks we do not have this problem. Perhaps we are a little more civilized than they are in the county of York, but our magistrates and judges—provincial, county court and district court judges—it seems, never have occasion to blow the

roof because of the non-attendance of lawyers. I watch down here, you know, on University Avenue, there is something about that place, the county court judges are met in the morning at the door by sheriff's officers. They meet them at the door, and conduct them through the corridors—as if they cannot find their own way—telling the public to get back, one of Her Majesty's judges is coming by.

You would think some of them were Charlemagnes, a mediaeval emperor making a progress through the provinces. Somehow, out in the boondocks, the judges can find their way from their car to their chambers without the need of a body of retainers, so maybe in the county of York they have got a bit spoiled and it might be appropriate for somebody from the provinces to make some comment about it rather than my brother Singer, who has to appear before them, and others in the House. I never have to, so I am relatively safe. But, really, I wish they would keep a sense of balance about this and recognize that there is nothing wrong if a lawyer is going to take on the great responsibility of defending someone who is accused of serious crime, that he is entitled to his daily bread together with the reasonable process thereof.

Hon. Mr. Wishart: Just a brief word. I have noticed something in the press about Judge Morrison's comment and action, with respect to these lawyers. I think it became clear to me that his concern was for the accused, which I thought was something that one could understand. He wanted to know if the accused was represented and, when the accused stated that he had retained lawyers, I think all the judge wanted to know was why, if they were retained, they were not there.

Therefore, I think if they explain their absence or their delay for appearing, that will dispose of the matter. If not, of course, we have a self-governing profession and the judge, first of all, is master of the conduct of his court, and if it is a matter which he decides is contempt, he has a right to so proceed. If there is something about the conduct of the lawyers which the law society should deal with, then there are the discipline provisions.

Just one other thing. The hon. member in the course of remarks, said, "What do you do with a judge if he is late?" That is the very purpose, of course, of section 8. If there are some small failings, bits of conduct that we do not want to demean or make public, to the detriment of the administration of justice, in the conduct of a judge, that is the very place where the judicial council can quietly, without any publicity, without anybody even knowing about it, call the judge in and say, "We have had a complaint that you do not turn up until 10:30, or 10, when you should be there at 9:30, and you will have to smarten up". They will say this and nobody is any the wiser. This is to improve the administration of justice.

So, if the case the hon. member mentioned, about the judge turning up late, were to recur—not that judge—I think you said he has passed on—section 8 is there and I think perhaps it is used quietly, without the public knowing, to the benefit of the administration of justice.

Mr. Sopha: There is some ambiguity about your remarks now. I hope you are not meaning to imply that you agree that the law society has any supervisory function over the conduct of a lawyer in court. I hope you are not agreeing with that proposition. How could it?

Hon. Mr. Wishart: I could conceive of cases where the conduct of a lawyer in court would be such, that the law society might like to examine his conduct. I stated, I think, in my remarks that the matter of contempt—

Mr Sopha: Oh, yes, I mean in relation to contempt.

Hon. Mr. Wishart: The judge has the conduct of the court with respect to contempt.

Mr. Sopha: Yes. I mean in relation to contempt. If you will recall, before you were called to the high post of Attorney General, there was the case of one of the counsel from the department who was severely reprimanded in court by one of her Majesty's judges and the law society wrote to the chief justice complaining about the reprimand, and the chief justice turned back the matter and told the law society it was none of their business.

Hon. Mr. Wishart: We agree. The judge has conduct in relation to contempt.

Mr. Sopha: That is right, it cuts both ways, and I just wanted to say that this was not settled today. Judge Morrison says in the report—the Toronto *Star* has it all fouled up, it was not the Queen's Park bureau that wrote this, they have the names of the lawyers all mixed up—well I cannot lay my hands on it, but he says at the end of the article that he is sending a transcript of it to the Law Society of Upper Canada. Now I hope he hears

something of the debate here tonight and he has second thoughts about it and does not do any such thing.

Mr. Chairman: On vote 206? The member for Thunder Bay.

Mr. J. E. Stokes (Thunder Bay): Yes. I would just like to ask the Attorney General if he has done anything, or intends to do anything, about the problem with regard to provincial court judges in remote areas of northern Ontario, where the judges and the Crown attorneys have to journey a considerable distance—up to 200 miles—away from the normal location of the court in order to hold court in remote areas?

On many occasions it has been necessary for the police to notify people who have come a considerable distance to attend court to go back home again having been notified at the 11th hour, and say at 2.00 o'clock in the afternoon, if that is the case, that the judge or the Crown attorney was not able to be present and they will have to return at a later date.

I know of one instance where a case was remanded 13 times before it was heard and I had spoken to the Attorney General about this. It creates considerable hardship on not only the accused but witnesses and other interested people who have to journey to these locations where temporary courts are held, where cases are heard, only to be told they will have to return at a later date. I do know that the Attorney General has some thoughts on it and I was just wondering if he had reached any decision about it.

Hon. Mr. Wishart: We have considered it quite seriously and I know it is a problem. I was in the Lakehead, Thunder Bay, I guess once you called it, on Friday and Saturday last and I talked there with the Crown attorney for Kenora, with the assistant Crown attorney for Thunder Bay and with several members of the bar. The provincial judges do travel about, and I have to admit that in the great area that is up there, particularly in Kenora and beyond, perhaps we should be thinking about some better method of transportation than we have. I think we should make more use of aircraft and have the judges go out.

We discussed the possibility of having a Supreme Court judge hold a weekly court for motions and things of that sort, as in Ottawa, instead of having to send cases down to Toronto for agency work. As to the county court, I have not reached any conclusion but I think I can find some means to ameliorate the situation. I know in my own area which is a district, too, and quite a large district, Algoma, the magistrates or provincial judges do travel. Almost every day in the week, at least two or three days a week, courts are held in Bruce Mines, Thessalon, Blind River, Spanish, Elliot Lake; all of these not being county towns, as well as in Sault Ste. Marie and Wawa.

With respect to the court in which so many of our criminal cases are heard, primarily the provincial court, we do try to hit the situation but I realize there is a specially aggravated situation in the great northwest of Ontario, where the distances are even greater, the roads fewer and the means of travel not as convenient as elsewhere. I think that we will be able to find some means of getting to that problem. I have discussed it very carefully with members of the bar, with the Crown attorneys. I have not yet discussed this with the judges—the possibility of the weekly court—that was discussed at the last discussion I had at just the end of last week.

Mr. Singer: Mr. Chairman, leading on from what my friend from Sudbury said, I want to say that if some of the judges would exhibit a little more commonsense in this regard then many of these difficulties would not occur.

I was in a provincial judges court this morning, and just to prove that I am objective about it, the provincial judge convicted my client. The evidence was not quite the same as my client had indicated to me in advance that it might be.

But while I was in there there were two things I thought worthy of some comment. One was that the Crown attorney was wearing a horrible looking sports jacket. He is a very good Crown attorney and the judge did not even bother to comment on the fact that he was wearing a sports jacket, which might not be acceptable in certain other areas. I thought that was particularly worthy of note in view of some of the comments of the other judges.

The other thing that I think was worthy of some comment was that there was a lawyer who came in and said: "Your Honour, I wanted to advise you that I had been consulted by an accused. I have tried to contact him on several occasions and I cannot get in touch with him. His case is on the list today and I have no real retainer and I would like Your Honour's permission to withdraw from the case". The judge said: "Yes, and thank you for coming". That was the end of that incident.

On occasions I have criticized the provincial judges but in this case I think this judge was exercising some very good commonsense. His name is Judge Greene—and I think that could well be recorded as well.

What I wanted to say was this. I am puzzled by the set-up of the Metropolitan Toronto provincial courts. How many judges do you think are enough? What criteria do you assess in determining whether you are going to have 20 or 30 or whatever number you have? What kind of workload is assigned to them—or is there any workload? What is the basis on which it is set up?

The other day—a few days ago, you appointed four more. I did not notice that many retirements, so I would suspect that gradually you are increasing the complement. But you must have some sort of standard whereby you do it, and you must have some sort of work day or work week, or work month which is allocated to them. You must expect them to sit in a number of courts, or a number of hours a day. I would like to know how you set these criteria and how you go about working this system out.

Hon. Mr. Wishart: The main answer is that we take the advice of the chief judge of the court. As I related earlier in the course of the estimates we have this summer been engaged in a very thorough study as to case load, backlog, hours the judge spends in court, and so on. We know not only how many cases but how much time he is taking. There are some judges who through their own propensity for detail take a lot longer than others and so on.

We have 30 provincial judges in the county of York, and we go largely on the assessment which the chief judge of the court gives us as to the need for the appointment of additional judges. If he finds that there are cases building up, that the judges are working long hours and are unable to deal with them, we take his advice and appoint the additional judges.

The same thing, I might mention, applies with respect to the county court. His Hon. Judge Wilmot, who has just retired, did a tremendous service to the province and to the administration of justice and to the people. I would like to take this opportunity to pay a little tribute to him—a tremendous service, most helpful, most courteous, most understanding, most firm, and most capable in every way. He was of great assistance to the administration of justice, very helpful to all the judges who at the same time shared the work by sitting on the bench with them.

His advice as to when we needed additional judges, where judges should be assisted, was of great, of inestimable help, I know, to myself, and to all of the officials who were engaged in the administration of justice and to the judges.

I cannot say enough in praise for the service he rendered in the office which he held, and I am glad that he has retired in good health, and I hope he will long enjoy his retirement.

Now to answer the question again, I say it is the study and the advice which the chief judge of the provincial court gives us generally which directs us to the need for additional provincial court judges.

Mr. Singer: Well, Mr. Chairman, that is only a part of an answer. There is one thing I left out about Judge Greene—let me show you this too. When he walked into the courtroom, the Attorney General will be pleased to hear, he said "good morning" to everyone who was there.

Mr. Sopha: Did he really!

Mr. Singer: He really did—he really said "good morning" and everyone said "good morning" and we carried on with the business of the court.

Mr. Sopha: You will not tell Tupper that he did that.

Hon. Mr. Wishart: Mr. Chairman, I only gave part of an answer because the hon. member started out by speaking about the garb of the Crown attorney. I do not know whether I ought to get into that detail of telling Crown attorneys how to dress, but in this House, the highest court of the province, as my friend from Sudbury has often pointed out, I notice some strange garb at times, and some strange conduct—feet on the desk, and scarlet shirts, so perhaps we should set the example.

Mr. Singer: I hasten to add that the Crown attorney is a very capable Crown attorney, and the type of sports jacket he wore had nothing to do with his ability to represent the Crown.

But I do not think the Attorney General has as yet answered my question. He receives advice from the chief judge of the court. Now what criterion does he apply? Does he just say: "Well it looks as though the case load is too much?" Is there any basis, are there records assembled, as to the case load of a particular judge, the hours that are put in? I am not suggesting that judges can work on a fixed hourly basis, from 9 to 5

and punch a time clock. But as I suggested earlier in the debates, it is a rare afternoon that in the old city hall in Metropolitan Toronto after one o'clock you can find too many judges carrying on court business in open court.

I suggested that someone should have a pretty close look and see whether those courts can function reasonably well in the afternoons as well as the mornings. So this is why I am wondering about what tests the chief provincial judge applies when he says we need more judges, and how he tries to make sure that the workload is evenly spread.

Hon. Mr. Wishart: Well he moves about from court to court; he has the assistance of Chief Judge Arthur Klein, and he has the assistance of Judge Frank Hays. He is familiar with the courts. He has an office i- to which information flows from the judges. He sees them, he discusses matters with them. As I say, this study which we have conducted as to work load, backlog, hours spent by judges, will I think be of great help to us in addition to the advice we have been getting.

We are aware that traffic cases ordinarily do not take much time, and the number of cases in itself as a statistic does not mean much, unless you know what kind of case it was, or how the judge was engaged.

The forms which I was exhibiting in one of the votes of my estimates the other day, called for all this information. It has been computerized and collated, and we will know then if a judge is capable of carrying more work, what the type of case he is dealing with, how long he is spending, if he is building a backlog, if he is slow in giving judgment. All these items will come forth so that we will have a picture right across the province, not just in the county of York.

I think when I was telling the members about this matter I went fully into this. I would be glad to go into it further, but if you will enable us to get that material which is now being computerized, I think we will be able to determine very capably how many judges are needed, and just not take the advice of the chief judge alone.

Mr. Singer: Well, is this figure 30 that you mentioned a moment ago for the county of York a fixed figure? Could that be changed next week, or next month?

Hon. Mr. Wishart: No. That is our present complement—30 provincial judges; 25 of them on the criminal side, and the other five on the family court side of the provincial court.

That is not a fixed figure. If we were convinced, and were advised that another two were needed next month, we would start looking for persons to fill those positions, and I think we do contemplate a couple more in the near future.

Mr. E. Sargent (Grey-Bruce): Thank you, Mr. Chairman. It is pretty hard for a layman to get into the argument between all the lawyers here, and I want to get into the record here that I have nothing against lawyers at all. I think that they are a necessary evil in our—

Interjections by hon. members.

Mr. Sargent: Some of my best friends are lawyers. There must be in this House 117 members. There are a lot of brains on that side, even though we would not acknowledge it. Some of you fellows must get fed up to the teeth with the judiciary in the handling of your duties as members, and I think it is high time that we had an awareness on the part of the Attorney General, on the part of the Press, and the people of Ontario just exactly what is going on.

In this economy of ours we have the most important level at the local level. All the most important decisions are local, by local police commissions. On the police commission at the local level we have the county judge, and we had the former magistrate who is now a provincial judge, and we have one elected official. Another who sits in on the meeting is the chief of police. We have one elected official looking after the rights of people at local level.

I am talking about the judiciary, Mr. Attorney General. We have complete control, where the government of the province of Ontario take over the enforcement through the administrations of the Ontario Police Commission.

The Ontario Police Commission, in their wisdom, or the lack of it, have on the commission, judges and magistrates and not one elected official. Here we have complete control of the rights of people in the hands of those who are basically lawyers to start with and who now are magistrates and judges.

There is no point in going into the mechanics of how these things happen because they do happen. It is a fact of life. All my life I have been in civic politics, local politics, and I know the control that the judiciary has of law enforcement in this province. I think it

is high time that we took a look at what is happening because I believe, sir, that we have now complete autonomy in the hands of the judiciary and the lawyers who are not responsible to the community or the elected officials at this time.

Mr. Sopha: Does the hon. member know what Shakespeare said?

Mr. Sargent: Now hold on, you have had your say. You are very eloquent and I get fed up to the teeth with people like you who come in here and who dominate the whole scene as it were. The average guy who is not so fluent cannot get his five cents worth in. I think it is important that the average guy say his piece in here.

Mr. Sopha: I am sorry I opened my mouth.

Interjections by hon. members.

Mr. Sargent: I am trying to say to the Attorney General, I do not want to get into the area of police commissions, that is the next vote. But I can summarize this by saying that in everything we do in our lives in this province eventually the lawyer gets into the act. Whether we are born, die, get married or have an estate, any business deal you make—even when you die they have got you. Everything we do, the lawyers have got you. In the main they are a great thing to protect people but they milk us too, believe me, they milk us. It is time there was some protection for the people, in some kind of an ombudsman way, to protect from high tariffs and how lawyers can milk estates.

I am not making a speech on lawyers. I am making a speech on the judiciary, but the lawyers are the framework of the judiciary so they have a peculiar type of mind that they are above the law. These people, then, who interpret law, are a breed all alone.

I summarize this by quoting the *Globe and Mail* on the editorial page where it says:

> We have protested repeatedly that judges should not be members of commissions where they become legislators, constitutors and employers of police.

There are the three elements. They are members of commissions, they are legislators, they make the rules, in the courts they are the prosecutors and they are the employers of police—so what chance has a policeman when his employer there is in judgment? Their independence, it says, is mocked by this conflict of interest. The pathetic amendments of recent years will no longer suffice. I say, in effect, we have seen the recent elevation of people who made very poor lawyers. They could not make a living as lawyers so they give them a job as a magistrate. Now these fellows, in most cases, have got the lofty title of provincial judge, and I think it is high time we took a look at the judges. Now, what is their new pay?

Hon. Mr. Wishart: They are usually appointed at $18,000, their top salary is $21,000.

An hon. member: That is not bad for half a day's work.

Mr. Sargent: And then they have their salary from the police commission on top of that. What about the different courts they hold, are they paid on top of that?

Hon. Mr. Wishart: Judges do not sit on police commissions as a rule. Some of them do.

Mr. Sargent: Well, they do up our way.

Hon. Mr. Wishart: We are getting away from that.

Mr. Sargent: They run the show up our way. Where do provincial judges not sit on police commissions?

Hon. Mr. Wishart: Well, in many areas now we have not been appointing what was formerly the magistrate. Could I deal with some of the points the member has raised?

Mr. Sargent: I wish the Attorney General would.

Hon. Mr. Wishart: Has the member finished?

Mr. Sargent: Okay, I have said enough.

Hon. Mr. Wishart: Well, first of all, as to who should comprise a police commission. The history of the board of police commissioners—the police commission we call it—in this province grew out of a situation where police forces were administered by locally elected councils or commissions of councils, elected persons. Out of the bad situation which was thus created by local pressures, personal favoritism, partiality—which grew out of the administration by councils, committees of councils and the scandals that grew up in police forces—came the idea mentioned in the Roach report. It was mentioned in other studies of police administration, too, that we should have some degree of balance leaving some attempt to feed in a stream of

citizen representation — independent judgments, so that you would get away from the political pressure on the governing of police bodies. So The Police Act suggested the head of the council, the mayor or reeve; a judge of the county or district court; an independent person, not needing to call the king his uncle, with security of tenure—he could not be fired unless for bad behaviour—a person who is used to making a judgment; a legally trained mind, who could give judicial judgment; and one other person, who used to be a magistrate.

Mr. Sargent: And still is.

Hon. Mr. Wishart: No, no, the Act was amended in 1962 or 1961. It now provides one other person. In my own city, I would like to inform the member for Grey-Bruce, when the magistrate retired in 1964 or 1965, I appointed in his place the mayor, who had just retired from council and became an ordinary citizen. So we have the mayor, whoever he may be from time to time, the judge, a judge, and a citizen who is a former elected person, and that is the police commission. Now, walking the street in Sault Ste. Marie last week was a body of citizens holding placards demonstrating against J. L. McIntyre, their citizen representative. And on one sign it said "McIntyre head of the S.S. troops." That is what they are calling their own police force. Another sign: "Wishart and McIntyre, birds of a feather flock together." And then down in here the head of this group said, and here it is from the paper of Saturday, October 18, Mr. Schroda—these are citizens, whose pictures are here—Mr. Schroda also said he felt, and they quote:

> Judiciary officials should be appointed to the police commission, not a layman, and especially not a layman who has a confidential position in a private corporation.

Now, here is a citizen saying we do not want any private citizens, we want the judiciary. I am just pointing out that we get the opposite point of view. And here are citizens saying to me, and holding my name up on the street, and saying: "Get this citizen off the police commission, give us the judiciary."

Interjections by hon. members.

Hon. Mr. Wishart: This is a point of view of the citizens, but what governs my thinking is that perhaps there is room for amendment of the sections which provide for the appointment of a police commission. I think you would make a great mistake if you go back to what proved full of fault, which proved unsatisfactory—that is, a local politically elected body which is subject to such local political pressures. I think you have to have some balance.

I think it is perhaps wise if you have a judge. Perhaps to get away from also another judicial official, perhaps you should not have two, but the mayor, who is elected head of the municipality. I think some judicial person to guide and give judgment and perhaps another capable qualified respected citizen who is known to the public and who has given public service. That is what I have in my own city.

Mr. H. Peacock (Windsor West): Why was that not in The Police Act?

Hon. Mr. Wishart: Here are people saying we do not want that in this situation.

Mr. Peacock: Why was that not in The Police Act?

Hon. Mr. Wishart: The Police Act does say, the head of the council, a judge and one other citizen—one other person. That is what it says.

Mr. Sargent: Well, Mr. Attorney General, for many years it was a yearly submission of the Ontario Mayors and Reeves Association to the government here to remedy the situation.

Hon. Mr. Wishart: We went into that before—

Mr. Sargent: You know this is true. These people are elected officials and they have the pulse of the people at home. We are a democratic society but we have one group of people controlling, completely controlling our freedom here. If people are wrong they can be voted out in the next election and that is the beauty of our system. But you do not think we have a right to make decisions like that in this case.

Hon. Mr. Wishart: I do not say that.

Mr. Sargent: In effect, this is what the case is in Ontario, the Ontario Police Commission at top level is all judiciary.

Mr. Sopha: No, it is not.

Mr. Sargent: They are never elected people. The Ontario Police Commission—

Mr. Sopha: No.

Mr Sargent: Certainly they are.

Mr. Sopha: One is a lawyer, one a military man and one is a provincial judge.

Mr. Sargent: They are all appointed political hacks, you know they are.

Mr. Sopha: Oh, nonsense.

Hon. Mr. Wishart: Let me add this.

Mr. J. E. Bullbrook (Sarnia): Are you going to accept that?

Hon. Mr. Wishart: Last June, in this House, this House insisted that the Attorney General, whoever he might be, should be responsible at the top. He should be the responsible person for police administration, at the very apex of the administration, above the Ontario Police Commission, which would report to him and through him. You insisted this should be the Attorney General, an elected person, who reports to this House.

Mr. Bullbrook: Right.

Hon. Mr. Wishart: So, you have an elected person that is the head of the government in that area.

Mr. Bullbrook: But you accepted that.

Hon. Mr. Wishart: I accepted it with some reluctance.

Mr. Bullbrook: With some reluctance, but you accepted it.

Hon. Mr. Wishart: Right.

Mr. Bullbrook: Right. I mean since we give you credit for the acceptance, right?

Hon. Mr. Wishart: Right.

Mr. Bullbrook: To accept the responsibility concurrent therewith, too.

Mr. Chairman: On vote 206? The hon. member for Rainy River.

Mr. T. P. Reid (Rainy River): I just want to revert, if I could, Mr. Chairman, to a matter raised by another member in dealing with provincial courts in the northwest and in northern Ontario.

Mr. Stokes: You can say his name if you want to.

Mr. T. P. Reid: Who was it again? I forget; you all look the same over there.

Mr. Stokes: Thunder Bay it was.

Mr. T. P. Reid: You all look the same and you all speak the same and all say the same things. I forget the names. What I would like to bring to the Attorney General's attention in this particular instance, is the treatment and the justice that the Indians in the north are receiving. It has been brought to my attention, on a number of occasions, that the Indians are brought in—especially from the remote reserves, where they are contacted oftentimes by radio, which is the main means of communication in most of the north—and they are told that they have to appear in court on a certain day and that there will either be a Land and Forests plane, although this does not happen too often, but that some means of transportation will bring them in to court and they must appear.

However, on many of these remote reserves, the Indians speak no English, or very little, and I have been told—and I know from my own experience—that they are brought into court and very often they do not know even why they are there.

They do not know what the charge means, they themselves in their own minds are guilty of no wrongdoing whatsoever; they do not understand the formality or the procedure; they do not understand the whole concept of the white man's justice if you want to put it that way.

But the biggest problem seems to be that they do not understand that they have done any wrong, and in their own eyes, they have not done any wrong. And there seems to be—

Hon. Mr. Wishart: What violations are they charged with?

Mr. T. P. Reid: The one that comes to mind, I believe, was child neglect. As I recall the details of the case, the mother and father went trapping or the mother went fishing and they left the child at home. It is a small case but there are two points that I want to make to you.

In cases like this, they themselves are not aware that they have committed any wrongdoing. To them, in a great many cases, it is sort of a holiday to get into the city, if you like, and in some cases it is a very bad thing because they do not understand why they are there. Sometimes they are imprisoned or they are fined and they do not understand what it is they have done wrong. That is one point I want to make to you.

The second point I want to make is a plea for some kind of interpreter, an Indian interpreter, or some method to educate the Indians to the white man's justice and some way in

which we can educate the white man to the Indian's concept of justice.

I would refer you to, I believe it was Judge Sissons, the great, well-k own, and well-respected judge in the northern part of Canada, who apparently was an excellent example of the kind of thing that justice should be in these parts of the country. I want to plead with the Attorney General to see if he can investigate this situation and do something because in this respect, in a great many cases, the law is the only communication, if that is the word, or any brush that the Indians on these remote reserves have with the white community. In most cases, it is a very bad communication, and a very bad feeling is left with them because of this non-understanding on their part, and the non-effort on our part, to make them aware of what the situation is.

Hon. Mr. Wishart: Mr. Chairman, I am disturbed to think that our Crown Attorneys in the north and our provincial judges would hold a hearing; try a case; and find the person guilty if they are aware, and surely they would be if what the hon. member says is so, that the defendant does not know what they are talking about.

He says the Indian does not understand that he has done any wrong. I hope he does understand the language at least or that if he does not, an interpreter is provided for him because it is our policy, clear and distinct, and I thought faithfully followed, that an interpreter be provided for anyone who cannot understand what is being said to him, or that he can have someone to translate his language back to the court, in English. I have to say, of course, that it would be wrong if we provided one kind of justice for an Indian and one kind of justice for a white man. I think justice must be even and the same for all our citizens.

Mr Sopha: I think that is one of our problems.

Mr. T. P. Reid: May I say this to the Attorney General—

Hon. Mr. Wishart: Let me say this. We are trying to say the Indian must have all the rights of the white man and I agree with that. However, I sometimes think that perhaps he is not yet quite capable of understanding or making use of the things which are available to him, through lack of education or through a failure to understand the white man's way of life and point of view. I do not think you could ask us to provide one kind of justice for the Indian and another kind for the white man.

If he neglects his children to the point where their lives and health are in danger, I think he must be brought to understand that that is wrong and we must make him understand that, preferably by education or by the court function, if necessary.

If the hon. member could give me a case where an Indian is dealt with and he is not aware of the language that is being spoken and has no interpreter, that is a situation I would certainly want to clear up, and see that it never happens again. I cannot believe that the type of man we have carrying on the administration of justice in our Crown attorneys and in our provincial courts, would deal with an Indian in that way.

Mr. T. P. Reid: May I say to the Attorney General that I do not ask for special justice for the Indians, but surely there must be some realm within the law where—I understand my legal friends use the phrase—"justice must not only be done, but be seen to be done"; or something like that.

Mr. Stokes: In that case, you might help.

Mr. T. P. Reid: I am afraid I have a non-lawyer down in front of me and, if I might digress, this is an important and serious subject, but it recalls to mind the story of the law courts one day when all the non-lawyers had left in a hurry, and the judge wanted to hear a special case. The only people he could round up to sit on jury, were lawyers. So they heard the case and the 12 lawyers adjourned to decide on their verdict and after six hours they had still not come out so the judge sent for them and they came out and he said, "Have you arrived at a verdict yet?" And one of the lawyers stood up and said, "No, Your Honour, we have not even decided on the chairman yet."

I think there is a great deal of truth to that, but getting to the main topic, I am obviously not all that conversant with the law and I am not all that conversant with the work of Judge Sissons in the north, but apparently he worked out, or arrived at, some kind of formula that appealed, and that is not the word I want, but he arrived at some formula so that the Eskimos respected the law, and the people who were carrying out the law.

That is all that I would ask because I do not feel, despite perhaps the efforts your department is making and I do not denigrate the efforts of anyone, either Crown

attorneys or provincial judges in the north in their attempts and I know that most of them try very hard, but in some of these cases, as you well know, white people are brought in and the judge says, "Guilty or innocent, how do you plead?" and he nods his head one way or the other way. Sometimes they say nothing. This often happens with the Indian people and nobody is really aware that they do not understand or they are not aware of what is going on. I just bring that point to your attention.

Mr. R. H. Knight (Port Arthur): I cannot sit here without getting up to support the member for Rainy River because I sat through many a court case up there. It is only the truth of the hon. member's remarks that has me on my feet at this point. There is no other reason except for the fact that I do come from that neck of the woods. It has occurred to me on many occasions, sitting there, that the same thing happens in our courts up there as the hon. member for High Park (Mr. Shulman) brought to the attention of this House not too long ago that persons charged with being intoxicated in a public place are sort of run off through the court one right after another.

The same type of thing happens with Indian people up there. I have seen it happen in the Fort William court more specifically where they are charged with something like that, being drunk in a public place. They were handled rather quickly and I have never seen on Indian language interpreter in that court. The only thing I am getting at is I think the member for Rainy River has his finger on something here if justice is going to appear to be done in this province or, indeed, be done.

I think the Attorney General should ascertain how many members there are in this House who at this moment can say for sure that the Indians that are being tried in the courts of this province—especially in the courts in the north—are aware of, or understand, the law of this province. How many understand how they have broken the law or even what it is to break the law, or even believe that they have done wrong—even though in the terms of the white man—in accordance with the laws of this province.

I would like to support the remarks of the hon. member for Rainy River and urge the Attorney General to at least contact the magistrate out there and have a chat with him. He should make it his business to find out if there is any truth to this that Indian people are being tried, found guilty, convicted and spending time in jail without even realizing what is happening and going away resentful, made that much more an opponent of the society that we believe in.

Mr. Chairman: The hon. member for High Park.

Mr. M. Shulman (High Park): Mr. Chairman, last winter a vast number of papers and cheques disappeared from the York county eighth division court and I attempted to find out from the Attorney General what had happened. I do know that Mr. R. A. McFarlane, from the inspector of legal offices, went to investigate and I asked the Attorney General in this House during the question period what was going on and I did not get an answer.

Finally the question was tabled and when the answer came out, the answer was only that no trace of the documents and cheques was found. I was not too satisfied with that answer and I ask the Attorney General now: What in the world was going on in the eighth division court last winter? Where did these documents go? Where did these cheques go? Were any of them cashed? What did Mr. McFarlane find when he investigated?

Hon. Mr. Wishart: I have not got anything before me, Mr. Chairman, on this specific question. We did investigate. That official has since retired, I do not know whether the person was the clerk involved or the bailiff. I have not got the facts of the final findings and I do not recall the names. It was investigated, I cannot say whether there was anything else such as any claims outstanding yet or not. I could check this for the hon. member. That is the best I can do.

Mr. Shulman: When you say that person has now retired, are you suggesting that one person was responsible for this disappearance?

Hon. Mr. Wishart: No, I do not think this had anything to do with his retirement, I said.

Mr. Shulman: Now you have really confused me.

Hon. Mr. Wishart: I should have said originally that the person, I think, who was in office at the time—since the member raised this point—is no longer in that office but I do not think it had anything to do with his retirement. I have not got the file in front

of me; I would have to get the facts to furnish to the hon. member.

Mr. Shulman: I asked you a few months ago for the facts and I did not get a reply.

Hon. Mr. Wishart: I wrote you a letter.

Mr. Shulman: I never received any letter. You gave an answer when it was tabled in the House, but this was not an answer which said anything.

Hon. Mr. Wishart: Perhaps that is what I am thinking of.

Mr. Shulman: Yes, but the answer I have is right here. No trace of the documents and cheques was found. What kind of an answer is that? Were the cheques cashed?

Hon. Mr. Wishart: Ask me another question in the House and I will answer. Ask me now and I will get it for you.

Mr. Shulman: I am asking you now; will you present some sort of an answer?

Hon. Mr. Wishart: I just said I will give it to the hon. member.

Mr. Shulman: Let us go on to the next thing. You also might find out whether any charges were laid if the money was stolen, because this is of some interest—

Mr. J. H. Brown (Beaches-Woodbine): Or whether it was a voluntary retirement?

Mr. Shulman: Now let us proceed. That was the eighth division court. Now let us move to the eleventh division court. There were some irregularities there last winter also which I inquired about. I also could not get an answer then. Let us pick one of them—I have a long list of them here. One claim dating July 29, 1968 as of three months later had not been put on the—

Hon. Mr. Wishart: Did the hon. member say he asked a question in the House and did not get an answer?

Mr. Shulman: Well, I got a tabled answer. I will read it again.

Hon. Mr. Wishart: Right.

Mr. Shulman: A tabled answer which does not answer the question.

Hon. Mr. Wishart: Well, then, he did get an answer.

Mr. Shulman: That is a tabled answer, which does not say anything. Let me just read this.

Hon. Mr. Wishart: All I am trying to say, Mr. Chairman, is that I do not like the hon. member saying: "I asked a question and did not get an answer." He got a tabled answer. If it does not satisfy him that is one thing, but he got an answer.

Mr. Shulman: I got an answer that would not satisfy anyone in this House, Mr. Chairman. We are not satisfied with answers that do not answer.

Hon. Mr. Wishart: Okay, we agree.

Mr. Shulman: In the eleventh division court there were large numbers of irregularities in that cases were not being put on the trial list. The question I referred to was when the inspector of legal offices wrote to Mr. E. A. Clarke, clerk of the York county eleventh division court on November 15, 1968, inquiring why a claim dating back to July 29 had not been put on the trial list. I asked what was the result of that inquiry and the answer was the claim was set for hearing on March 14, 1969.

No explanation whatsoever was given as to why it had not come up in the many months, in fact in the year, before. Would the Attorney General care to let us in on the little mystery of why claims in the eleventh division court were not being put on the trial list?

Hon. Mr. Wishart: I could not answer for that. If the hon. member wants me to go back and find out the detail—I do not know what the delay was at this moment—I will try and get it for him.

Mr. Shulman: Was there a retirement in the eleventh division court also?

Hon. Mr. Wishart: If the hon. member had given me notice of this question, I could perhaps have been prepared with an answer, but I do not have the details of every division court case in this province at my fingertips.

Mr. Shulman: I am really not interested in every division court problem in this province, but when in a division court, some 60-odd claims—

Hon. Mr. Wishart: Pick out any one and I would have—

Mr. Shulman: All right, all right. Let us go to an answer the Attorney General gave on

April 15, 1969, in relation to some 25 complaints about 64 specific claims which were not being looked after in the eighth division court. The answer that he gave was:

> In a number of instances the delay was caused by a lack of appropriate supervision of the bailiff over his subordinate. Some instances indicated inadequate communication between the office of the bailiff and the office of the court clerk.

Can the Attorney General tell me now—I am not too interested in how this occurred—what has been done to clear this up in the division courts so that it will not happen again? Or, has anything been done?

Hon. Mr. Wishart: That problem was immediately brought to the attention of the bailiff and discussed with him. He was made aware what was required of him and told to see that his duties were carried on in a proper manner.

Mr. Shulman: And is the problem now under control? Do we still have a problem?

Hon. Mr. Wishart: Well, I think it is reasonably under control. I have not had any more complaints.

Mr. Shulman: All right. I would like to turn to—

Mr. Peacock: You are giving up too easily.

Mr. Shulman: Well, I am waiting for the Attorney General's answer.

Hon. Mr. Wishart: I do not condone for a moment, slackness, delay, inefficiency and I would like to say this, and I am not saying this by way of defence or condonement of such conduct that the hon. member refers to. The division court in this province is a small claims court, and we have certain salaried officials—I think one salaried—but most paid on a fee basis, because the position of clerk or bailiff in most of our division courts would not sustain a person. Most of them have some other means of making part of their living, but they carry on the duty of getting out, filing the claim, keeping the record—that is the clerk, the bailiff looks after service—and they are paid a small fee for the service rendered. Maybe it will amount to two, or three, or four, or perhaps five thousand dollars or better in the course of a year.

They are not the most highly trained people, they are not full-time salaried people, and it is not uncommon, and I want to be open and frank about this, it is not uncommon to find that there is occasional neglect because of their other duties, or their own propensities. There is difficulty for a bailiff in finding somebody who is trying, perhaps, to avoid him, or who has moved away, that they do not, perhaps, exert themselves because the mileage and the fee for the service rendered is not great.

The division court—I do not think there is any question about it—is the least effectively run of any court because it happens to be that kind of a court. It is a small claims court designed so that people can go there and not incur a lot of cost.

If we were to secure salaried people of quality and capability, we would first of all have a great cost to the taxpayer, and we would make it very expensive to the little man who takes his little case to the small court. So this is the system which has been in our administration of justice for a number of years. It is not perfect, it has its flaws, it does require supervision from time to time, and I am not objecting to the complaints coming forward.

We try to correct them, but by virtue of the very nature of the court we are going to find some delay and some inefficiencies, and we do the best we can to give the person with the small claims—he gets his judgment before the county court judge—the benefit of the county court judge's judgment, and examination of his claim—but the costs are very small, and I think this is appreciated.

Mr. Shulman: I am afraid the Attorney General missed the complaint I am making.

Hon. Mr. Wishart: No, I did not miss it.

Mr. Shulman: Between September 1, 1968, and February 28, 1969, the office of the inspector of legal offices received 25 different complaints about one of your division courts relating to 66 different cases. Nothing was done until this matter was raised in the House.

Mr. Bullbrook: Might I, along the lines of the remarks made by the Attorney General, somewhat concur with what he says? First of all we cannot expect the degree of efficiency in the division court that one would expect of the Supreme Court, but I must say that I would like to make a couple of inquiries, at least in the area where I am involved geographically.

It would seem to me that the positions of division court clerk and bailiff available to the division court seem to be of some attraction. Am I not correct? I mean, one would be inclined to glean from what the Minister states that nobody wants this job,

but am I not correct in assuming there is some competition for this job? At least there was when the recent division court appointment was made in Sarnia.

My information, although not direct, is that the remuneration concurrent with the job is not that bad at all, and I want to also add that something I found offensive—and I am not involved all that much—is that this question of small costs, in small claims courts, on a *pro rata* basis does not always hold water, because in point of fact you might well find yourself with mileage and costs of some $15 on a $20 claim.

I do not know how we can overcome that, I really do not know how. But I want to ask the Minister, does he have a schedule available to us? Anything, for example, through the inspector of legal offices that might give us some idea of the remuneration, average remuneration to a division court clerk, say in the city of Sarnia?

Hon. Mr. Wishart: I can give you some information on this. I would like to say that some of these jobs, yes, the fees run up to a fair amount. They are set forth in The Public Officers' Fees Act and as they reach certain levels they cut off and the surplus is paid over to the province and goes into the Consolidated Revenue Fund.

Mr. Bullbrook: What is the maximum? I am sorry, go ahead.

Hon. Mr. Wishart: The fees are fixed in The Division Courts Act, but apportioned under The Public Officers' Fees Act. I have some of the information, maybe all the information that the hon. member asked for.

This is the report of the inspector of legal offices for the year 1968. It is an annual report, and all these figures are set out for each year dealing with, among other things, the division court, and it shows the court, the address, the name of the clerk, the number of claims which have been entered, the clerk's gross fees, the bailiff's name, and the bailiff's gross fees, and I would point out that out of the gross fees the clerk pays whatever secretarial staff he needs, any other expenses of office that he has, if it happens to be rent or maintenance. Sometimes they are in our courthouses and I do not know what portion of that is charged but these are gross fees, and then there is the net.

Mr. Bullbrook: Would you talk about the net?

Hon. Mr. Wishart: These are set forth alphabetically. Algoma happens to be the first one, and the courts, numbered 1, 3, 4, 7 and 8, are situated in Sault Ste. Marie, the courthouse in Thessalon, in Wawa, in Blind River and in Elliot Lake. Then the name of each clerk for those courts is given. The gross fees for the clerk at Thessalon is $764.15. In Wawa, the gross fees are $2,833.95.

Mr. Sopha: What about Sault Ste. Marie.

Hon. Mr. Wishart: I am coming to that. In Algoma, the gross fees in Sault Ste. Marie are $20,172.85 and the bailiff's gross fees are $9,491.96. Now, it does not give the net here.

Mr. Bullbrook: That is the bailiff's fees?

Hon. Mr. Wishart: Yes.

Mr. Bulbrook: That is not to unattractive, that bailiff's fees. He has no overheads.

Hon. Mr. Wishart: No, not in a city the size of Sault Ste. Marie. Let me give you a few others. Bruce County, Walkerton, the clerk's gross fees are $1,615.65, and the bailiff's gross fees are $816.62; Kincardine, the clerk $1,302, and the bailiff $581; Port Elgin $1,277, and the bailiff $773.

Wiarton, which will be familiar to my friend from Grey-Bruce, the clerk's fees are $2,095 and the bailiff $876. So these people are not paid very great fees in the main. In some of the large cities, they are greater. Cochrane, the clerk's fees are $4,183, and in Timmins they are $12,846. Those are gross. Now I have not got the figures of secretarial salaries or other expenses. They are all set forth in this report, every county and district are all in this report which is available to all of the members.

The net amount after expenses is governed then under The Public Officers' Fees Act, and as the net amount goes up, he pays a greater share to the province up as high as 60 per cent of his net.

Mr. Bullbrook: Well a point I want to make is that you are right, and I am right. We are in a happy situation, we are both right. It is not that bad a job in some circumstances, really. And there is a degree of competition of which you really are singularly aware in connection with these—

Hon. Mr. Wishart: I would not deny that for a moment.

Mr. Bullbrook: I have had many Tories fighting about jobs of this nature.

Hon. Mr. Wishart: Quite true.

Mr. Shulman: Mr. Chairman, on a different subject I wish to inquire into another curiosity of court administration in this provnce, and I have here a copy of the *Globe and Mail* of June 24, 1969, and it refers to an appeal which had been taken by a certain Peter Rosenthal, an assistant professor of mathematics at the University of Toronto. He had been convicted of causing a disturbance before the U.S. Consulate General on October 26 last, and he appealed, and he won his appeal. I just wish to quote two lines here because they are the ones I find mysterious:

> I will allow the appeal, and that is the end of that," Judge F. J. McRea said. "May I have costs?" Professor Rosenthal asked. "Oh, you will never get costs against the Crown," Judge McRae answered.

Now, will the Attorney General explain to me why when someone wins a case he cannot get costs against the Crown in this province?

Hon. Mr. Wishart: The judge is completely wrong in making such a statement, so I take no responsibility for that at all. Costs are often awarded against the Crown.

Mr. Shulman: I am relieved to hear that. But is there any recourse in a case like this where a judge makes a mistake? What can Professor Rosenthal do?

Hon. Mr. Wishart: You cannot say that that was a mistake. His statement was wrong, that was a mistake, to say you will never gets costs against the Crown. But if you said in this case—

Mr. Shulman: But he did not.

Hon. Mr. Wishart: But he did not award them, so there is no appeal. I suppose you could have appealed, but I cannot correct it now.

Mr. Shulman: I would like to turn to another matter. There is a lawyer in Toronto by the name of P. T. Matlow, and he wrote a letter to the *Globe and Mail* on December 12 last. It is a very brief letter, and it had to do with court administration. I would like to draw it to the attention of the Attorney General because I think it is rather a serious matter, and I quote:

> Just recently I had occasion to act on behalf of an 18-year-old Canadian girl who was charged in Toronto with possession of a stolen article. She was alone in this city with no friends or relatives to assist her and because she was unable to raise the $1,000 bail set in her case, she was confined to the Don jail for over one month while awaiting the day of her trial. When the trial began, the Crown evidently was unable to produce any evidence against her and the charge against her was withdrawn. She was then permitted to leave the prisoners' dock and the courtroom. She left without a word of apology or explanation from anyone for the injustice to which she had been subjected, and without any compensation for the loss of earnings and suffering she had endured. As an officer of the court, and as one whose duty it is to protect the rights of accused persons and speak out against injustice, my conscience bothered me and I felt compelled to write this letter.
>
> *(signed)* P. T. Matlow

I am sure that we will agree that this is not an isolated case of injustice. Cannot something be done in the way of your court seminars to prevent this type of thing from occurring? I am sure the Attorney General will agree with me that it is not uncommon.

Hon. Mr. Wishart: I comment very briefly, Mr. Chairman, the mere fact we recited here in the estimates a little earlier this week the procedures we have taken and the steps we have taken to make bail available promptly, and make it available on better considerations.

Mr. Shulman: That is not what I am objecting to.

Hon. Mr. Wishart: No, I know. That is my preamble as the hon. member for Grey-Bruce says. Now to come to the case. I know what the hon. member is objecting to. It is not possible. He stands up and recites the case which he takes from a letter, written to a newspaper, to say, to accept that as fact for one thing, or to know the background, even if that is all factual, which I perhaps would admit. And I know the background behind it. I do not want to make my remarks to this girl personal. But it could be that girl was picked up in a situation where her conduct was such that the police had every right, and I presume they had, to arrest her, take her to the court and have her released only on a substantial amount of bail. In other words, she might have been—as I say, it is not personal to this girl—but a girl, or a man, or any person, may have been a tramp or may have been involved in a suspicious situation and the police wanted to investigate, see if they can get the evidence to carry out the court pro-

ceedings, to lay the charge and prove it. She was kept in custody because she could not raise the bail of $1,000. Had she been able to do that, she could have been free. But the police, after she was kept in custody for a certain time, and after their investigation, bring her back to court and say to the judge: "We cannot prove it." But probably they did not owe her any apology. The circumstances behind her situation—

Mr. Shulman: But if they did owe her an apology?

Mr. Sargent: Hear, hear, that is—

Hon. Mr. Wishart: Well I am just saying that probably, and I know many cases of this kind, there may be many cases where the person was in a situation which thoroughly justified the police action, thoroughly justified the detention. In this case she was not detained without the privilege of raising bail. That does not mean any more than I explained the other day that a verdict of not guilty means you are innocent. I do not know. It may be that she was owed, in that case, some explanation, some apology, but there are many cases when neither the court nor the police owe a person, under those circumstances, any apology.

Mr. Shulman: But, Mr. Chairman, should it not be a matter of policy when a person is held in jail unable to raise bail, or for any other reason, and then the case is withdrawn. We had a case here in The Department of Financial Affairs just the other day when a similar situation occurred and it is over. They say: "That's too bad, goodbye." Should there not be some explanation, at least, forthcoming from the Crown?

Mr. Sargent: Hear, hear.

Hon. Mr. Wishart: I have explained as fully as I can.

Mr. Sargent: Mr. Chairman, why is there not someone—we do not have an ombudsman here—but why is not there someone that this person can appeal to? I mean, the whole weight of the law is against one person who has no money, has no lawyer, no help at all. Why is not there someone, in the name of God, who can help people like that?

Hon. Mr. Wishart: We provide a legal aid system—

Mr. Sargent: Did it work for her?

Hon. Mr. Wishart: —to get the lawyer to defend her, and he knows all her rights.

Mr. Sargent: You should be ashamed to stand there and admit that probably she was wronged. You say probably, but if she was not what happens? She has got to take it, and like it.

Hon. Mr. Wishart: Well—

Mr. Sargent: You should be ashamed—when you are doing nothing to get an ombudsman here.

Hon. Mr. Wishart: Oh yes we are. I think this matter is being studied by Mr. McRuer and he will be telling me very shortly what he thinks about that.

Mr. Chairman: On vote 206? The hon. member for High Park.

Mr. Shulman: I would like to turn to another matter, Mr. Chairman, the state of the family court in Halton. There is no member here from Halton tonight, unfortunately, but I am sure they will be pleased that I took up the efforts on their behalf. Perhaps the Oakville paper will report my efforts for them.

A grand jury investigated the family court in Halton and the judge in the area, Judge Kenneth Langdon, made certain comments about it. I have here the Oakville *Record* for January 20 last, and I quote from the grand jury report:

> The grand jury described conditions in the building as intolerable. After inspecting the facilities, the grand jurymen found the waiting room jammed with people overflowing into the corridors. There is no room for the judge in the building as the room assigned as a judge's chamber is currently being shared by probation officers and counsel. Judge Langdon, judge of the family and juvenile court, is compelled to remain in the courtroom during each sitting. The county family court has long been condemned for the inadequate and overcrowded conditions, but nothing is being done to alleviate the situation on the grounds of impending regional government.

Well, I am sure the Attorney General will agree, that this is a bad way for justice to be dispensed. Now, I know we are going to have regional government some day and we will live happily ever after, but in the meanwhile can some temporary arrangements be made for better courtroom facilities for that area?

Hon. A. F. Lawrence (Minister of Mines): Will the member admit now that the member for Halton East (Mr. Snow) is here?

Mr. Shulman: I am delighted to welcome the member for Halton East back, and I am sorry he did not bring this matter up, but I am always happy to look after the interests of the people of that area.

Hon. Mr. Wishart: What date is the article?

Mr. Shulman: January 20, 1969.

Mr. J. W. Snow (Halton East): About three years ago.

Hon. Mr. Wishart: A year ago, almost. It is a common experience which I have become accustomed to that since the province took over the administration of justice on January 1, 1968, all the towns and cities whose responsibility for them was prior to January 1, 1968, want the best of everything in the way of courthouse facilities. They expect the province to produce it overnight.

Mr Sargent: Well, you have done nothing since then.

Hon. Mr. Wishart: If I did all that the hon. member is asking tonight, he would complain bitterly about the amount of taxes he would have to pay.

Mr. Shulman: The Attorney General is not referring to me, I hope?

Hon. Mr. Wishart: Well, I presume the member for High Park never needs to complain about taxes.

Mr. W. G. Pitman (Peterborough): Well done.

Hon Mr. Wishart: We have been working steadily and trying to build and improve and trying to get more spacious quarters and better quarters for our courthouses.

Mr. Sargent: How many jails have you built?

Hon. Mr. Wishart: But with all the counties and districts in the province and with the tremendous expenditure entailed, we just have not been able to accomplish at the time that editorial was written or now, at this point, more than a tenth of the things we wanted to do. And unless I can find—or go to the Treasurer and have him find—some hundreds of millions of dollars, I will have to be standing here next year and say we have made certain further progress, we have not got it all done yet.

When we took the administration of justice off the shoulders of the municipalities, we took not only the administration of the courts, payment of staff and the maintenance and all, but we took the buildings. We said: "We will work out with you as quickly as possible an agreement whereby we will lift the burden of those buildings and we will pay you for them", and this we are doing one by one and two by two.

I have forgotten just how many we have now completed in our own control with the authority to go forward. Metro Toronto is one where the old city hall sits down there. We have not been able to make a deal if we are to use it. The city does not know whether it is going to make some great magnanimous project or not; we are making the best of it, we are improving the courtrooms in it, but we have no control of it, we do not own it. And we may never be in there, we may have to go out and build another courthouse in this area.

But these situations exist all across the province and we came into the picture on January 1, 1968. We have made terriffic progress in taking over the administration of justice and in improving our facilities.

Mr. Shulman: Well, Mr. Chairman, unfortunately I presume the Attorney General has not seen this grand jury report because the cure they suggested in it did not involve the expenditure of one cent. They pointed out—

Hon. Mr. Wishart: I think the member's remarks were something about getting other quarters or more expansive quarters?

Mr. Shulman: This was my suggestion.

Hon. Mr. Wishart: Yes.

Mr. Shulman: The grand jury said one of the real problems is the the area is choked like mad for a very short period of every week and the rest of the time it is vacant. And they suggest that one very simple and immediate way of solving the problem, at least temporarily, is to increase the number of weekly family court sittings. Now, is there any reason in the world why that cannot be done right away?

Hon. Mr. Wishart: Well, that would require far more judges, I presume.

Mr. Shulman: Then appoint them.

Hon. Mr. Wishart: If the judge who is there could find the extra time, there is no reason why he cannot work the extra courts instead of having it cluttered up on one particular day.

Mr. Shulman: Well, Magistrate Kenneth Langdon happens to be a very busy judge. I do not think anyone is going to suggest he can work any harder than he is working now. He has to be one of the hardest-working judges in the province. Is there any reason why another judge cannot be appointed out there? Would that not be a simple way of solving the problem?

Hon. Mr. Wishart: I do not think the hon. member can blow hot and cold at the same time.

Mr. H. Worton (Wellington South): Oh, he can.

Hon. Mr. Wishart: He can try. But he just said the court was very crowded for certain hours and then it is vacant. Then the judge is not then working all these hours.

Mr. Shulman: He does not work only there.

Hon. Mr. Wishart: If he could allocate his time to those vacant hours, perhaps he could keep that congestion down. I do not know, these specific individual situations are very hard on the spur of the moment to do otherwise than deal with what the hon. member gives me. Those are really the arguments I put forward.

Mr. Shulman: I will send the editorial over, it is quite detailed and I will not take the time of the House, Mr. Chairman. Perhaps at his leisure the Attorney General could study it and perhaps follow the suggestions here.

I would like to turn to a broader matter, and this is the general matter of justice in our courts.

I am well aware that the Attorney General and I have one favourite columnist whom we both follow very closely and we both have equal faith in. That columnist visited the New York courts and came back with some great suggestions, and with some pleasure I pass them on to the Attorney General.

We have a very bad habit in this province of being insular and not looking elsewhere for better ideas. I do not think there is much question that justice in some other areas is dispensed at least in some ways in a better manner.

There is an article written in a newspaper I cannot mention dated July 26, 1969—that other Toronto paper—which is so important and I think could carry so much benefit here that I would like to quote it in full. The heading is:

JUSTICE IN A NOISY COURT

Wandering around the big criminal courts building in lower Manhattan a few years ago, I happened into a remand court where men were being paraded before a judge to have a date set for their trials.

It was a large courtroom, the size of a small movie theatre, and the audience seats were almost full. People were talking, and chewing gum and reading newspapers while they waited. The functionaries of the legal process, the detectives, the clerks, the lawyers, were wandering around, talking to each other and discussing the day's business.

The probation officer who was showing me around moved us up beside the judge's bench and we stood there watching him at work. That's right; we stood. If Tupper Bigelow could see us now, I thought, we'd both be in leg irons.

I had just come from a city, our city, where the courts are as quiet as repressive classrooms and the cops on court duty yell at ladies who dare sit on the spectators' seats wearing sunglasses. And the duty officer's cry of 'Put out that gum' can be heard through the closed doors and out into the hallway. By these standards, the Manhattan criminal courts building had all the decorum and judicial dignity of a cattle auction.

Mr. Sopha: Well, this was raised last year, I raised this last year.

Mr. Shulman: Well, I am raising it again this year, maybe we will get some results. I am joining my voice with that of the member for Sudbury.

It did not take long to realize, however, that in this noisy and unordered courtroom the business of justice was proceeding with an efficiency, fairness and humanity that are difficult to find in the threadbare dignity of the comparable building in Toronto, in the lower corridors of the old city hall.

'Not much going on here,' the probation officer said to me as we stood beside the judge's bench. 'Just routine.'

'Who are those two men over at the table with all the papers and files?' I asked.

'They're the legal aid lawyers. They're on staff, paid by the city. They don't have much to do right now because those two kids up before the judge seem to have their own lawyer.'

'Are the legal aid lawyers in every courtroom?' 'Sure. Even down in the drunk court. The judges won't accept a plea of guilty until the accused has seen a lawyer.'

I had already noticed this in another courtroom we had just left. It was a court of first appearance for the hookers and other riff-raff scooped up in the raids of the night before.

The hookers and the vagrants had no choice. It was not: 'Do you want legal aid?' It was 'Have you seen legal aid yet?'

In Toronto, this process is often left to the whim and good conscience of the men on the bench. A magistrate named P. J. Bolsby, I remembered, once had an old man before him charged with the minor offence of being in a place where The Liquor Control Act was violated.

The police had raided a Cabbagetown house full of drunks and neglected children and, to bring the situation under control, had charged the father of the house with permitting drunkenness and everyone as 'found-ins'.

'Guilty,' the old man said when asked.

Almost every other magistrate in Toronto would have said 'ten dollars' and called the next case, but P. J. Bolsby has a knack for spotting the unusual and a disdain for doing things in the routine way.

'What were you doing?' Bolsby asked, while the prosecutor fumed at all the time being wasted with this silly old man.

The old man explained that he was a roomer in the house and was allowed to make his meals in the communal kitchen. He had been having his supper when the police arrived. He thought that made him a found-in, but he was, as Bolsby quickly saw, quite wrong about his own guilt.

'Strike out that plea of guilty,' Bolsby ordered.

As the probation officer and I stood in that remand court in Manhattan, I learned how important it can be to have an official around whose status is the equal of the prosecutor's and whose job is to equalize the scales of justice.

Of the two boys charged with possessing stolen property, one had a mother with him and a lawyer. The other was alone. The lawyer was putting on a great show although the only issue was setting a date for trial. I shudder to think that the weepy, uncomprehending mother was paying for all this.

At the legal aid table a lawyer was idly leafing through the pre-trial statements and other documents in the case, just filling in time. Suddenly he got to his feet and approached the bench.

'Your honour,' he said, 'if you will examine the depositions, you will see the People do not have a *prima facie* case. They have these boys near the stolen property, but they did not have any control of it.'

The judge looked. 'You are right,' he said. 'Case dismissed.'

The other lawyer was shattered, another fat fee demolished.

In P. J. Bolsby's courtroom in Toronto that impetuous legal aid lawyer would have been cast bodily into the hallway, as happened only a few days ago. In doing so, P. J. Bolsby raised an essential issue: If the adversary system of justice is to work, the adversaries must be equal. It is not sufficient to leave this to the goodwill of conscientious judges. It must be built into the system. But on this issue, so eloquently raised when P. J. Bolsby cried: 'Officer, remove this man from the courtroom,' the Attorney General of Ontario remains passively silent.'

Well I hope now the Attorney General will not remain passively silent but will get to his feet. What I am asking him really is why cannot we do those things. There are things in New York state that are much worse than there are in Ontario and we have reason to be proud of many of the things here in the system of justice. But when there are things that are better—and I think everyone here will agree this is a better way—why cannot we import those things? The trappings, surely, are not as important as the final result, which is the justice done. Will the Attorney General comment?

Hon. Mr. Wishart: I was about to say no comment, Mr. Chairman, but perhaps I should comment.

We have a legal aid system. We have, I think, a much better system than the New York court, and to take a newspaper column and the off-hand opinions of some columnist and cite them in this House and expect the Attorney General to answer them one by one in the course of his estimates is something

I do not think I am called upon to make a great reply to.

The Attorney General does not sit passively silent. Why did we bring in legal aid? Why did we pass a provincial courts Act? Why did we raise the salary of provincial judges? Why are we getting additional bail people? Why are we doing all these things?

Why did we take over the administration of justice? Why are we trying to get better facilities? Why are we having seminars with our police? Why are we having seminars with our Crown Attorneys? Why are we doing all these things? The Attorney General, he says, sits passively silent. It is beneath reply.

Mr. Shulman: Well, I will answer the questions you have asked. I will tell you why you have done all these things, because we had a godawful system, and you have improved it. But it is still a poor system and surely all that you have heard in the last few days from people on all sides of this House has substantiated that.

Now here someone has come to you, a columnist—true, a horrible word—a columnist has come to you with a good suggestion. He went and looked and he saw something that was better and it should not be beneath the Attorney General to comment on this and listen to it and if it is a good idea, perhaps to incorporate it.

Hon. Mr. Wishart: Well I did comment. Perhaps I will make one more. We had Judge Waisberg, of our county court, and officials of the York County court go to New Jersey and study that system just a few months ago. That in our view is one of the best of the American systems. He brought back his comments and has furnished us with a report. We have an awareness, we have made a study, we know what is going on, we are improving the system.

I feel a little short in the grain, perhaps, or act that way, when I find a columnst making some stupid, unfounded remark and then having an hon. member quote it back to me.

Mr. Shulman: Well I must disagree with the Attorney General.

Mr. Sopha: Could I ask my friend what was in New York that was better?

Mr. Lawlor: Oh, the fact he would not let them plead guilty.

Mr. Shulman: They insisted they must have legal aid. First of all it was not: "Do you want legal aid?" No one could plead guilty without having consulted a lawyer.

Mr. Sopha: Well, we do that here.

Mr. Shulman: We do not do that here. What courts have you been sitting in?

Mr. Sopha: All the courts I have been sitting in—if you will permit me. I do not know the situation in Metro Toronto but I know that in the Sudbury courts, without exception, all prisoners and all people charged who do not appear to have the services of a lawyer are directed by the provincial judges to avail themselves of the legal aid lawyer.

I will go one step further. He will not accept a plea of guilty until the legal aid counsel tell him that he has spoken to the accused person about the merits of his case. Now that is how far I will go.

Mr. Shulman: That certainly is not the situation in this city. I have been sitting in a number of courts. I related the incidents which I observed but unfortunately the member was not here, but there are certain courts where there are duty counsel.

Mr. Sopha: I am here as much as you —if you make that allusion—I am here as much as you.

Mr. Shulman: I am not suggesting you are not. I am merely saying unfortunately you were not here when this discussion was going on. The fact remains there are many courts in Toronto—

Mr. Sopha: Do you think I am stupid or something that I do not catch on to what you said?

Mr. Shulman: I am trying to explain it to you and to the Attorney General.

Mr. Chairman, there are many courts in Toronto—first of all where there is no duty counsel at all, and certainly in these courts in Toronto many pleas of guilty are accepted without any legal aid being involved. The Attorney General should not say this is a stupid thing. It is not a stupid thing, I am afraid the stupidity may be on the other side of this argument.

However, we will go on to another matter.

Mr. Sopha: I wonder if he knows as much about medicine as he does about law.

Mr. Shulman: Come for a physical and we will find out what is wrong with you. Mr. Chairman, if no one else wishes to go into this point I will proceed.

Mr. Sargent: Mr. Chairman, just one thing I would like to find out. I am told that there are many times at Don Jail that people are held up to as long a month because they cannot get legal aid. Now I do not know who is kidding who but this is a fact. The reason you have given in this—

Hon. Mr. Wishart: No, that is not so.

Mr. Sargent: Well, I have been dreaming. This is not true?

Hon. A. Grossman (Minister of Correctional Services): Give us a name. Give us a name.

Hon. Mr. Wishart: Yes, give us a specific case.

Mr. Sargent: I will do that.

Mr. Chairman: The hon. member for High Park.

Mr. Shulman: I would like to raise another matter which came up recently.

Mr. J. Jessiman (Fort William): This is the Shulman hour.

Mr. Shulman: Enjoying it?

I am sorry I do not have the date here but it is a recent one, it is from the Toronto *Daily Star* and it involves a Downsview school teacher by the name of Douglas David. He has a complaint about the Attorney General of this province so perhaps this might be the place to bring this up.

He was convicted of speeding by a justice of the peace who refused to allow a law student friend to handle his defence and I quote:

> Moreover, said Douglas David, the 23-year-old physics instructor, he got the brush-off when he wrote to Attorney General Arthur Wishart to ask why Norman Carom, 24, a second-year law student at Osgoode Hall Law School was not allowed to represent him.
>
> Legal experts said it looked as though David really had been denied his rights. Two top criminal lawyers and a judge all cited the Criminal Code and The Ontario Summary Convictions Act, both of which permitted the defendant to examine and cross-examine witnesses personally or by counsel or agent. David says he has neither the time nor the money to appeal the conviction. His income would probably make him ineligible for assistance under the Legal Aid Plan.

Well, all right. We have a justice of the peace who made a mistake and this can happen, I suppose, in any system. But what bothers me is when the mistake is made, and when a member of the public writes to the Attorney General, he is brushed off. Now it ultimately has to come here and the Attorney General has to brush off the member who brings it up. Now would the Attorney General care to comment?

Hon. Mr. Wishart: Did the hon. member get the rest of the story? Is it there, or is he omitting it, or does he know about it?

Mr. Shulman: Well I have everything that is here. I will read it all if you care—

Hon. Mr. Wishart: No, you do not need to read it all but the fact is he did not get the brush-off. I think the first letter did go to one of the officials of the department, did not come to my attention, and there was not a complete and satisfactory answer.

When I learned of it—there was some comment in the *Obiter Dicta* and one of the young law students brought that to my attention. I wrote the man—David, is it? I wrote the paper, the letter was published in the *Obiter Dicta*, or the Osgoode Hall *Law Journal*. The justice of the peace was contacted, he was put right in his approach, he was instructed properly. The whole matter was investigated to the degree, so do not just read the first part and say, "Got the brush-off" and then leave it.

Mr. Sopha: Did you read Fred Banes?

Mr. Shulman: Mr. Chairman, perhaps we should read the rest of this article because there is some interesting material here. But first, the Attorney General said that the justice was corrected. Does that mean that he erred and that someone can have anyone represent him that he wishes?

Hon. Mr. Wishart: A person can be represented by an agent in the lower court.

Mr. Shulman: Well in that case, I am very pleased to read you the last paragraph in this article which you may not find too pleasant. I quote:

> Deputy Attorney General A. R. Dick said that whether someone who is not a lawyer or a law student can represent another rests on the discretion of the presiding judge. Not so, say the legal experts who commented on David Case.

I see Mr. Dick sitting right in front of you, perhaps you had better put him right on the law. One of you is wrong. Which one of you

is wrong? Would you care to comment on that?

Hon. Mr. Wishart: I am not permitted to stand and answer but I will take the responsibility. I am sure he will support me in my opinion.

Mr. Shulman: Well, I am glad he is willing to support you. You need it. However, to the other matter raised by the Attorney General here. Here is the description of what happened. On December 10, David wrote to Attorney General Wishart describing what had happened and asking for an adequate explanation as to why he was denied representation. Ten days later he got a reply from Crown Attorney Hashburn, who concluded a three paragraph letter by saying: "I have no adequate explanation". The Crown Attorney says he has no adequate explanation, the Deputy Attorney General says it is up to the judge and the Attorney General says the judge is wrong. Now we have three different answers and this perhaps explains to me a great deal about the Attorney General's department. Would you wish to come into this?

Mr. Bullbrook: I sit here, and I want to compliment you on the thrust of some of your remarks and individual situations, but what you are saying there really is not fair. To really translate that article to the disparagement of the Deputy Attorney General, in this situation I do not think it is fair. I just want to record something and I do not want to be platitudinous—I have complimented this Attorney General—I think a great deal of his ability and talent rests with his deputy and I mean no disrespect to him.

Interjections by hon. members.

Mr. Shulman: In that case I was quite certain that the deputy was right and the Attorney General was wrong, because we are all aware of where the talent is in that department. I want to compliment the deputy here by saying that I am well aware of his capacities.

Mr. Sopha: All right, next case.

Interjections by hon. members.

Mr. Chairman: The hon. member for Halton East is waiting for the floor, if he now wishes to enter the debate. The hon. member for Halton East.

Mr. Snow: Mr. Chairman, as I entered the House a few moments ago, it appeared to me the hon. member for High Park was making some remarks about the operation of the courts in Halton county which—

Mr. P. D. Lawlor (Lakeshore): Taking your name in vain.

Mr. Snow: —which I believe may very well be misleading to this House. I would like to say that the courts of Halton are in very capable hands with two very capable judges —His Honour Judge Langdon and His Honour Judge Black. I am quite aware of the fact that as Halton county has grown—and I might say the Attorney General is very aware of this fact too—that we in Halton are—

Mr. Sargent: There are some pretty wacky decisions up there.

Mr. Snow: —certainly on the verge of requiring another judge. The member for Halton West and myself have discussed this with the Attorney General stating that we feel that very soon we will need the services of another judge in the county of Halton.

Mr. Lawlor: Do you have a nominee in mind?

An hon. member: Appoint a Conservative —they are the only ones who have any brains.

Mr. Snow: Our main court facilities for the supreme court and the county court, I think, are second to none. I do not know whether the hon. member for High Park is so knowledgeable about my riding and is familiar with them or not, but our main court facilities at the county administration building are excellent.

I have visited Judge Langdon in his family court while he was in session in what was the old registry office building for the county of Halton and is now made over for the family court. I can see—and in discussions with Judge Langdon either one of us can see—very little wrong with the facilities. Judge Langdon and myself, have both told the Attorney General that perhaps when another judge is appointed and the court days can be spread out to alleviate some overcrowding which exists now, we all agree there can be improvements made.

I would like to also point out that in Halton and Peel counties we are now in the midst of studies for regional government. Depending on the outcome of these studies and what legislation our Minister of Municipal Affairs may bring forward, this will

make a considerable difference on the facilities and the accommodations that are required in the county. It is quite possible that if regional government should be enacted for the two counties, the present Halton county administration building will not then be required for administration purposes for the county.

If this is the case—as the provincial authority and the courts now take, perhaps, at least half or two-thirds of the space within the county administration building for the registry office, the courts and the Crown attorney—I certainly believe that when regional government comes in, if this building is not available and the Attorney General's department takes over the whole building we will have ample space for court facilities for the family court, perhaps in our main court building.

I am sure no hon. member of this House would want this government or the Attorney General's department or The Department of Public Works to start at this stage and build new court facilities in the county when we are in the present stage of transition, perhaps, from county government to regional government. Particularly when a new building, new within the last five years—perhaps one of the best buildings in the county—will become available and will supply all the necessary facilities for the courts.

I know my friend the hon. member for High Park has been out to visit our county jail and so have I. I have toured the county jail several times—we all know it is well over 100 years old. The Minister has stated that we know its shortcomings—on my visits through the jail. I must say the hon. member, on his last visit, was a great deal more complimentary about it then than he was before. But, we also have that situation in hand in the county and the fact is that a site has been purchased and progress has been made very well for the construction of a new facility to replace those existing.

Mr. Sargent: What's your secret?

Mr. Snow: You do not have the right member in your riding. If you had a very active government member in your riding, maybe he would get these facilities.

Interjections by hon. members.

Mr. I. Deans (Wentworth): I think, Mr. Chairman, these few remarks by the member for Halton need some elaboration. Perhaps the member would like to explain how the jail facilities were so improved after I visited them.

Mr. Snow: I did not get the interjection from the hon. member for Wentworth, but—

Interjections by hon. members.

Mr. Snow: I will tell you, and I am not interested about supplying Sutton Place accommodation for our jails.

Interjections by hon. members.

Mr. Snow: I am quite aware of the facilities that we have in that jail, but in my tour through the jail and in talking with the prisoners, I find very few complaints and the place is spotlessly clean. They were all complimentary about their meals and since that time—

Interjections by hon. members.

Mr. Snow: Since that time, since the provincial department took over that jail, I must say that a great many minor improvements have taken place. I think the hon. member for High Park will back me up that since the province took over the Halton county jail there have been improvements made. Of course, the plans to replace that facility were made long before the province took over for the counties. Unfortunately, since the provincial government has taken it over, there have been changes in plans and a larger and different facility is planned.

Mr. R. Haggerty (Welland South): Quite a setback.

Mr. Snow: I would like to assure the members of this House that the court facilities, the consideration of the improvement of court facilities and the appointmentof a third judge in the county to assist Judge Black and Judge Langdon are well in hand.

Mr. Shulman: Mr. Chairman, first of all I would like to say how delighted I am that these new buildings are in hand and are going to be built in a reasonable number of years. I want it to go on the record of the House that I shall personally see that when they are opened that the present member is invited to attend, with the other officials.

Mr. Sargent: Will you be there?

Mr. Shulman: I will be there.

Mr. S. Lewis (Scarborough West): He will be invited on official government letterhead.

Mr. Shulman: I would not want the member to miss it because he has laboured hard in his riding for a number of things. Not the things that I would labour hard for, but we are happy in this party to have been able to produce the improvements that have occurred in his riding through the criticisms we have directed to the appropriate Ministers. Let that be on the record.

Mr. Chairman: On vote 206?

Mr. Pitman: Mr. Chairman, I would like to speak just for a minute or two about the whole question of the juvenile court, and I hope the Minister will be a little bit patient with a non-legal mind in this particular area, because I may seem to move at this matter from rather a circuitous route.

One of the things which I think has concerned those dealing with justice in the city of Peterborough is the very great difficulty that we have in dealing with juveniles, and I am very glad to see the Minister of Correctional Services is here tonight, because in a sense I am sure we are going to be moving around in his field as well.

The particular juveniles I am concerned about are those who have not yet committed a crime, and very often, Mr. Chairman, these individuals are identifiable. They can be picked out by a number of people, particularly in the educational institution where they can be found.

If I might just for a moment mention a situation which took place in the city of Peterborough. The principal of a school, a two year terminal school, in which a great many young people who have not done well in the elementary school go into a two-year course, and then of course, after the age of 16 they are out on the street. He saw a considerable number of these young people whom he felt were well on the way to committing crime. What he was looking for was some kind of preventive service through the juvenile court. They were coming into contact with the police and the police were using a high measure of restraint in trying not to have these young people come into any kind of official contact with the law enforcement agencies.

A meeting was held with this principal and the juvenile court judge was there, and a probation officer was there, and a lawyer who spent a great deal of time in the Minister's juvenile court was there. The principal of the school and other principals, the director of education, and the superintendent of education, guidance officers and social workers were there. It was a rather disconcerting hour that was spent, as individuals, particularly in the social work field, who were very concerned about what was going on in the city, found a complete lack of any way of dealing with these problem children, either through the courts, or through the Minister of Correctional Services, or through The Department of Education.

The suggestion was made that possibly some kind of a residential school might be set up which would handle the young people who were in this kind of a situation, particularly those whose home environment was so disastrous, so critical, that really the individual young people were almost being forced towards some form of crime.

Well, obviously The Department of Education was not responsible. After all, residential schools are not a part of the public sector of our educational system. We looked at The Department of Social and Family Services and although there were a great many types of activities in that department, there did not seem to be anything which really did fit this kind of a problem. We looked at The Department of Health, and the former Minister of Health (Mr. Dymond) was here just a moment ago, and really there did not seem to be anything which really corresponded with this kind of need.

We looked at the Minister of Correctional Services, and obviously what he was dealing with were people who had committed offences, and therefore had to be sent to some kind of correctional service.

Hon. Mr. Grossman: You could not find it in Social and Family Services?

Mr. Pitman: No, we could not find any particular area which seemed to fit this kind of situation.

Hon. Mr. Grossman: Not under hostels?

Mr. Pitman: Well, perhaps I might come now to what the Minister of Correctional Services just mentioned.

What we were trying to do was to try to find some means of dealing with these young people before they have a criminal record, and there did not seem to be any way by which we could do this.

Much of it, of course, revolved around dealing with the parents, who, of course, were unwilling to admit failure and were unwilling to release students into any kind of an institutional operation, and this was a part of the

problem. But the children's aid society was involved, and they felt they could not provide any kind of service in this kind of situation.

I asked a young lady who spent a great deal of time in the Attorney General's juvenile court to mention two or three examples, and I just want to bring them to the Minister's atention. I realize that he may feel that at this point in his estimates he is in a hurry to get this thing passed, but this is a very major problem, and I think it is a problem which concerns both the Ministers sitting on the front benches at the present moment, and one which seems to be an example of a gap in services where you drop through instead of sitting on any particular chair. This is—and if I might quote from the very brief report that this young lady gave me:

> Since May of last year, approximately 16 to 20 children, male and female, have been sent to Ontario training schools. The majority of these, I think, probably are quite properly in training schools now. They are severe discipline problems and neither home nor school can cope with them.

I pause for a moment, here, because I think this is a problem which is going to come up more and more. I am sure the Minister is aware of the fact that the educational institutions in our province are changing. They are liberalizing, to a large extent. Teachers and principals feel that they cannot maintain a very heavy disciplinary hand, and it should be that way. I do not think the educational system is a place where discipline can be effectively meted out to young people who are unable to cope. As the schools provide greater choices, and as the schools provide a much more open and less rigid kind of situation, we are going to have more and more students who will not be able to cope with this, and who will not be able to cope with the school.

I am very reluctantly coming to the conclusion that there are young people for whom this kind of school which we will have—the Hall-Dennis report type of thrust—will not be able to look after, say, a few students. At least I would hope that most young people would be able to fit into this system, but it would be sad indeed if the kind of things that we want to do with schools are restricted because we have to maintain more discipline in the schools simply because there are no other structures.

Perhaps what I am looking for here is to find some kind of structure which might exist for young people who are on the way, who have got one foot in the Minister's juvenile court, and are just two steps away from the Minister of Correctional Services. I think it is a preventive service which, if we could find some way of solving this problem, might very well mean much less expenditure in both those departments. If I might return to the report this young lady gave to me. She is speaking of the severe discipline problems:

> They also have serious criminal charges and finding of juvenile delinquency a number of times before this step has been taken.

I agree wholeheartedly with the reluctance of the juvenile court to take action. I think Chief Justice McRuer says that a juvenile judge should be more of a social physician. They are not really judges in the full sense of the word. However:

> One or two stick out in my mind in situations where some other form of detention or assistance should have been found for them if it were available.
>
> First there is a girl who is mentally defective and aged 14. She is at an age where her lack of discrimination could, and has, led her into trouble. Fortunately, she has not been pregnant but the children's aid society, in the usual sort of home they have for foster care, could not keep track of her and she was eventually sent to a training school. Whether our training school system is sophisticated enough to look after the very slow learner or not is something I am not qualified to answer, but I certainly have my doubts. I think this provides a particular problem for the juvenile court judge.
>
> The other girl that springs to mind is one that had a baby at 14 and found great difficulty in settling down after she returned to Peterborough following the birth. In a matter of approximately a month-and-a-half afterwards, and the day after her 15th birthday, she was sent to a training school. There is no doubt again that the normal foster home care provided by the children's aid society would not have worked for that girl.

As far as I can gather, there is only one group home, and perhaps this is what the Minister of Correctional Services was speaking of.

> There is only one group home that would take a teenage girl from this area. It costs more to send a child there than it does to

send a 19 year old to university. We do have one girl placed there.

I strongly feel that in view of a situation where a girl has absolutely no delinquent record behind her, and where her problems were quite serious emotional ones, she should not be sent to a training school because, as I say, I am doubtful that they could provide the necessary care or atmosphere. They are more in the business of looking after people who do have a delinquent record in that they have been convicted of some offence under the criminal code or they simply will not go to school.

There are an amazing number of people who fall into this latter category. I have the impression that often their refusal to go to school stems from a desire to get out of their home and perhaps this is the cornerstone of the whole problem here. If training school is the option, they are quite happy to take it.

This is not a particularly satisfactory answer but they certainly seem to go willingly. What concerns me more and more as I watch the volume of children going through juvenile court—I would think that our list would average 15 a week in Peterborough county—is that we are simply not geared to look after children with emotional disturbances, children who are mentally ill, or children from entirely unsatisfactory home environments.

I realize this is in the purview of the Minister of Correctional Services but I think it provides a problem for the juvenile court judges which I am led to bring up at this particular point in time in these estimates. A very short further quotation:

> As far as emotionally upset children, as distinct from emotionally ill ones, are concerned they often require a highly specialized care that would come in either an extremely good foster home of a subsidized nature, or a group home where they would obtain therapy.
>
> I am not at all convinced that putting them in an Ontario Training School and exposing them to children who are in many cases very serious delinquents is any step forward for them.
>
> As far as the mentally ill child is concerned, there are very few facilities for them but in one case that springs to mind, a boy, whom we are quite sure is a pyromaniac, no school or institution for mentally ill children will take a boy under the age of 12. At age 11, he has been put on probation but from what we hear from the police, the situation has not improved.
>
> I would hazard a guess that it is only a matter of time before he is in serious trouble again and yet due to a complete lack of facilities, there is nothing that can be done for him. He is attending the mental health clinic but whether a weekly visit is enough to help this particularly young man out of this problem is something else again. I doubt it.
>
> There is the vexing problem of a child coming from an entirely unsatisfactory environment, the probation officer is spending some time on the one hand trying to convince the boy of a better way of life and a satisfactory relationship with his school, yet the home environment defeats both the probation officer and the child every time.
>
> Often the problem they get into is caused by the fact that there are no standards at home for which they govern their behaviour or they are constantly getting into trouble to get out of their home.

This I think is a particular serious problem. It is mentioned I think in the McRuer report—

Mr. Lewis: Who wrote the piece?

Mr. Pitman: A young lady who has worked in the juvenile court.

I would just like to mention a sentence or two from the McRuer report:

> In 1966 nine juvenile and family courts were quoted as saying they had no facilities at all for psychiatric diagnosis or treatment and that such situations can and do exist is a graphic indictment of the system which permits them.

I do not know how far we have moved ahead on this at all. I quote again:

> In the opinion of a senior probation officer, the most pressing problems are to get the staff necessary to perform the rehabilitative work envisaged by the Act—

this, of course, is the chapter on juvenile and family courts:

> —and further facilities, particularly psychological clinics and counselling, where 15 per cent of all juveniles require psychological examination and the staff need the guidance of psychological counselling in such cases.

I think this is a particular problem which comes up under the detention of juveniles. This is another problem, for example, in the

Peterborough area, the facilities for the detention of juveniles.

> I refer either to an observation home where a child who is having difficulty at home, who has become involved in some problem or some breach of the law, can be held for a week or so with some counselling. Often some of these youngsters just need a breathing space and it would be helpful if on an adjournment for a week in a juvenile court before trial or a hearing, the child could be taken out of his home and given this opportunity to simmer down.
>
> Often it is the parents that need the simmering down period more than the child. At present, if a child is picked up and there is some feeling on the part of the police that the child should be held, he is to be kept either in the women's cells in the local jail, or he is placed in the county jail.
>
> This is normally only a child over the age of 14 but even then it is a highly unsatisfactory system. There is presently a holding room in the new city police station but this is only satisfactory for a couple of hours. It is a windowless room off the detectives' office and the police chief is adamant that it only be used for a very short period of time or overnight at the most. Having seen the room, I can only concur.

That is one area that does concern me. Perhaps if the Minister has any comments he would want to make on this point he would like to speak now.

Hon. Mr. Wishart: I am quite aware of the problem and I am glad the hon. member raised it and expatiates upon it to the extent that he does. It is of concern to everybody.

I know this does not quite meet the answer that he wants as to where you send these people to keep them out of the courts, to take care of them before they get into trouble. But I am sure he is aware—and I think this went through the House and legislation—a study was conducted by—

Hon. Mr. Grossman: A White Paper.

Hon. Mr. Wishart: Yes, a White Paper, but I thought we had a bill on it. Health, Social and Family Services, Correctional Service, Justice, Education, those five departments made the study which lead to the White Paper and I thought we had legislation passed, but we did not, to have a detention centre. Perhaps not the best name, but it was an institution where these young people could be given the benefit of people from all of those departments—psychiatric, health, educational studies examination of point of view of the law—the advice of the officials of these departments. At least, while it would not be a home for them—they would be there for a short term plan—it would be diagnostic in a sense that you would know, would get a lead as to where to send them, what to do with them.

Mr. Lewis: It did not happen in many areas. Just did not happen.

Hon. Mr. Wishart: No, but to some extent this is working in the using of the Ontario Hospital facilities. Now I have not got the answer as to where you place these young people yet. I do not know. When the hon. member says, "before they get into trouble," I am not sloughing it off on that account. They really do not come to the administration of justice or to the courts, until they are in trouble of some kind or other. But we would be more anxious, perhaps, than anyone else to see that we did not have them come to us.

I do not know the answer. I do not think we have arrived at it yet and I am certainly not able to stand here alone and say what the final step is.

I do not think we have to go further than we have gone, although I think the step of diagnostic centre is something helpful and maybe a guide line on how to handle these young people. I do not know where you place them, especially if they have not been in the court's control. It is pretty hard for anyone to say who have not been in trouble, but I would have taken you by the scruff of the neck and bring you to book. How do you do that?

Hon. Mr. Grossman: I think the hon. member said the parents would not allow it.

Hon. Mr. Wishart: The parents often would not allow this and I allow that I may not know the kid next door is a bad rascal. If he is not in trouble, nobody has any right to even suggest some disciplinary or any control measures.

Mr. Brown: Is that true nobody has any right—

Hon. Mr. Wishart: Well, I would hesitate very much to go to Jimmy Brown, if he is the kid next door and he has not been in trouble. How do I say to his parents: "You must let me take him because he is going to get into trouble, I think he has tendencies

that are leading him down the wrong road"? Who has control?

Mr. Brown: That is a very important moral question.

Hon. Mr. Wishart: Yes, it is a moral question.

Mr. Pitman: I am pleased with the hon. Minister's answer in this regard. Is it time that we need a further structure between the training school and the ordinary school for young people who need this opportunity to be withdrawn from the home environment? This comes down, I think, as the member for Beaches-Woodbine is surely going to say, the whole question of the philosophy of the individual control of the parents.

How far can you take it? Now, we say, for example, that a parent does not have the right to keep a child out of school. That is not included in the freedom, and we do not believe that this is included in the sanctity of the family, that they can decide whether a child can be educated or not.

Well, perhaps we are going to have to start looking at this problem, because I think it is coming at us very, very quickly. I repeat to the Minister, I am convinced that with the schools changing the way they are, in the direction they are, there are going to be young people who cannot cope with the freedom and responsibility which is going to be imposed—I hate to use the word "imposed"—which I hope is going to be given to them and offered to them. We are going to have to find some other structure in dealing with a matter such as that.

I would like to bring up one or two other minor points.

Hon. Mr. Grossman: May I ask the hon. member a question?

Mr. Pitman: Yes, indeed.

Hon. Mr. Grossman: It seemed to me that earlier in that report, which the hon. member was reading, whoever wrote the report said he was talking about children whose parents would not permit them to go to a structured setting. Then I understand from his reasoning that he is suggesting that perhaps we should take a new look at our laws and perhaps enforce some sort of setting between the home and the training school. In other words we would go into a home and say: "Well, society thinks this youngster needs this kind of treatment." Is that correct?

Mr. Pitman: I have not set these forward as solutions. I am suggesting that there may very well be a direction here which needs to be looked at.

Hon. Mr. Grossman: Well, of course, this is the dilemma to begin with, because—

Mr. Sopha: All of you overlook the jurisdiction of the children's aid society.

Mr. Pitman: We have gone through that. No, they were involved in this.

Hon. Mr. Grossman: This is a special type for whom at the moment there does not seem to be anything that anyone can figure out that you can do legally. Whether you should even do it morally is a matter of opinion. Even if we decided, say unanimously, we should do this, that we should have the legal right to go into a home and take a child, because, in our view, this child needs a certain kind of setting—does the hon. member not appreciate that once you do this, with the power of the law behind you, it is in fact sending the youngster to another training school, only you are not calling it a training school? This is all that is happening.

We have group homes, we have foster homes in the training school system. Once the arm of the law has moved in, then you are in no different position with that child than the child who is to be sent to a training school by a juvenile and family court judge. It seems to me this is the same thing.

Mr. Pitman: Well, I think the Minister's position has great logic but I think perhaps we need to look at it a little further. I am wondering whether perhaps there should not be a structure within the courts which is not quite the level of the juvenile court. There has been a suggestion, for example, that possibly there should be some kind of a youth court, I think McRuer himself suggested it. You will find something called a youth bureau, which, I think, some parts of the United States have and I think it has been suggested in other parts of the world. It is not really a court, it is a quasi court. It is, perhaps, almost a kind of a guidance or counselling service rather than a court. This young lady calls it a police tribunal:

> —which would act informally for breaches of the criminal code, municipal bylaws, provincial statutes. I am thinking of city bylaws, firecrackers, walking on the wrong side of the road, pinching pop bottles, lifting milk bottles. It strikes me the court

would be more usefully involved with children who present greater problems than these.

In other words, I think there is a very wide discretion in what is brought before a juvenile court and it has its merits but it also has disadvantages. I think once you arrive with a youngster in a juvenile court you then move into, as the Minister of Correctional Services has pointed out, the arm of the law. Do we need both a quasi level below the law and then a preventive service through homes of some kind which are also below the law? I just make this suggestion.

I make this one last point, and this seems to me a matter of some very great concern. This may be very well back to what the Minister mentioned before, about the fact the province has taken over the courts, but she points out:

—that the juvenile court is presently operating as an adequate office which handles both juvenile and family court matters. The judge has no office of her own, no desk of her own, no place where she can leave either personal belongings or any files which she might want personally to keep. The court itself must have the local master's chamber, which consists of a desk and a table, around which the various participants in these trials sit.

The waiting room for juveniles is a corridor in the main courthouse and they say an influx of 15 to 20 children on a Thursday morning is a bit of a nuisance to the rest of the court officers, and particularly to the county court judges. There is no area for interviewing short of taking them down into the stairwell to discuss their problems. There is some suggestion that this state might be changed but it definitely seems far off and nobody seems particularly interested in doing anything about it.

I am not sure of that last statement.

Hon. Mr. Wishart: Is that Peterborough?

Mr. Pitman: This is in Peterborough, yes. I am not sure that last statement is the total picture at the present time. These were comments made by a young lady who, as I say, spends a great deal of time in the courts and is, I think, trying to be very helpful in the problems she sees coming before this court.

I hope the Minister and his fellow Ministers might just consider this problem which seems to me is at a level below the juvenile court. Also, the Minister of Correctional Services might consider this further problem—perhaps it should be The Department of Education that should be concerned with this—as it is not yet a matter of the law.

Hon. Mr. Grossman: Could I tell the hon. member if he has anything we would welcome his suggestions? We would be open to any solution over here. We appreciate the complexity of the problem, as he does, but we have not come up with any solution as he suggests, because even he is pretty unclear about it. This is pretty well what the status is in our thinking because we come to the same situation. If it is not a training school, what is it?, If the arm of the law is not going to interfere, who shall? And if you are interfering, is it not the law that is interfering?

There are some agencies, incidentally, who are doing something like this sort of work, except I appreciate the hon. member is referring to a kind of agency which today is not in existence. There is a gap today for this sort of thing. How you will fill that gap is another question. If the hon. member has any concrete solutions he will find ready ears for them here.

Mr. Pitman: I would just, off the top of my head, bring up the point that I think we are recognizing it. I think in every area of government, surely, that complexity and diversity is the only answer to any problem. When you have a group of people who obviously do not fit into the training school situation, obviously there is a need for a further institutional response.

It may very well be with The Department of Education, it may be with The Department of Social and Family Services, but essentially it is a setting in which young people with emotional problems and family problems and who can be extricated where the family is willing—at least it is a first step. You may, at least, find some families who are willing to allow the children to leave the setting. In fact, in some cases the families themselves are just as confused as we are about the problem.

Surely we need that kind of diversity. We need grants for group homes and for residential schools for that kind of a situation. I am not suggesting that I have given the final solution, but I think we are beginning to identify where the gap is and now it seems to be a matter of making an intellectual thrust to fill it.

Mr. Lewis: Mr. Chairman—

Mr. Chairman: We have been straying a little bit away—

Mr. Lewis: Yes, I am going to try to shift it back into the court, but at the same time out of the court, Mr. Chairman, if I can do it simultaneously. I think, if I may say to my colleague, for whom my reason may have greater weight than the Minister of Correctional Services, that one of the problems in viewing the lack of facilities, of course, and the dilemma which he raises, is because we think of these things almost exclusively in terms of courts and the law and training schools. So, from the very moment the argument is appreciated, it is corrupted, because, of course, the most serious problem that exists in this field is that the province of Ontario continues, I think, to indulge itself in the iniquity, in my mind, of charging children, of bringing them before juvenile courts and of sending them off to training schools. Some of us on this side, perverse as we are, will never view them as anything other than pre-delinquent and delinquent prisons, regardless of the terms used about group homes and special foster homes. Despite the recitation of all the things that have been done in training schools, we will continue to view them as punitive environments. By their very nature they flow from a court system.

Now, Mr. Chairman, I do not want to—

Hon. Mr. Grossman: Now you are just corrupting your colleague's argument.

Mr. Lewis: No, I can understand the dilemma very well because the point that is made—and the point which the Attorney General himself reinforced—is one which in this government's mind is unanswerable. It would be very little problem at all if there was the vast range of community facilities for diagnosis, for support and for identification that one would assume we would have in a system of education, health and welfare—but we do not.

It never did flow from the interdepartmental committee report or from the white paper on emotionally disturbed and mentally ill children. It never had a genesis in this province. As a result we are locked into the correctional services-juvenile court framework.

Mr. Chairman, the Attorney General said a little earlier—and I thought it was an interesting aside—in answer to the member for Peterborough that he, too, wished they did not have to come before the court. Well, why would he wish that? Why would he mind that?

Hon. Mr. Wishart: I do not like anybody to come into court where there is a criminal, or quasi criminal, situation when he is brought in for some wrongdoing. I wish I did not have anyone—juvenile or senior or adult—or whatever. That is why, but particularly the juveniles.

Mr. Lewis: But being a reasonable man, particularly the juveniles.

Hon. Mr. Wishart: Particularly the juveniles because you get the black mark against them.

Mr. Brown: You sure do. Exactly.

Hon. Mr. Wishart: The black mark which downgrades their chances of a successful future and takes away their self respect to some extent; gives them that stigma, that mark on the forehead, or in the mind is really where it gets them, and they have been marked. I do not like to see that. I wish they did not come to my court.

Mr. Lewis: Well that is interesting, the Attorney General of the province of Ontario says that they are marked, stigmatized, wished they did not come to this court. Pretty tough language from the Minister of Justice in the province of Ontario. Almost an indictment of the system.

Hon. Mr. Wishart: I never felt any different. When I was a lawyer practising and defending them, I felt that way about them. I just felt badly that they were there before the court.

Mr. Lewis: Right.

Hon. Mr. Wishart: And I have often pleaded with magistrates, as they were, not to find this young person guilty, because it will mark him for life. That is far worse punishment than you can give him by sending him anywhere. Do not do it.

Mr. Lewis: Well it becomes a matter bordering on mystery to think why it has to continue, and I suppose if I asked the Attorney General why it has to continue, he would say that there is a Juvenile Delinquents Act, and there are federal responsibilities to which we must adhere. Would that be his response? Why do you continue to bring children before your juvenile courts?

Hon. Mr. Wishart: Because we have not formulated, we have not found the way to find a better system to handle them. That is all I know. There are some—I think one would have to admit—there are some incorrigibly bad. Perhaps you can never change them. I do not know, but there are some who

get down the road, particularly for the first time, or maybe the second. Those are the ones I would like to see guided away from the courts. I wo not know what to do. I think the hon. member for Peterborough said before they get into trouble, but even after the first round of trouble, if you could then prevent them from getting into the clutches of our institutional system—I do not know the answer. I wish we could find it, and formulate it, and bring it about.

Mr. Lewis: You are a pleasure, Mr. Attorney General, because your phrases are so evocative: "Before they get into the clutches of our institutional system." That is a better definition of what happens in The Department of Correctional Services than anything that has come from this side for a long time—clutches of the institutional system. It evokes a lot for me. Obviously it does for you, too.

Hon. Mr. Wishart: Please let me say I am not blaming any individual. My colleague is caught in the system too, with me, and he does, I think, a most terrific job with it as we all try to do. I am saying we should find, I hope, could find some other way to go with these young people.

Mr. Lewis: Well, now again I think we are on a useful track because I have never envisaged the Minister of Correctional Services as caught in the system. I had often seen him creating and sustaining the system, but I have never seen him caught in the system.

Hon. Mr. Grossman: I may be considered to be caught in a system, but the hon. member created a system for himself; where you get the kids in the clutches of Brown's Camp for your own personal profit.

I have told your colleague before. There are enough problems here for all of us to work together.

Mr. Chairman: This is a very interesting discussion, but we are supposed to be discussing the administration of our courts.

Mr. Lewis: You know the last vestige of guilt is that kind of silly outburst. It was all right a year or two ago when—

Mr. Chairman: Is the member for Scarborough West going to speak on the administration of the courts?

Mr. Lewis: I was proceeding very nicely. The Attorney General and I were having a useful chat. He was saying certain purgative things about The Department of Correctional Services and I wanted to draw it to the attention of the Minister.

Mr. Chairman: It is all very interesting, but it has nothing to do with this particular vote.

Hon. Mr. Grossman: It is not helping the kids.

Mr. Lewis: That is right. It is not helping the kids and that is what I am discussing, Mr. Chairman, the juvenile court. I am accepting the fact that the Attorney General says it is not a desirable framework for children, and he said it in very strong language. He has similarly indicted the institutional arrangement which follows from the court, despite what his colleague may wish to do, and I would say, Mr. Chairman, that then we are faced with a very real dilemma, and I do not see why it is as insoluble as the Attorney General feels.

If he concedes that it is not a constitutional problem then may we, on this side of the Legislature, suggest simply and explicitly to him that he abolish all juvenile courts in the province of Ontario? Abolish them, set aside the whole juvenile court system in Ontario, just as the entire training school system should be set aside, and I add that, not to be provocative, but to be consistent, because I want you to realize that we know one flows from the other and relates to the other.

Instead of having a juvenile court system in the province of Ontario which attaches to the Attorney General and Minister of Justice, let us have what all kinds of civilized countries in the western world have; a series of panels, for lack of a better word, falling within departments of welfare or departments of education, before which panels, composed of professionals, of thoughtful lay people, of those interested in the field, children in trouble come.

They are not charged, they are not marked, they are not stigmatized. You do not have an adversary system in the courts; you have a set of people arranged in panels, profoundly interested in the welfare and future of the child, without giving first offence or second offence.

Hon. Mr. Grossman: Where is this?

Mr. Lewis: Well, as a matter of fact, the most interesting at the moment of course is the Kilbrandon Report in Scotland, and as of July 1, 1970, all juvenile courts have been abandoned in Scotland.

Hon. Mr. Grossman: You mean they are just going to do it?

Mr. Lewis: Just a second—and I am using that as a particular example because as the Attorney General knows, McRuer referred specifically to Kilbrandon as an obvious alternative avenue, as he did to Barbara Wooton and certain other obvious alternative avenues. But if one looked at the Scandinavian system or the Italian system or the Spanish system or the Polish system—

Hon. Mr. Grossman: I have looked at them.

Mr. Lewis: As a matter of fact, Mr. Chairman, I am not talking about the success after a child is referred to an agency—

Hon. Mr. Grossman: What is their percentage of juvenile delinquency?

Mr. Lewis: I am talking about the way in which children are treated in the process of the referral.

Hon. Mr. Grossman: I have been there.

Mr. Lewis: I am not interested.

Hon. Mr. Grossman: I have heard just as many complaints in the other direction.

Mr. Lewis: As a matter of fact, I might say that a good many judges, the Attorney General I think will understand the import of my remarks, if no one else, that certain judges even from this province, have looked into, and are looking into, these alternative systems. And these alternative systems commend themselves to such members of the judiciary rather more, I suspect, than the system that works here in Ontario.

And I would say, Mr. Chairman, that to any sort of civilized community the idea of abandoning the charging of children and putting them through court is an obvious, obviously desirable thing. And moving children into other departments of government, in settings which are largely informal, not to say familiar, is a much more humanizing and civilized procedure.

Mr. Chairman, I put to the House, if you look at the reports of the committal orders for the department, the province of Ontario Department of Justice annual report of the provincial courts' family division 1968, you have got 1,192 boys and girls referred to training schools in the year 1968. Eleven hundred and ninety two kids who went through the indignity, the branding, the marking, the stigmatizing to which the Minister of Justice refers. And he is happy to tolerate that.

Mr. Chairman, when we come around to Correctional Services next year—we will let you pass this year because we have compassion—but next year, we will not be so easy. Mr. Chairman, when we come to the report, this inflated report of the Ontario Board of Corrections—I would not have called it inflated if you were not provoking—that came out in 1968, we find that for the year ending March 31, 1968, the following children were sent to training school.

I would like the Chairman, because I know the Chairman feels these things, to just ponder it for a moment. Three kids, three kids of eight years of age. Tell me what effect a juvenile court would have on three children of eight years of age? Charging eight-year-olds; 12 who are nine years old; 14 who are ten years old; 39 who are 11 years old; 85 who are 12 years old; 153 children through a juvenile court procedure, 12 years of age and under.

They would not even comprehend what was going on in the court. It is like assaulting a kid of 12, assaulting him emotionally if not physically, to put a child through a juvenile court system in that process.

As a matter of fact, Mr. Chairman, if the Minister were interested in reading a doctoral thesis and I am sure he is—I do not mean it to sound that way—were he to read the doctoral thesis of Professor Bernard Green that he finished at Harvard last year, he would find it enlightening. Professor Green spent three months in the juvenile court of Metropolitan Toronto and then each time a case was decided, walked out after the children and family and tried to ascertain their sense about the court. The sense of the child was one of total noncomprehension and complete bewilderment. No sense whatsoever of what in God's name all this justice was, except that the formality and the charge and the presence of judicial officers was brutalizing the kid. That is really what happens in this kind of an environment.

And I say to you, Mr. Attorney General, because when you said what you did this evening, the tone in your voice, evidences what you feel about it—that there has to be an alternative to the juvenile court system; that you cannot parade eight-, nine-, ten-, eleven- and twelve-year-olds through a court, let alone those from 12 to 16; that you cannot lay charges against them, whether it be of fancified incorrigibility under section 8 of

The Training Schools Act, or another section of The Juvenile Delinquents Act.

Hon. Mr. Grossman: Incorrigibility is not a charge and you know it.

Mr. Lewis: That simply is not the way a civilized society works. A civilized society moves heaven and earth to find an alternative scheme because of what I would suspect is the very real damage—not in all instances irreparable, but in some instances irreparable—that is felt by a child who goes through that court procedure. But no one of this side would pretend that Judge Lawrence Stewart or Judge Terry Moore or Judge Bill Little, were anything other than men totally devoted to their job and as gentle and sensitive and diplomatic as they can humanly be, in the rendering of justice.

Hon. Mr. Grossman: Then they should not send them to a training school.

Mr. Lewis: I daresay that they have, under the Acts, the way—

Hon. Mr. Grossman: Why do they send them to training school?

Mr. Lewis: I am not sure they are exultant about sending kids to training school.

Hon. Mr. Grossman: Well, do not think we are.

Mr. Lewis: I remember—

Hon. Mr. Grossman: There must be a good—

Mr. Lewis: I remember certain remarks about the legislation often trapping them. Legislation traps them. Legislation strait-jackets.

Hon. Mr. Grossman: Not at all, they probably tried everything else.

Mr. Lewis: I am not going to be deterred.

Mr. Lawlor: Just like you, you like being trapped.

Mr. Lewis: I have had the sense that the Attorney General was able to manage his own estimates, hitherto, and it probably prevails.

Hon. Mr. Grossman: You are out of his estimates.

Mr. Lewis: I would think, sir, that there has to be this alternative. I do not know that my reading of it and my discussion with some judges and just plain common sense leads me to believe that the areas of western Europe and indeed parts of eastern Europe which have introduced and developed the panel system, outside a court system altogether, in an entirely different environment, have resulted in much greater support for the child and usually much more appropriate treatment than could ever be found, without violating his person by bringing him through a court. I wonder whether in view of the fact that Justice McRuer spends much time examining these alternatives—although he does not advocate, he just examines—whether the Minister might consider moving in this direction with the judicial process in Ontario.

Hon. Mr. Wishart: Mr. Chairman, in answer to that last question of the hon. member's, it is impossible for me to stand here at this moment and say what I can do. I would, perhaps, indicate my attitude by saying that, as I understand it, the Kilbrandon report, which is some four years old now, stated that the procedure there, was to have a trial first, I think, of those children considered capable of understanding the court function, the court procedures and why he was there, and so on. And then there was the panel to see what might be done to rehabilitate him, to bring him around and to put him back into society, unmarked if possibe.

And those children which were held, which were considered not to understand—and this I think is the significant thing—were brought to court too young or not able to comprehend why they were there, and so on—were not dealt with in that way. They are not brought to court at all. And my understanding is that this is the basis of the approach now in The Children and Young Offenders Act of the federal government with whom we are working to a degree.

They are approaching it on the basis that those whom they feel that the court cannot be a help to or if the young person does not understand what is going on, he will be so treated. The approach is to deal with them in a way in which they will not be brought before a court. I do not know how far this will develop, how far we can work with it. But I think there is a great deal in that approach that may give us a lead and a way to go.

I am informed that the distinction is that in the definition of a child, there is no offence charged. I have not got too much of this in my recent studies. I have not had the time.

Mr. Lewis: Right, does that not commend itself?

Hon. Mr. Wishart: Right, I am all for it.

Mr. Lewis: Is it not possible to do that in Ontario?

Hon. Mr. Grossman: We have had them in Ontario.

Hon. Mr. Wishart: I think if I can indicate I am studying this; I think it is giving us a lead; I think I undoubtedly support anything, as I say, that will keep these children out of the court if we can find some other method to handle them. That is my attitude.

Mr. Lewis: Well, that is pretty important. There are a lot of children involved.

Hon. Mr. Grossman: Everybody agrees on that.

Mr. Lewis: Very young children.

Hon. Mr. Grossman: Everybody agrees with that.

An hon. member: We are all in favour of motherhood.

Mr. Stokes: Do not take such a defeatist attitude.

Mr. Lewis: You know, you can debase any topic—we know you are all in favour of motherhood. Why does everything have to be incensed? I do not know what it is that Cabinet, that is so impervious to change, but the fact of the matter is, that you have got a report in front of you from McRuer, who makes it clear the direction that should be taken.

You have an Attorney General who sounded at moments tonight almost despairing. I have not heard the Attorney General speak in that way during these estimates, to make such a strong condemnation of an aspect of the judicial system, one would assume, affecting juveniles, a pretty important aspect. I cannot for the life of me imagine where the inhibitions come.

There must surely be in those front benches the recognition that this is an imperative matter, that you are trotting well over a thousand of these kids through the courts of Ontario every year, charging them all, branding them all, stigmatizing them all, according to the A-G. Why? What is it? Why is it not possible for the front bench to get together to make a decision?

Interjections by hon. members.

Mr. Lewis: Well, I think this is a fairly good suggestion. I do not know where the bottleneck is. Maybe some Ministers are concerned that their empires will disappear, and maybe that is the—

Hon. Mr. Grossman: Does the hon. member suggest that we are impervious to change here when we have brought in a new Training Schools Act in 1965, which is hailed across the world as one of the most progressive Acts dealing with children that has ever been brought forward?

Mr. Lewis: Well, Mr. Chairman—

Mr. Sopha: In fact the astronauts were told on the moon.

Mr. Lewis: Mr. Chairman—but the point is that the astronauts were personally phoned by the Minister, and until I hear it from someone else, I will view it with skepticism, just slight skepticism.

Hon. Mr. Grossman: Now who is making a joke out of children?

Mr. Lewis: The fact of the matter is that your Training School Act is pretty faulty, in many of its clauses—

Hon. Mr. Grossman: Well, I will send the member all of the praise we received about the Act from around the world.

Mr. Lewis: And all kinds of people have indicated that, and particularly sections 8 and 9, and you know it.

Hon. Mr. Grossman: Particularly the United States Congress of Corrections, where they thought it one of the most advanced pieces of child legislation in the world.

Mr. Lewis: Right, right. And they did not know how it was used in Ontario and how sections 8 and 9 straitjacket kids and tossed them off into institutions. However, that, of course, is not a matter for the courts, Mr. Chairman, as I realize.

I would hope that at some point the Attorney General could deliver a white paper to the House and indicate to us when—it is not our wish to usurp from you your powers, we think they are more appropriate in other departments, and we urge you with every conceivable sense we have at our command to do it, because it is so odious as it now obtains that it should not be suffered another month in the province of Ontario.

Mr. Chairman: On vote 206? The hon. member for Beaches-Woodbine.

Mr. Brown: I would like to speak on the topic of the juvenile court. I would like to have some information, if I may, as to where the expenditures can be found for the court itself, and roughly what they come to annually. What kind of a budget are you dealing with in terms of a juvenile court? Where are the courts located, are you able to meet the demand?

Hon. Mr. Wishart: I am looking in my detailed material. Was one of the questions of the hon. member, where these courts are located?

Mr. Brown: Yes, how many you have, where they are located and the kind of annual budget you are working on.

Hon. Mr. Wishart: I do not have the total, but I can read off where they are. They are in Algoma, Saulte Ste. Marie—I will not read the counties – Brantford, Walkerton, Ottawa, Timmins, Orangeville, St. Thomas, Windsor, Kingston, Owen Sound, Cayuga, Georgetown, Belleville, Goderich, Kenora, Chatham, Sarnia, Smiths Falls, Brockville, Napanee, St. Catharines, Gore Bay, London, Bracebridge, North Bay, Simcoe, Port Hope, Whitby, Woodstock, Parry Sound, Brampton, Stratford, Peterborough, L'Orignal, Picton, Fort Frances, Pembroke, Barry, Cornwall, Sudbury, Kirkland Lake, Port Arthur, Lindsay, Kitchener, Welland, Guelph, Hamilton, Newmarket and Toronto. Now, I do not know what that totals but as you can see, there are a great number. Every area is served. What were some of your other questions?

Mr. Brown: Well, I am interested in the total budget just to identify what it is costing in the juvenile courts.

Hon. Mr. Wishart: There are 22 judges—

Mr. Brown: Is it separated out as a juvenile court item? Are the costs for operating this system separated out from the other costs?

Hon. Mr. Wishart: No, they are not segregated as far as I can see.

Mr. Brown: Is there any way in which I can get that information?

Hon. Mr. Wishart: Yes, I can get it. I do not have it segregated in the material before me. I have the number of judges—22. Their total salaries for the family courts last year, in the estimates of last year, the expenditure was $2,231,000. This year we are asking for $2,581,000. I did not note the questions, I have to ask the hon. member—

Mr. Brown: No, that is fine. The question that is related to this is, why is the juvenile court part of your department and to what extent does this create problems for you in the detention of children while they are awaiting sentence and in the placement of children by the court into other provincial facilities? For instance, in the list of juvenile courts throughout the province, do you have, in those same areas, detention facilities for children and do you have institutions they can be placed in if it is found by the court they should be so placed? Or is this a problem?

You see, I have a concern that we organizationally create problems for ourselves by an arbitrary division between the function of apprehending and the function of ascertaining innocence or guilt, because I think fundamentally this is what the juvenile court is all about. We can talk about treatment and facilities and so on, but essentially the role of a court, as I understand it, is to determine innocence or guilt, and the separation between the apprehending body, the group that ascertains innocence or guilt and the group that then cares for the child. If these are organizationally unrelated and report back administratively to a different Minister, I just wonder about the problems involved—if you could speak to that point, why it is that way?

Hon. Mr. Wishart: Why, I suppose, is that not so long back we had the one court into which children were tried by some different procedures as to publicity, and so on, depending on their age, rather than the adult offender.

Then we felt it was wise to break away, to separate as much as possible the association of the juvenile or the child offender—if we may use that form—from the adult, so we began to set up separate courts to divide the functions even of the judge who sat in the same court to have his criminal hearings and his adult hearings in the morning, or one day, and some other day, or some other time, set aside for the juvenile.

From that we have developed more and more the separate juvenile and family court and then under the new Provincial Courts Act we have the family court side which is where our judges, many of them, are simply dealing with that side alone, and they do not even have to try to get away from the attitude they may even unconsciously have of dealing with the adult criminal.

So we are moving more and more to a special treatment of the juvenile. As I say I am anxious to see if this new approach can lead us down a better road.

Mr. Brown: Is there any reason why this could not be transferred to another department for instance? Why does it have to be—

Hon. Mr. Wishart: Why does it have to be in Justice? I suppose one could say there is no reason why it should be, but historically it has grown that way. I think it would be sort of a jolt at the moment to say to some other department if we took our friend's system: "You take the juvenile and family court judges and give them to Education." It would seem to fit for the moment at least, better with the administration of justice.

If we can develop another approach, this could very well be contemplated and could possibly come about. You asked about the detention centres. We are not as well-equipped as I would like to see. There are seven regular detention homes. One court uses the district jail for juvenile detention, but they are segregated from the adult and criminal people there; three use children's aid shelters; seven are using private homes or detention facilities; two use a room in the courthouse, and in the town hall; two use the county homes; nine are reported as using facilities in other counties by an agreement by their joint arrangements. There are 22 courts which report they have no facilities at all for detention, observation homes for children, and that is not too good a situation.

Mr. Brown: Why is that situation as it is?

Hon. Mr. Wishart: Because this again is part of our takeover of the administration of justice and we just have not been able to equip ourselves. You perhaps were in the House today when I was asked: "Did you know about the purchase of the detention home in the county of Essex?"—I have forgotten the township; Malden?—which we had just acquired at a cost of some $36,000. We are doing our best to get them together.

Mr. Brown: Is there a federal grant that comes to The Department of Justice on behalf of children brought before the courts or in the detention of children?

Hon. Mr. Wishart: No, we do not get any federal money for this.

Mr. Brown: Would you if you had detention facilities in juvenile courts in another department?

Hon. Mr. Wishart: We get no money. I know in my department we get no federal money. I understand there are programmes if they are in training schools under the auspices of Social and Family Services. There are federal shared-cost programmes, and some others, but there is nothing for The Department of Justice, or the Attorney General.

Mr. Brown: Mr. Chairman, if I could carry on with this, I would like to go into some of the other functions in the general courts. They are not totally related to the assessment of innocence or guilt of children. They also deal with adult offences towards children and deal with family problems and so on. I wondered if the Attorney General feels that these three functions, in fact, can be separated out and perhaps the problem of dealing with the juvenile offender, in terms of assessing his innocence or guilt, isolated more from these other functions. It complicates the problem also to have a multi-functional purpose for the juvenile court that transcends the problem of dealing with whether or not a child is guilty or innocent of an offence.

While I am on my feet I will just add to that, if I may, the question of why guilt or innocence still predominates. Is that essential? What we are dealing with is deviation. A child deviates from the norm, from conformity. At a certain point that deviation may be a violation of a code, but essentially the child is deviating, and if I understand the Attorney General, his purpose often, in dealing with these children, is to act in a manner that will help the child conform and comply once again with the standards and expectations of society.

I wonder if that cannot be the basis on which children are dealt with from a number of points of view in terms of apprehending to determine whether or not the deviation is to such an extent that the child must be removed from the family.

Why is innocence or guilt the foundation for this assessment? Why not simply the fact that this child is deviating? There is a concern about the degree to which he is deviating; is it appropriate that he remain in his environment or should that environment be interfered with in some manner?

I think when we come to the question of intervention and try to look at it from any other point of view—if we look at it from the point of view of justice, or the point of view of criminality, or the point of view of the judiciary—we then miss this important

point that essentially what we are talking about are children who are deviant, whom we want, through some intervention, to bring back into compliance with the rules of society.

We know that our present system does not do this effectively and efficiently for the children, or for society; that children do not stream out of the juvenile court back into compliance and conformity, nor indeed do they do that out of established institutions that take them from the juvenile courts. It seems to me that we get hung up around a judicial approach when essentially the path is not so much a judicial question as how do we deal with deviates, and what kind of organization can we establish to deal with deviates.

First of all, determine the point at which we intervene, and how much intervention is required. I do not think this is a great moral question that has to hang us up. When we deal in terms of the law, then it hangs us up. When we deal in terms of doing something about the deviant in our society and bringing him back into compliance with society, then I think we do not have to get so hung-up. Obviously society has not only the right to do that, it has the responsibility to interfere with the individual deviate. It must do that, that is part of its function.

I will sit down and let the Attorney General comment on those points.

Hon. Mr. Wishart: Well, I think I have to be a bit philosophical, too, in answering. I do not think guilt or innocence is the primary or dominating thing in the juvenile and family court—or the approach of the judge in that court, particularly where he is dealing with the very young or the children who are there for the first occasion.

I think, however, as the age increases the child has an appreciation and demands his rights. It becomes a question of a determination of what is just and what is right and if he is getting his rights before that court. You cannot altogether say that you can remove it from the area of justice because that would not be right at all. There is appreciation of what the rights are.

So as I say, I cannot answer categorically. There is no way I can say yes or no to the question that was asked anyway. It was not that type of question. But I think what we are trying to inculcate, and I think our judges appreciate it, is that in dealing with these young people it is not just a question of finding them guilty or innocent, it is a case of trying to help. I want to mention that is why we stress so much our probation service and the care and attention and study that probation people can give to these young people. It is an attempt, before they are convicted, when they come to court, before there is any conviction, certainly before there is any sentence, to try to lead them away from the court, or lead them back out into society and keep them away from the court if possible. That is the approach of the juvenile and family court, as I see it. But I think there is more that can be done and I am hopeful that the studies which are—the approach which is being taken and sort of initiated at Ottawa with which we are associated—may give us an answer.

Hon. A. F. Lawrence: Mr. Chairman, I wonder, before we go on any further if we could have an indication how many other members want to speak on this vote and how long they will take—if it is going to be a lengthy time?

Mr. Sargent: I am going to be two minutes.

Mr. Shulman: Mr. Chairman, I have a fairly lengthy matter which I wish to bring up.

Mr. Chairman: Ten minutes?

Mr. Shulman: It will be at least half an hour.

Hon. A. F. Lawrence moves the committee of supply rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

Hon. A. F. Lawrence (Minister of Mines): We will continue with these estimates tomorrow, and I gather as well there will be a private members' hour, Mr. Speaker.

Mr. V. M. Singer (Downsview): Mr. Speaker, before the motion to adjourn is put to the House, we have had some difficulty in the last few days in really determining any more than a few hours in advance what is going to happen next.

On Monday next we embark on a new kind of a procedure. How well it is going to

work, I suppose, is a big question mark. But insofar as the agreements do not extend, and the rule changes do not extend, and the government intends to call legislation in those hours that are reserved for the government to call such legislation, and in order to avoid any violent acrimony about the methods of procedure, could the acting House leader advise us as to the order in which legislation can be expected?

Hopefully we are going to embark on a new era of being somewhat friendly with each other, at least insofar as the conduct of business is concerned. I think it would add to this new atmosphere that we hope for, if the government could tell us—perhaps the acting House leader is not able to tell us tonight because he has no instructions—but if the government could undertake to tell us tomorrow the order in which they will call legislation. Not the order in which they anticipate legislation might be called if something does not happen, but the order in which they will commit themselves in calling legislation. I think this would work for the harmonious progress of the House.

Hon. A. F. Lawrence: Mr. Speaker, we would like to take one bite at a time. The hon. member for Downsview has been handed, just within the last two hours, a complete list of the order in which the estimates of the government will be run. He appreciates that the Prime Minister (Mr. Robarts) is not available to be with us, and he will be with us beginning on Monday. I am sure the House leader, if he were here, would not be able to indicate to the House, any more than I can indicate to the House at this stage, what legislation will actually be called and what will not. As a matter of fact, I doubt very much, even if the Prime Minister were here, if he could indicate that. It all depends on just exactly how the new rules are going to work out for the first day or so. In any event, the hon. member for Downsview and the representative of the other party in the House tonight were handed this list of estimates.

I would think certainly by Monday night at this time, if not perhaps before that, the Prime Minister and/or the House leader would be able to indicate just exactly what legislation and when. But if he wants a definite answer, all I can say to him is that since he now has a list of the estimates of the departments, he should be prepared to go ahead with anything on the order paper that the government may deem it in their right to call.

Mr. Singer: Mr. Speaker, if I might pursue this, I think this is very important. I am not expecting that the government will want to commit itself from now until the middle of December as to the order in which it is going to call legislation. But if we want to make this system work—and I say this sincerely; I am trying my best to keep my language as restrained as I can—we are entitled to a reasonable notice as to what legislation is going to be called and the order in which it is going to be called.

I would think that either tomorrow or at the latest on Monday, that we have to get a commitment from government that in the ensuing week the order of bills will be one, two, three, four. Now, if by some chance two cannot go on because a Cabinet Minister suddenly has to be away or because somebody has taken ill, then you do not go on to 17; you go on to the next one, three. I think you have to give the members of this House a reasonable opportunity to prepare for the business that is coming before the House.

Mr. B. Newman (Windsor-Walkerville): Well put.

Hon. A. F. Lawrence: I would think the government is quite willing to accept the spirit of the select committee report in the hope that on Thursday night the House leader would be able to give an indication to the House of the approximate order for the next week. Now, in this event, as the hon. member for Downsview knows, the Prime Minister is not with us. We are starting out with a new system of rules starting on Monday. I can assure the hon. member that tomorrow the House leader will give an indication of the order of business for Monday and Tuesday and certainly—I had better say I would hope on Monday—but certainly by Tuesday night, either the Prime Minister or the House leader would give an indication for the rest of the week.

I think by Thursday night we will have an indication whether the magnanimous spirit of which he speaks, in respect to trying to get this new rule procedure through, will be working or not. The Prime Minister or the House leader would then be in the position next Thursday night to indicate the order of business for the next week.

At this stage, I do not think anything more could be asked of the government.

Mr. Singer: All right. Mr. Speaker, I am prepared to accept that at the moment, but with just one reservation. It is unfortunate the Prime Minister has not been able to be with

us apparently because of some physical disability from which he has been suffering, but in the unfortunate event that the physical disability might continue for a little longer period than might be anticipated, I do not think the House can wallow from day to day in the absence of the leadership of the Prime Minister. I think it is up to the government to determine which one of their persons is going to determine what is going to happen on the government's behalf, whether it is the Prime Minister or someone else.

Mr. S. Lewis (Scarborough West): Mr. Speaker, very briefly on this point. We are largely satisfied with what you have put. I think that makes pretty good sense. And if the Attorney General could be prevailed upon to shorten his replies, we could probably finish these estimates.

Hon. A. F. Lawrence: Just before you put the motion, Mr. Speaker, I just want to indicate that the accusation has been made that the House is wallowing. I really do not believe that the House is wallowing.

Hon. A. F. Lawrence moves the adjournment of the House.

Motion agreed to.

The House adjourned at 11:25 o'clock, p.m.

No. 193

ONTARIO

Legislature of Ontario Debates

OFFICIAL REPORT – DAILY EDITION

Second Session of the Twenty-Eighth Legislature

Friday, October 24, 1969

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
TORONTO
1969

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Price per session, $5.00. Address, Clerk of the House, Parliament Bldgs., Toronto.

CONTENTS

Friday, October 24, 1969

GO Transit, questions to Mr. Gomme, Mr. Deacon 7525

Estimates, Department of the Attorney General and Minister of Justice, Mr. Wishart, continued 7528

Schools Administration Act, bill to amend, on second reading, Mr. T. Reid, Mr. J. R. Smith, Mr. Pitman, Mr. T. P. Reid 7542

Motion to adjourn, Mr. Welch, agreed to 7552

LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, OCTOBER 24, 1969

The House met at 10.30 o'clock, a.m.

Prayers.

Mr. Speaker: Our visitors today in the west gallery are students from the Givens senior public school of Toronto.

Petitions,

Presenting reports.

Motions.

Mr. Hodgson (Victoria-Haliburton) moves that Mr. Connell and Mr. Rollins be substituted for the late Mr. Olde on the standing Agriculture and Food, and Highways and Transport committees, respectively.

Motion agreed to.

Introduction of bills.

Mr. W. G. Pitman (Peterborough): Mr. Speaker, it is my honour to draw to your attention the presence in the Speaker's gallery of a distinguished visitor. He is a man whom the late Robert Kennedy described as, "one of the heroic figures of our time." He is the director of the United Farms Workers' organizing committee and has led the non-violent struggle to assist those employed in the grape vineyards of California, Mr. Cesar Chavez.

Mr. H. Peacock (Windsor West): Mr. Speaker, before the orders of the day, I have a number of questions to put to Ministers, but since they are not in their places I wonder if you would permit us to revert to questions if they reach the floor of the House before the government House leader does call the order of the day.

Mr. Speaker: Perhaps we can go over the questions that I do have and we will see what happens after I have dealt with the ones that are capable of being dealt with.

Are there any members present who note that the Minister to whom their questions were directed is present?

Mr. M. Shulman (High Park): There are only four Ministers there.

Mr. Speaker: Are there any Ministers who have answers to questions previously taken as notice? The hon. Minister of Highways.

Hon. G. E. Gomme (Minister of Highways): Mr. Speaker, I have the answer to question 2289, asked by the hon. member for York Centre (Mr. Deacon).

The answer to the first part: requests to date for federal government subsidy on commuter service have not resulted in a commitment. However, officials of the department will be meeting in Ottawa again regarding matters pertaining to the development of commuter services.

Secondly, the member makes a point of comparing the financial statement of GO Transit with the Chicago and Northwestern Railway. I dealt with this question in the past, and if the member would refer to the April 4, 1968, issue of *Hansard*, he will find the reasons why the two are not comparable.

In addition to that, our officials have talked to Mr. H. A. Lenske, director of commuter and passenger services for that rail line. He is quite familiar with GO Transit, and he mentioned that it was highly unrealistic to compare the two commuter operations for the following reasons: The Chicago and Northwestern operates on its own exclusive right-of-way, leaving it the flexibility to operate many trains during the peak of demand as close as three minutes apart, whereas GO Transit shares the CNR right-of-way with freight and inter-city passenger service which restricts its flexibility to operate more frequent service than 20 minutes apart.

The C & NW is a long-established commuter service attracting 80,000 commuters per day through heavily-populated railway corridors; GO Transit on the other hand has been in operation for just over two years and handles approximately 17,000 riders per day through areas which are now just beginning to attract higher density.

The average distance travelled by the C & NW commuter is 21 miles, yielding an average 76 cents per rider, whereas GO Transit average haul is 14 miles at an average of 56 cent per rider. Of course, the C & NW

handled over 25 million passengers in 1968, and GO Transit 4.6 million.

I would suggest if the member wishes to make comparisons that he compare the financial position of GO Transit with that of the South Eastern Pennsylvania Transportation Authority, which contracts commuter service with the Reading Railway and Pennsylvania Central Railway for the city of Philadelphia. During 1968, this transportation authority known as SEPTA paid out deficits totalling $8.5 million to the railways.

The answer to the next part: We do not plan to arrange with the CNR for provision of commuter service to the north of Toronto for a 30-day period. I refer to a report tabled in the House by the hon. Prime Minister when reference was made to information obtained from the CNR to the effect that even a limited peak service could not be accommodated on their Newmarket subdivision. This situation has not changed and is substantiated by the fact that CNR could not meet the schedules preferred by the organizers of the chartered train which ran from Barrie to Toronto on October 16. They had to settle for a train arriving at Union Station at 9 a.m. In any event, neither GO Transit nor, I understand, the CNR has any equipment which could be placed in such service.

On the fourth part, it is the intention of the government to make an announcement in regard to the transportation in the northern areas shortly.

Mr. D. M. Deacon (York Centre): Mr. Speaker, supplementary to these questions. First of all with regard to the comparison, do I gather from the Minister that the fact that the average distance is 21 miles from the Chicago system, appears to be a key difference? If we can show the average distance they carried passengers was 21 miles or more, would he be prepared then to join with those thousands of people living north of Toronto instituting a 30-day trial even on a joint-risk basis?

Hon. Mr. Gomme: No, Mr. Speaker, not at this time.

Mr. Deacon: Mr. Speaker, another supplementary in the matter of the South Eastern Pennsylvania Transport Authority. Does that not just indicate that transit authorities, similar to the GO Transit operation, which are not directly operating the railway facilities, obviously are a losing proposition? Does it not show that the only way to make this work is for the CNR, or some railway that has the rights of way, to be forced to put in the service or have the rights of way expropriated?

Mr. E. Sargent (Grey-Bruce): Mr. Speaker, will the Minister answer another supplementary?

Do I understand that after three years of operation of GO there is still no signed agreement between the CNR and the province of Ontario?

Mr. Pitman: It is not Monday yet!

Hon. Mr. Gomme: Of course there is an agreement signed, Mr. Speaker.

Mr. Sargent: I suggest the Minister is misleading the House.

Mr. Speaker: Order, order!

Mr. Sargent: Well, he made a mis-statement.

Mr. Speaker: Order

Mr. Pitman: On Monday, we can do this?

Mr. Speaker: Order!

Mr. Sargent: Mr. Speaker, the Minister has made a statement which I can prove is false, right now.

Mr. Speaker: Order!

Mr. Deacon: Mr. Speaker, I would appreciate the Minister answering this matter about the transit authority, whether that is not an indication that a transit authority is no way to operate a commuter service and that the only way is for the railway to operate it directly or for whoever is going to provide the commuter service to expropriate the necessary railway rights of way.

Mr. Speaker: Does the hon. Minister wish to answer the hon. member's supplementary questions?

Hon. Mr. Gomme: Mr. Speaker, I do not think that was a supplementary question, I think it was a statement.

Mr. Speaker: That was a statement.

Mr. Sargent: I do not agree with the Minister at all. I would like the answer. The Minister said "no" and I can prove that he is wrong. He obviously put the last—

Mr. Speaker: Order, order!

The hon. member is not placing a supplementary question.

Mr. Sargent: On a point of order, Mr. Speaker, will the Minister please—

Mr. Speaker: That is not a point of order.

Mr. Sargent: Well, I will try again.

Interjections by hon. members.

Mr. Sargent: In reference to the Minister's statement, no formal agreement—

Mr. Speaker: Is the hon. member on a point of order?

Mr. Sargent: I am on a point of order, Mr. Speaker.

Mr. Speaker: May I hear the point of order?

Mr. Sargent: I asked the hon. Minister if there was a firm agreement between the province of Ontario and—

Mr. Speaker: That is not a point of order.

Mr. Sargent: Just a moment, sir.

Mr. Speaker: The hon. member is not directing a point of order to the Speaker. The hon. member asked what he said was a supplementary question, which was not a supplementary question. The tradition in this House in the past has not been to permit other members to ask supplementary questions. This procedure will be embodied in the new rules and proceedings to take effect on Monday. Therefore the hon. member for Grey-Bruce is entirely out of order.

Hon. Mr. Gomme: Mr. Speaker, on a point of order, the member for Grey-Bruce has made certain statements about my misleading the House. I am not aware of the report that he is reading from, but I am aware that there is a signed agreement between the CNR for the operation of this service.

Mr. Sargent: I will ask the direction of the Speaker about what to do in the point of order because the hon. Minister obviously says there is no permanent agreement between the province of Ontario and the Dominion government, or the CNR, insofar as GO is concerned. Who is right, the Minister or the auditor's report?

Mr. Speaker: The hon. Minister has provided all of the answers he wishes.

Mr. Shulman: Mr. Speaker, as today is the last day for written questions, and I know that a number of members, myself included, have submitted notice of—

Mr. Speaker: The hon. member is not quite right. It is not the last day for written questions.

Mr. Shulman: I am sorry. It is the last day of this system of written questions.

Mr. Speaker: The hon. member is correct.

Mr. Shulman: What I am asking is, inasmuch as written questions have been submitted with notice on a number of important matters, will we be allowed to have some priority in delivering those questions on Monday when the Ministers return?

Mr. Speaker: Is the hon. member referring to questions that have now been placed? I would say no. This particular procedure in regard to written questions will be discontinued as of Monday.

Mr. Shulman: What about the questions about which we have already given notice, sir?

Mr. Speaker: If they are on the notice paper, of course.

Mr. E. W. Martel (Sudbury East): Maybe the House leader is answering them all.

Mr. Pitman: I think what the hon. member is enquiring about is what happens to the written questions that have been submitted and for which there are no Ministers here to answer on Friday. I would assume the member will be able to ask these questions as oral questions next Monday?

On a point of order, Mr. Speaker, I would ask the House leader if he is going to make any response to the member for Windsor West in view of the fact that there are not very many Ministers here at this point. I am sure he is aware of the fact that next week the new orders will require all Ministers to be here virtually every day in view of the fact there will be no notice to Ministers that questions are going to be directed at them. I am just wondering what his feeling is on this matter.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, I know we are all looking forward to the new practice on Monday and there is going to be nothing to preclude a member whose question has not been asked yet to ask it on Monday by standing and getting the Speaker's eye, as will be the custom.

Really I do not know what the difference is this morning from any day the House sits, since it has always been understood that members only ask questions of Ministers who

are here. I have no explanation other than the fact that that is our practice. It always has been our practice, and this morning is really no different. In fact, if the Minister is not here for whom the member has a question, then he will have to ask it the day that he is here.

As far as Monday is concerned, I suppose today's questions together with any other questions which are still waiting to be asked will be asked in either the oral way or be put on the notice paper, or the member will send notice to the Minister, depending on the practice set out in the motion.

Mr. Pitman: Mr. Speaker, if I might just reply for a moment. I wonder if the House leader would take it upon himself to remind the Cabinet that from now on they will have no notice of questions which are going to be submitted and therefore it will be more incumbent upon them to be present in the House than before.

Hon. Mr. Welch: Mr. Speaker, my colleagues are quite familiar with the new rules and we are looking forward to their implementation on Monday.

Mr. Speaker: Orders of the day.

Clerk of the House: The 24th order; House in committee of supply; Mr. R. D. Rowe in the chair.

ESTIMATES, DEPARTMENT OF THE ATTORNEY GENERAL AND MINISTER OF JUSTICE *(continued)*

On vote 206:

Mr. E. Sargent (Grey-Bruce): I will start this off in a low key. This may not seem to be very controversial but it is, to a lot of people, Mr. Chairman.

Across the courts of Ontario, on very numerous occasions, we have Bill White, Jim Black, Jack Smith, John Tinny—common names who are charged in court. There was an editorial in the Cobourg *Sentinel Star* which pinpoints the need in our courts to give not only the name of the accused or sentenced, but also the address of the person. I think this requires about two or three minutes to bring it in focus. This editorial in the Cobourg *Sentinel Star* pinpoints the problem:

> John McMurtoe of Port Hope telephoned to this newspaper to complain that his name has been used in court. The Port Hope newspaper printed a news item stating that John McMurtoe of Port Hope was not the John McMurtoe who was charged with possession of "something"—he was the John McMurtoe of Cobourg.
>
> We strongly condemn provincial courts everywhere in Ontario which permit the travesty of publicly naming the accused without giving his proper address.
>
> Last year, John Tinny of Baltimore was mentally disturbed when his name appeared in the magistrate's court report. By coincidence, the guilty man was another John Tinny from Durham county.
>
> There is a plethora of John Smiths. All John Smiths with no fixed addresses are branded by a whispering public when only the name is read in court. Is a person's reputation less important than 90 per cent of the trivia contained in the so-called evidence? Are the officers of the court too unconcerned or too lazy to give the address of the accused? It is not unusual for ten men with the same name of Bill Smith to live in one provincial court area? Surely it is irresponsible for any local officer or Ontario Provincial Police officer to give Bill Smith's name without his address.
>
> Last year we editorially confronted Mr. A. A. Wishart, Minister of Justice and Attorney General, concerning this flagrant injustice to all John Smiths and John Tinnys everywhere.
>
> Let us stress again that the name of the accused, the man or woman, is made public by due process of the law. Surely the burden of this responsibility should be fully accepted by law enforcement officials. It can be argued that a man's name in public is no name at all unless there is an address attached to that name. In society at large, the man with no address is considered a transient, a wastrel. Should all men publicly charged in court be considered transients?
>
> It is not enough that the people in the courtroom at the time of the reading of the charge will see the accused. How can anyone be properly identified without a name and address? Human rights are disregarded when court permits an innocent man with a common name to be branded every time his name is presented without an address.
>
> In our considered opinion, the provincial court in Cobourg is guilty as charged.

This may not seem very important but we see repeatedly in daily papers across the province apologies to so-and-so because he was not the

John Smith or the Bill Smith. Is there any area of the courts where they can identify who John Smith is by his address?

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, this particular editor has brought this matter to my attention, as he mentions there. The trouble with inserting the address in the information of the charge, is that if it turns out that a man was described as John Smith of Brownsville, and he turns out to be John Smith of Greensville, the charge is defective, and you have a more serious situation then than if you do not have the address in. The name is the important thing—that John Smith was charged with a certain offence.

We have considered the matter. One way, perhaps, that it could be dealt with would be to let the information go saying John Smith did such-and-such, and leave it unchanged by not putting in the address. Then perhaps somewhere after the information has been completed on it, we could say the address of the said John Smith is such-and-such a place. But you have to leave it out of the information or you could have a defect in the information.

Mr. Sargent: What if there were two Arthur Wisharts, what would you do?

Hon. Mr. Wishart: Well, I would think that the very fact that—

Mr. Sargent: You would be pretty unhappy if you were charged with being a Liberal, or something like that. You would correct that, would you not?

Hon. Mr. Wishart: That would be a tragic circumstance. No, I think that John McLeod, or whoever he was, when he brings out the fact that he was not the man named and the paper goes to the trouble of pointing this out, has probably gained altogether in the situation. But we have recognized this difficulty which the editor has raised. We have it under consideration, and perhaps we can find some way to put the address on apart from the information. But it is, as you say, not perhaps the most earthshaking difficulty we have to face, and we will try to clear it up so that it will not cause too much pain and grief to the John Smiths.

Mr. Sargent: It will happen next week, will it?

Hon. Mr. Wishart: I would think that when someone finds he has been mistaken for the accused person and he complains to a newspaper, and then they publish a story, he comes out pretty well in the long run.

Mr. Sargent: No, I would like to finalize it. In business, we do not say: "Well, we will think about it." Either you are going to do it or you are not going to. Are you going to do it? Are you going to correct this?

Hon. Mr. Wishart: Running the administration of justice is not exactly like business.

Mr. Sargent: You make a decision—do you or do you not?

Hon. Mr. Wishart: Yes, we do.

Mr. Sargent: Well, let us make a decision.

Hon. Mr. Wishart: We will make it.

Mr. Sargent: No wonder you guys are drifting.

Mr. M. Shulman (High Park): I received a letter signed by a number of citizens in the Hamilton area complaining about the harshness of the sentences handed out in the Cayuga courts. As an example, they forwarded one brief case, and I would like to draw it to the attention of the Attorney General, on quoting from, I presume, the Cayuga newspaper:

> The temperature was five degrees above zero and a 26-year-old woman was found sleeping in a Caledonia district barn, February 9. Cecily Lepine was sentenced to an indefinite term not to exceed six months in the Mercer Reformatory for Women after she was convicted of vagrancy. She pleaded "not guilty."
>
> OPP Constable Ray Porpiella said Mrs. Lepine was found in the barn owned by James Gibson of RR 2, Caledonia, who asked police to remove her. Mrs. Lepine protested that she was given a ride from Toronto to Caledonia where she expected to find work and that she had received Mr. Gibson's permission to rest in the barn overnight. She had said she intended to return to Caledonia the next day to find a job.
>
> "It was not cold," she said, "I was watching the chickens."
>
> "The question is what to do with you," Judge Young told her. He said the problem is unique and that Haldimand county has no facility to deal with such cases, so he placed her in the reformatory.

It seems to me, and I agree with the people who have written to me, that if this is typical, certainly this particular case appears

unduly harsh, sending someone to reformatory for six months for sleeping in a barn. Would the Attorney General investigate this matter and advise the House as to what is going on down there?

Hon. Mr. Wishart: I do not think I shall. This happened in February of this year. If there was an injustice there was right of an appeal. If the lady, who apparently complained to the hon. member sometime later, had sent it to me at the time, and she felt she had a just complaint, I would have investigated it. But if we start in a year later we might find after investigation that she was a vagrant, maybe that she had a history of this sort of thing. To say that she was going to work or going here or there is probably true. But what is all the rest of the background? What if we spend our time investigating now, almost a year later and then come up with a set of facts which show that the court disposed of the matter with the facts before them? This is not the way; I think we can spend our time more effectively.

I would not mind investigating, but the hon. member could stand up in this House and read case after case after case, which would give him part of the facts, but none of the background. He could ask the Attorney General: "Will you investigate this one?" and he could go on to add item onto item.

I suppose if I said "yes" to everyone, I would be doing nothing else for the next year but investigating cases and coming up with the facts which would justify very likely what was done. I just cannot start out on a project of investigating every case that he reads which is the one-sided story of someone who feels they would like to have his attention.

They do not bring it to my attention, where it should be brought. He comes up a year later and says: "Now will you investigate?" As I say, if I launch on this project I would be doing nothing else and I would probably find after the investigation that only half the facts are before the hon. member. Surely he appreciates this.

Mr. Shulman: Mr. Chairman, I just want to draw to your attention that during these estimates, I have investigated a number of these cases myself and brought the transcript in here and read them. Even after reading the transcripts, the Attorney General has arisen in his place and said: "That is only part of the story." He said he will not investigate it. That is fine. This letter is signed by 25 residents of the riding of Hamilton Mountan. I shall take the copy of *Hansard* with his reply and send it back to those persons, so they can know how things are done in this House.

Hon. Mr. Wishart: Ask the hon. member when he got this petition or this communication.

Mr. Shulman: I got this petition at the beginning of April and your estimates have not been up since that time.

Hon. Mr. Wishart: Well, the hon. member is a bit derelict himself, because that was brought to him in April. Why did he not bring it to me then? I could have had it investigated by now.

Mr. Shulman: Mr. Chairman, I have had correspondence with the Attorney General since last February. We correspond on various things on which I have been unable to get any sensible reply. That is why this has waited until the estimates, so we could discuss it back and forth; and not in a question period where he can put it on the order paper and then we get an answer such as we read last night, which is no answer.

Hon. Mr. Wishart: That is a pretty weak excuse when the hon. member retains the material in his hands since April, and then says he cannot get an investigation or reply. If he would bring these things to my attention when he gets them, I would consider them and see what attention they merit and follow them up. But to come along even six months after he has got the requests and nine months after the incident happened, I do not think he has much of a case to make out against the Attorney General.

Mr. Shulman: The Attorney General appears to have missed the point. These citizens were not complaining about this specific case. They were complaining that the justice given in the Cayuga courts is unduly harsh in general. This is what I asked the Attorney General to investigate. He has said he will not. We will go on from there.

Mr. E. A. Dunlop (York-Forest Hill): What is the general proposition? You have not made one.

Mr. Shulman: Last night, I asked the Attorney General about a matter which I brought to his attention last winter. I am still trying to get a reply—i.e. the situation in Division Court No. 8. Has the Attorney

General had an opportunity since last night, when he said he would look the matter up, to get an answer for me?

Hon. Mr. Wishart: Mr. Chairman, we adjourned last night sometime around 11.30 and I was able to get two hours repose, but I have not had a chance to look into the matter the hon. member raised late last night. I will get it for him.

Mr. Shulman: It is only since last September that I have been asking the Attorney General, so I suppose we can wait for another few days.

Now, I would like to turn to another matter, Mr. Chairman, and this is the matter of legal aid, which comes under this vote.

First of all, I would like to go into the charges made by Judge Joseph Addison, which were reported in the Toronto *Daily Star* this year. A handful of Toronto lawyers are abusing the Ontario legal aid plan and in effect are milking the plan. It is a very lengthy article, I have it here, but I do not intend to read it all. Would the Attorney General care to make any comments on it?

Interjections by hon. members.

Hon. Mr. Wishart: Mr. Chairman, I do not know but that is a pretty generalized thing. We have a system of legal aid which has been working now for two years or better. There has been the occasional abuse by lawyers. I think almost without exception they have been investigated. A number of lawyers have been disciplined.

We have made a complete study of the legal aid system and how it is working to the extent of the number of cases handled by individual lawyers across the province, and how much each individual lawyer has obtained in the way of remuneration under the plan. We made an amendment last year, I believe, in our Act.

I have before me that information which I mentioned which gives us the number of cases, both criminal and civil, which have been handled under the legal aid plan—the total fees and disbursements earned by the lawyers in the period, for the year ending March 31, 1969.

As I say, the hon. member made a sort of generalized statement. That is my answer. We can have an advisory committee outside of that, headed by Mr. Justice Brook. They are very active. Where they discover anything wrong, they report it to us and we report to the law society. I think generally the scheme is operating very, very well. I am not for a moment saying that there is not occasionally a case when someone tries to abuse the plan.

Mr. Shulman: I think perhaps the Attorney General has not read these complaints of Judge Addison. His primary complaint was not that lawyers were overcharging; his primary complaint was that many defendants are spending time in jail unnecessarily. I would just like to quote here:

> Many defendants unable to raise bail, sit in the Don Jail through four, five and six remands, and wind up pleading guilty anyway, which they could have done on their first appearance and saved themselves up to ten weeks in jail.

This is his primary complaint. It is not the question of the money you should be investigating, it is the question of the methods which these lawyers are using.

Hon. Mr. Wishart: Again, this is general. I can tell the hon. member that duty counsel under the legal aid plan review every week people who are charged awaiting trial. Counsel is available to them. There is nobody who does not have the opportunity to have legal aid counsel. This is very thoroughly done. If the hon. member, or the judge whom he cites, will give me a specific case, I would be glad to investigate and investigate it at once. I do not think we will find specific cases where persons are denied legal aid.

Mr. Shulman: Thank you. Now on this legal aid plan, I have here an article from the Toronto *Daily Star* of October 10 in which they were quoting Treasurer W. G. Howland of the Law Society of Upper Canada and they said:

> He says the society submitted more than 100 amendments to The Legal Aid Act to Attorney General Arthur Wishart in December. If these were put into law, they would save the taxpayers many thousands of dollars per year.

What has happened to those amendments?

Hon. Mr. Wishart: As I recall we brought a good many of these amendments into effect through the changes to the Act. I do not know which ones the hon. member is referring to.

Mr. Shulman: That has already been considered, then?

Hon. Mr. Wishart: I think so. In fact, I know it has.

Mr. P. D. Lawlor (Lakeshore): The Act itself was amended?

Hon. Mr. Wishart: That is right.

Mr. Shulman: I have a lengthy letter here from a lawyer complaining bitterly about the administration of the legal aid plan. It is a female lawyer and her name is Gladys Roy. She practices in Bowmanville, Ontario, and in reference to some specific cases, she has sent me some very upsetting information.

I have had occasion in this Legislature to rise about strange things that have occurred in the legal aid plan where people have just not received legal aid. I am sure you remember the Rose Szego case, and the Douglas Woods case, which is still going on—he still has been unable to get legal aid for reasons which the Attorney General has never explained in this House.

I now have another case here which Mrs. Roy has sent to me. The name of the person is James Robinson. This is the man who is charged with driving without a licence. He had absolutely no assets whatsoever so he applied for legal aid which was denied. I quote from an article in a newspaper to explain why it was denied and I have the letters from the legal aid plan to back it up if the Attorney General wishes.

> Robinson, when interviewed by a provincial welfare worker in Oshawa, said he owned two wrecked cars in his backyard, which he said if could get the parts to fix them, he might be able to sell for $175. He promptly received a letter from Hugh Fleming, QC, area director for legal aid, who told Robinson that, "the two cars are not used by you and are not necessary for transportation. It is therefore necessary that you sell those vehicles and pay $100 towards the cost of your legal aid. When you pay the $100 into this office, a legal aid certificate will be forwarded to your lawyer." Mr. Robinson, under these instructions, proceeded to sell the cars.

Hon. Mr. Wishart: Did he pay the $100?

Mr. Shulman: Let me go on.

> At this point, the bailiff arrived to seize the sofa, some kitchen chairs, and other rudimentary furniture on behalf of the Adams Furniture Store in Bowmanville.

This was the only furniture in the house, other than a bed.

> Robinson sold one of the wrecked cars for $50 and the bailiff insisted on having that so he gave it to the bailiff. The other wreck had no motor. He only received $10 for it and used $8 of it to buy formula at the drugstore for his child who was sick and the doctor had left a prescription. At this point he went back to the legal aid and said, "I sold the cars as you wanted. I got a grand total of $60 of which $50 went to the bailiff and $8 went to the drugstore for a prescription, I have only $2 left. Please can I have legal aid?"

I have the letter here which the legal aid people sent back—an incredible letter. It is on the letterhead of the Law Society of Upper Canada. It is addressed to the lawyer, who had explained the circumstances.

> Ontario Legal Aid Plan,
> Office of the Area Director.
> March 21, 1969.
> Miss Gladys R. Roy,
> Re: James Robinson
>
> Dear Miss Roy:
>
> This will acknowledge your letter of March 20, 1969, to inform you that we have never received from you any letter dated February 26, 1969.
>
> The final paragraph of your letter states:
>
> "Therefore, Mr. Robinson will not be bringing the $100 into your office and since the issuance of a certificate has been made conditional on his doing so, it is assumed that his file is closed."
>
> As a result of the above paragraph, this file is closed.
>
> Your very truly,
> H. E. Fleming,
> Director.

Poor Mr. Robinson, of course, did not get his legal aid. The case went into the court and through Miss Roy, he applied for a form 3 to the legal aid office—this is a form allowing him to appeal the refusal. That was denied.

I would like to ask, what in the world is going on down in this particular area? Why in the world would the legal aid people behave in this way? It is another Rose Szego case, it is another Douglas Woods case, all over again—a similar type of misapplication of the purpose and the idea of legal aid which is to extend help to those who cannot afford it. Here it seems to be exactly the opposite: Strip them of everything they have, and still refuse them legal aid.

Hon. Mr. Wishart: Mr. Chairman, again from the facts cited, it would appear that the welfare officer, who is supplied by The Department of Social and Family Services under

the legal aid plan, after examining this man's circumstances, decided he did not qualify for legal aid unless he was able to pay something, in this case $100. Then his solicitor, Miss Roy, in her letter which is quoted, almost invited the legal aid administration to close the file. She said, "I assume the file is closed." Anyway, she still acted for the man.

Mr. Shulman: Out of her own pocket.

Hon. Mr. Wishart: I do not know what the result was. She did not complain to us afterward, but she apparently complained to the hon. member some months ago. That was a clear case, and there has to be some discretion on the part of the area director and the welfare officer, regarding the circumstances of the gentleman as to whether he was able to pay something. He seemed to be prone to getting into debt, it would appear, from the fact that the sheriff was down collecting other debts. Apparently, in the review of this circumstance, the discretion was exercised, "You can have legal aid if you can pay $100," which he did not do.

Mr. Shulman: Which he did not have.

Hon. Mr. Wishart: I suppose anyone could say, "I have not got it at the moment," but apparently he had some means of getting it. When he did get it, he spent the money for another obligation which was his right to do. He was given the legal aid on a condition of paying $100.

Mr. Shulman: Mr. Chairman, surely the Attorney General is not going to stand there on that weak defense.

Hon. Mr. Wishart: Yes, I am.

Mr. Shulman: Here is an unemployed labourer, who has two wrecks in his backyard, his only asset, which the legal aid people insist he sell before they will help him. Even if he had given them every cent he would not have had $100; the cars only brought in $60 to start with. He is denied his legal aid, the bailiff takes $50 and the Attorney General says he had a perfect right to pay his other obligation even though the bailiff would clean the house out otherwise.

Surely there must be some compassion in that heart over there? Is there no compassion? Will you not do something?

Hon. Mr. Wishart: If that is the question, I would answer yes, there is some compassion.

Mr. Shulman: Well, show it.

Hon. Mr. Wishart: Most of the complaints we get regarding legal aid are the other way, the public complaining that it is too easy to get, that anyone can get it, regardless of circumstances.

The hon. member for Downsview, the day before yesterday, was reading a complaint of the grand jury—a group of citizens selected for their ability and understanding of our government and the administration of justice—saying, "Legal aid is going to cost us millions of dollars if it is administered the way it is." They were wrong.

Mr. V. M. Singer (Downsview): How was the grand jury selected?

Hon. Mr. Wishart: I said—

Mr. Singer: Was this an all-star grand jury?

Hon. Mr. Wishart: No, these are citizens interested in the government as it relates to the administration of justice.

Mr. Singer: Is there a test before they are chosen?

Hon. Mr. Wishart: Yes there is. You know how grand juries are chosen. They are selected by the assessor from each municipality and then the sheriff calls them. They are citizens who have some standing in the community.

Mr. Singer: I think you overstressed their ability.

Hon. Mr. Wishart: These were citizens.

Mr. M. Makarchuk (Brantford): And they are members of the Tory Party.

Hon. Mr. Wishart: No, that is not true; that is complete nonsense.

Mr. Makarchuk: It is not in Brantford.

Hon. Mr. Wishart: The assessor, whoever he may be, places the names of persons who may serve on juries on the list.

Mr. W. Hodgson (North York): The head of a municipality?

Hon. Mr. Wishart: Yes, the head of the municipality. That is a most nonsensical statement. But in any event, answering the member for High Park, he cites one case, and again he only gets one side of the story.

Mr. Shulman: I have the whole file, if you ask me.

Hon. Mr. Wishart: He is not so naive, surely, as to believe that all the facts of this

man's career and all his property are recounted there; how he behaves with respect to the seriousness with which he takes his obligations to pay his debt; what opportunities he has had to make money or whether he is employed; whether he has the opportunity for employment; or whether he is one of those persons who does not seriously regard his obligations.

He was told to pay $100 which can be done. That way, he did not accept. The member says he did not get legal aid. I am not for a minute going to say that. He says, "Will you stand there and stand on that answer," and I say, "Yes, I do." There may be the case where the welfare officer, at his discretion, makes a judgment that I would not make. I might grant the legal aid or I might refuse, and he might disagree with the hon. member for High Park, and sometimes he is set right by the administration.

We have complaints which come in and they recite circumstances. We write back or get in touch and say, "Don't you think this should be reconsidered?" This we do; but by and large, I think if you are going to have this plan administered properly, you have to let those responsible people who are named to these positions operate it and exercise the discretion they are given under the Act and the regulations. They know far more about that man's circumstances than the hon. member for High Park—probably a little more even than his solicitor, Miss Roy, for she writes from her point of view and feels that he did not get legal aid. She thinks it should have been granted. I am glad to note that she continued to act and that is a good feature. Most solicitors, whether or not there is the ability to pay, will see that the client gets justice to the extent that they have counsel.

Mr. Shulman: I would like to point out for the record that Miss Roy was good enough to advance $200 out of her own money to handle this case. She won the case, and the Crown has now appealed to a higher court. There are no funds to handle the appeal. Miss Roy apparently appealed to the director of legal aid who has refused, and that is why she came to me. I come to the Attorney General with an obvious case of injustice and he stands on his—I hate to say what he stands on.

Hon. Mr. Wishart: Two feet. I stand on my two feet.

Mr. Shulman: You do not stand on your two feet. That is the trouble. You fall back on your you know what, and you do not appeal, you do not overrule. You should not write back to these people and say, "Maybe you made a mistake." You should investigate it and when necessary overrule.

What about the Woods case? It has come up since your last estimates, so I do not mind bringing it up again.

Hon. Mr. Wishart: Let us deal with this case before we lead to another.

Mr. Shulman: I thought we had dealt with it.

Hon. Mr. Wishart: No. You have recited a new fact. Miss Roy, you say, is now faced with an appeal by the Crown. Well if the Crown succeeds, then justice probably was not administered at the low first level. If the Crown loses—

Mr. Shulman: What has that to do with legal aid?

Hon. Mr. Wishart: If the Crown loses, Miss Roy will undoubtedly be awarded costs for her time.

Mr. Shulman: Except that we had a judge yesterday who said, "We do not award costs against the Crown." Let us get to a clear-cut case. I want to come back to Douglas Woods, because this case has come up again. I received a letter today about it. Here is a man who applied for legal aid and was refused legal aid on the grounds that he had no chance of winning the appeal. His case was taken by a New Democratic lawyer, who won the appeal. He then went back and applied for legal aid. They said, "We do not give you legal aid because the case is over and you cannot have legal aid after the case is over." Now here is a clear-cut case where the legal aid people are wrong. We come to the Attorney General and he will not interfere. What is wrong? Why won't you do what is obviously necessary?

Hon. Mr. Wishart: There is a short answer and a long answer. The full answer is that we have set up a plan for the administration of legal aid. Certain rules are contained in the Act and the rules which are contained in the regulations are specific. They are clear. They are detailed and the Attorney General is not interfering with those officials who carry out legal aid and carry it out in a capable manner. If cases come to our attention where there is variation or failure to follow those rules, then the persons involved are set right. The Attorney General does not interfere if they exercise their judgment and the discretion which they are given, and they

follow the regulations as we have laid them down.

When we amended the Act last year, deficiencies in its operation came to light. We amended the regulations as recommended by the head of the law society, the treasurer, Mr. Howland. We have made certain recommendations for change, on our own. We have made certain changes. Now the Attorney General is not going to interfere in every single case that the hon. member raises in this House.

Mr. Shulman: Nor apparently in any of the cases which I raised in the House.

Hon. Mr. Wishart: Well, possibly not.

Mr. Shulman: The Attorney General is resting on the rules he laid down. He laid down the rules.

Hon. Mr. Wishart: The Attorney General did not lay down the rules, this House laid down the rules.

Mr. Shulman: This part of the House had very little to do with it.

Hon. Mr. Wishart: Well, it did, and that is when the hon. member should have been active.

Mr. Shulman: I have been active but you will not listen. That is the problem. When something is obvious, you will not listen.

Hon. Mr. Wishart: Mr. Chairman, this House debated legal aid at great length and the hon. member is a member of this House. If there is something wrong with the Act, and regulations do not work right, that is the place for him to say. He had very little to do with it. I say that is when he should have been active. It is not the Attorney General that makes the rules under legal aid.

Mr. Shulman: Mr. Chairman, these rules were brought in by the Conservative majority. The regulations are brought in without any consultation with anyone in this House and the Attorney General can not then come and say, "We were responsible." You have so much bad legislation over there and we come and make suggestions to you constantly, and you do not accept any of them. Do not rest on that excuse.

Hon. Mr. Wishart: Most of your colleagues would say, I think, that I accept a great many suggestions and amendments from that side of the House and my colleagues will tell me I do too. The records, furthermore, will prove it.

Mr. Shulman: I would like to see that record because this is something I have heard from none of my colleagues. Now Mr. Chairman, the Attorney General, a few minutes ago—

Hon. A. F. Lawrence (Minister of Mines): You are a loner.

Mr. Shulman: I am happy to say that all these matters are discussed in caucus before they are brought here, I would say that to the Minister of Mines. I am not sure that the same thing applies over there, from performance shown. However, to come back. The Minister of Justice, and I use the term loosely, has referred to the rules and he has based his defence on these rules and I would like to—

Hon. Mr. Wishart: I think, Mr. Chairman, that the hon. member used most of his words loosely.

Mr. Shulman: I always make it clear when I am speaking loosely and I hope I am not annoying the back bench too much. They are lighting up a little bit there. It always pleases me when they pay attention. Well, I would like to draw the Attorney General's attention to another case and this is the case of Mr. and Mrs. Gaston Ravignat. The Attorney General and I have had some correspondence on this matter. To put it very briefly, these are two people who got into a great deal of debt with all sorts of problems.

Mr. Chairman: Will the hon. member permit the chair a brief interruption?

Mr. Shulman: Surely.

Mr. Chairman: When the House opened, the guests who are with us this morning were not present and I think that the members would like to extend a welcome to the visitors in both galleries, from Queensville high school, in Queensville.

The hon. member will proceed please.

Mr. Shulman: Yes. I would like to draw the Attorney General's attention to the case of Mr. and Mrs. Gaston Ravignat who got into a great deal of debt. They went into court and the judge said to them: "You should apply for legal aid to get a consolidation order." They then applied for legal aid to get a consolidation order and were refused. I wrote to the Attorney General about this

and he wrote me back and I am drawing the Attorney General's attention to this as it shows how rules must sometimes be changed, because they do not always work out. And he quotes to me: "A judgement debtor against who more than two division court judgements remain unsatisfied in whole or in part, may apply to the judge of the court of the division in which he resides for a consolidation order." And he goes on: "As you can see, the remedy of consolidation is not available to these litigants because they do not have more than two judgements. They only have two judgements. The area director therefore, could not comply with the request for legal aid in these circumstances."

If ever there was a family who needed legal aid it is the Ravignats. The judge had told them to do one thing. Apparently the law says that they cannot do that, so they come and apply for legal aid to get legal advice and the Attorney General says no, they cannot have legal aid because the law says they have only two judgements against them, so therefore, they cannot have a consolidation. But surely, these are the very people who need legal advice to find out what they can do to get out of this mess. And these are people with no funds, tremendous debt and they have been, in effect, refused legal advice. This is where rules sometimes have to be given further consideration. And this is where the Attorney General, as the Minister of Justice, sitting in that chair, should not just pass along the rules, saying, "The rule says no, therefore no legal advice for them." He should use some humanity and he should say: "Yes of course they need legal advice, if necessary send them down here. We have all sorts of idle lawyers sitting here in our department. We will give them legal advice." Or if you cannot do that, give them the legal aid. Surely something should be done for people like this, rather than having them sloughed off. Will the Attorney General comment?

Hon. Mr. Wishart: Mr. Chairman, there is an old proverb that a little knowledge is a dangerous thing. It has been exhibited here by the hon. member on so many occasions that it becomes almost repetitious to mention it again. These people went into the court saying, "We want a consolidation order." It was a specific case they were making out.

Mr. Shulman: Wrong.

Hon. Mr. Wishart: That is the way the hon. member recited it in the first place and that is the way—

Mr. Shulman: The judge told him to get a consolidation order.

Hon. Mr. Wishart: They went in looking for a consolidation order.

Mr. Shulman: Wrong.

Hon. Mr. Wishart: And the judge said, "You should get legal aid, if you need legal aid for this purpose." When the matter is examined, they do not qualify; they had no case for a consolidation order. They were not within the rules of the court which says you can get a consolidation order. Therefore, they had no case to go to court for. They could not have got a consolidation order.

Mr. Shulman: But they should have got legal advice.

Hon. Mr. Wishart: They did not ask for legal advice.

Mr. Shulman: They asked for legal aid so that they could get legal advice.

Hon. Mr. Wishart: That is not the way the hon. member gave us the facts and that is not the way the facts appear in the letter of reply. They could not get a consolidation order. They had no case, in other words, to go to court, so there was no sense in giving them a lawyer to go to court to apply for a consolidation when they could not have got it at all. They had two judgements. Now, what advice was there for them? They got the advice in my letter, that they could not get the consolidation order unless they had more than two judgements. That was the situation. They were not entitled to legal aid for that purpose for which they asked.

Mr. Shulman: The Attorney General makes me fear for justice in this province, Mr. Chairman. They were refused legal aid by The Attorney General's Department. Of course, if the lawyer came in he would be aware of the law and if they could not apply for a consolidation order, obviously if the lawyer was competent they would not apply for a consolidation order. But they should have been given legal aid so that they could get legal advice. This is what the poor in this province cannot get, in case after case after case.

Certainly the legal aid plan is an advance; certainly a lot of people are helped who were not helped before. But there are a lot of people like the Ravignats and the Szegos and the Woods and the Robinsons, and other cases which I have here, who are

refused improperly. I can understand mistakes being made at the local level, but what I cannot understand is that when then we come to the Attorney General he gives a blanket refusal to interfere.

I have another one here. This one is Mr. H. Doran, and it is just so ridiculous that again it shows the ridiculousness of the rules. This is a letter from the same lawyer, Miss Roy. The letter is well put and I think perhaps I will quote it. It is dated June 24, 1969, and it is addressed to Dr. Morton Shulman, re H. Doran JP fees.

Dear Sir:

> This concerns the refusal of legal aid to permit payment to justices of the peace of their fees for the attendance and preparation of recognizances, which are the formalities and undertakings required from an accused person when bail has been reduced from a cash or property amount to that of his own recognizance.

If I can interrupt, I think this is a matter of only $2, and the Attorney General will find this hard to understand, but there are a lot of people in this province who have difficulty raising that small amount.

> Recognizances, of course, always have to be prepared, and prior to the change in the administration of justice in July, 1968, in areas other than metropolitan areas where justices of the peace are salaried, justices of the peace had to be paid the sum of $2. This was of no importance unless the accused had no money, and bail had been reduced from a cash or property bail to that of the accused's own recognizance.

> Legal aid throughout this province adopted the policy, according to the area director, that accused persons were to remain in jail when those circumstances occurred, as the $2 advance made by a lawyer on behalf of a legal aid applicant was prohibited by the policy of the provincial office of legal aid, according to the area director.

> Letters of enquiry addressed to Cheale QC, the accounts officer, and to the area director have all, over a 21-month period, been ignored. Letters addressed to the provincial director have not been replied to as the provincial director, he says, does not believe in placing anything in writing. On this policy you are requested to consider the statement of G. Arthur Martin on page 484, *Canadian Bar Journal*, November, 1967, which says, "Undoubtedly the public defender system is cheaper and easier to administer. The Attorney General's joint committee held that the quality of service was the criterion for legal services by the rich. It should be equally so for the poor."

The policy of legal aid toward a very necessary disbursement was illustrated in the experience of Harold Doran with legal aid. Harold Doran was, on July 22, 1967, hitchhiking on Highway 401 just east of Toronto when he was given a ride by a fellow named Ackwill. Doran was an itinerant, penniless, unemployed labourer, originally from New Brunswick, and in July, 1967, resided in a rented room at 330 Ridout Avenue, in London, Ontario. He had no relatives or friends in Bowmanville or Cobourg or any other place within a radius of 150 miles.

He and Ackwill, the police charged, consumed Ackwill's liquor in the car while driving on Highway 401. The driver, who was then Doran, had his ability impaired. They were arrested and taken to county jail at Cobourg and bail was set for Doran at $500 cash. The following three days until Tuesday, July 25, Doran spent in jail, as any cash bail as far as Doran was concerned was too high, his total cash assets being eight cents. Neither duty counsel nor a legal aid official at any time during this period approached them about certificates or to ask them if any legal assistance was requested. At the present time that situation is the same.

On Tuesday, July 25, 1967, I was duty counsel at magistrate's court in Bowmanville. The term of duty counsel is derived, according to Martin's article, from the legal aid system in force in Scotland. Section 66, regulation 100-67, reads that: "Duty counsel shall take such steps as the circumstances require to protect the accused's rights, including representing him on an application for bail, an adjournment, or on entering a plea of guilty and making representations with respect to sentence where a guilty plea is entered." It is usually considered an important factor in the defence of an accused person to obtain his release from jail. This enables the person charged to become organized and to adopt a better perspective to the charge, and gives him time to get a job, discuss his defence with his lawyer and sometimes obtain a legal aid certificate. When an accused person goes immediately from a jail into a witness box the impression conveyed is not as

favourable as the impression conveyed by an accused person who has been out of custody.

The first step in a defence when you are not present at the time of the arrest, is to obtain the release of the accused person if possible. This is no doubt very elementary, and please overlook the recitation of it, but the Ontario legal aid system—which according to A. M. Lawson, provincial director, is simple in concept but majestic in its nobility—in order to save the sum of $2, which was the cost of the attendance and the preparation of a recognizance by a justice of the peace, has left accused persons in jail when the matter of their bail had been reduced for them by duty counsel to being just that of their own recognizances. The legal work performed for Doran was representations to obtain a reduction in the bail from $500 cash to that of his own recognizance.

This was done over the objections of the Crown attorney. As Doran's family were in New Brunswick and because he was without a job it was argued that he would not return to Bowmanville. There was another person in the car who also lived in London. The bail was reduced, but Doran was kept in jail as he could not afford to pay a justice of the peace the $2 and no justice of the peace was called.

I located Mrs. Thrasher, a JP at Bowmanville, asked her to attend at the police department which she then did. There, before preparing the recognizance, she requested her fee of $2, which sum was payable to her at the time, pursuant to items 8 and 17 of the Code. The personal effects of the accused were at the Cobourg jail according to Chief of Police Hare. The provincial police confirmed that he had no money in Cobourg. He said he had eight cents which he was holding for him at the Cobourg jail.

It is a fairly lengthy matter. I do not wish to go ahead at some length, but surely at least it must be obvious to the Attorney General that they have made a mistake in this particular part of setting out the rules concerning legal aid. What is a man to do who has no assets—and there are people unfortunately, who have no assets—who fall into the claws of the law, have their bail set at nothing provided they sign their own recognizance, and cannot even raise the $2, and the legal aid says, "The legal aid lawyer must not pay that fee." What sense is that?

Hon. Mr. Wishart: Well, that is easy to get around. If the legal aid lawyer wants to pay it, all he has to do is hand it to the person he is representing and he can pay it. There is no obstacle there, if this lawyer wanted to pay the $2. Money is a very liquid thing and once it is out of my pocket or out of my hand and into somebody else's, it is their property. The poor client could have gotten it and paid it.

I would like to point out that in the counties of Northumberland and Durham, those counties where Miss Roy practices—where she serves as duty counsel on occasion—in the year ending March 31, 1969, 538 persons were granted legal aid or given legal aid and 342 were assisted by duty counsel. In the province in that period, 38,860 people got legal aid to the year ending March 31, 1969, and that figure is rising. In that same year, the year ending March 31 of this year, duty counsel assisted 79,583 people.

So, legal aid is not as circumscribed as the hon. member would make out in the three or four cases which he recites. And if Miss Roy writes those kinds of letters—as one of the letters states, over a period of 21 months—and gets no answer, I can perhaps understand why she does not get answers.

Some of the facts there just seem to be so strange and so trivial. For example, the matter of paying the $2—that is, why it could not be paid, because they would not take it from her. To bother somebody about that is trivial. Surely she knows that it would not take long to pass the currency into the hand of the person who could pay it. If she is bothering the hon. member about that sort of problem, I think she is wasting his time and the time of this House.

Mr. Shulman: I think perhaps the Attorney General has once again missed the point, Mr. Chairman. The point is that your regulations—and this is the reason I brought this up, because the Minister was resting his defence in the previous cases on the rules and regulations—your regulations are bad. They are not sensible in many cases and should be revamped. This is the point I was trying to make in this particular minor matter.

I am a little disturbed—

Hon. Mr. Wishart: I would like to correct that figure; instead of 38,860 people for the year ending March 31, 1969, it was 47,700 people who obtained legal aid certificates in that period.

Mr. Shulman: Mr. Chairman, I am a little disturbed that the Attorney General is doing what the Minister of Labour (Mr. Bales) does. He gets up in the House and says we have had millions of cases of compensation and they are all happy and so what about those few who were not looked after. These are the few that the Minister of Justice should be worried about. Of course, a lot of people are looked after by the legal aid plan, of course it is an advance, but when we point out inequities and injustices, the Minister of Justice should not have to be urged and scolded and yelled at to get him to move.

We should not have to reprint his speech today—which I intend to do—and distribute it to every home in Sault Ste. Marie. I intend to do that. But this should not be necessary. We should have the Minister of Justice step up and say: "I want to look after this, I am glad you are bringing these matters to me, I intend to do my best to enquire into them"; not say, "I am not going to investigate that." We really need more justice from the Minister of Justice.

Hon. Mr. Wishart: If the hon. member would like some help in making *Hansard* available in Sault Ste. Marie, I would be glad to assist him in that project.

Mr. Shulman: I will be glad to accept that offer, thank you.

Mr. D. M. De Monte (Dovercourt): Mr. Chairman, may I ask the hon. member a question about the $2 to be paid to the justice of the peace? Why does the lawyer not make a gift to the accused?

Mr. Shulman: He did ultimately.

Mr. De Monte: Oh, well, come on, the law sometimes, Mr. Chairman, is the application of practical common sense. And what I would have done—I cannot pay the $2—I would have made a gift of the $2 to the accused who would have then paid the JP and there would have been no problem.

Mr. Shulman: Mr. Chairman, I would just like to point out that the hon. member for Humber (Mr. Ben) has just informed me that the same problem arose when Andy Thompson had to be bailed out.

Mr. Chairman: The hon. member for Beaches-Woodbine.

Mr. J. L. Brown (Beaches-Woodbine): Last evening, after spending long hours in the Legislature and being buffeted from all sides by the ricochetting of ideas and concepts and notions, in reflecting on it I thought I detected that the Attorney General had become a victim of history, that he had become the victim of an Act establishing juvenile courts, that he had become a victim of the regulation under that Act, that he had become a victim of the inability of his own department people —the senior civil servants, the planners, the schemers, the doers in his department—a victim of their inability to find new ways of dealing with children who are deviant in Ontario.

Now, it seems possible that he was a victim, but as I thought about it, it looked more as though these were crocodile tears, more as though he was like the reluctant carpenter in "The Walrus and the Carpenter." While he is beating his breast in the Legislature, bemoaning the fact that he does not like children in Ontario to come before the established juvenile courts that he administers and he is responsible for, while he presents the image of being unable to do anything about it, children are being victimized by it.

It is not enough to stand here and reassure us that it concerns him. He has been the Attorney General for a period of time, long enough so that at least he could attempt to change the system that is inadequate. We do not expect him to come up with a miracle answer and a miracle solution, nor do we expect anybody else to come up with the miracle answer or the miracle solution. That does not mean, however, that there should not be concrete efforts taken immediately to do something about a system which he says he himself does not like and that he thinks establishes a stigma for a child that carries through for the rest of his life.

The juvenile court is based on an Act and on the regulations under that Act. I say if we start at the beginning, changes can be made by changing the Act. That is the most drastic step, that is the most far-reaching, and I can understand that he is hesitant about doing that. I can understand if he is reluctant to go down to the roots of the whole problem and try to root out the evils of the system with new legislation. I can understand where that may be a serious problem. I do not think it is, in any way, something that cannot be done, but I can understand his reluctance about it.

But the regulations are set by his department and how that Act is administered is fixed by his department and a great deal can be done in terms of the regulations—altering the

regulations, modifying the regulations, bringing in new regulations, and so on. Above and beyond that, it is within his power to apply directions to the juvenile court system that will partly modify it.

Hon. Mr. Wishart: Is the hon. member talking about The Juvenile Delinquency Act?

Mr. Brown: I am talking about the Act that establishes juvenile courts.

Hon. Mr. Wishart: But that Act is federal. At least, the Act under which juvenile delinquents are dealt with is a federal Act. We administer it, but we do not make the regulations.

Mr. Brown: You make no regulations?

Hon. Mr. Wishart: We administer the juvenile delinquency field, the federal Act. I thought the hon. member was charging me with making the regulations and having the power to change that Act. I just wanted it to be clear to him.

Mr. Brown: Well, yes, I take your point. I had understood last evening that you were in the process of doing a considerable number of things that made the administration of justice to children a more humane and civilized kind of procedure. Either you can do it or you cannot do it.

Hon. Mr. Wishart: We are working with the federal people on their new Act and studying the new approach which I think will be effective before too long. I just wanted to make sure that the hon. member understood that if he was saying that the Attorney General could change the regulations under The Juvenile Delinquency Act, we simply have the responsibility and the duty to administer, but we have no power to change the regulations. Those are federal; the Act is federal.

Mr. Brown: I would like to continue with the point; I do not accept the fact that you have no power. I would say that you are the most powerful person in the province of Ontario with respect to juveniles. You can exercise that power in maintaining a system that you yourself are dissatisfied with. Or, you can exercise that power in bringing about changes within the administration of justice to juveniles whether you go directly to the courts, or however you do it.

Certainly a great deal could be done in the appointment of people who carry out the functions of the court, for instance. Do you do that, or is that administered from Ottawa? Do you name the people who will process children?

Hon. Mr. Wishart: We do, but it has been established by the Supreme Court of Canada that the juvenile delinquency laws are criminal law; they come within the criminal area. Therefore they are under the exclusive jurisdiction of Parliament, that means the federal Parliament.

Now that is the law at present, and what I was trying to point out last night is that all the Canadian provinces, together with the federal people in Ottawa, are working on the new Act. At present the title that is given to it is The Children and Young Offenders Act; they are not called delinquents. That is the new approach.

It is all very well for the hon. member to say we are very powerful. I am one Minister in a Cabinet here, as far as that goes, but even if I had much more power than I have I would still have to persuade the gentlemen at Ottawa to pass a law which would take that jurisdiction. At least the jurisdiction has been certified to them by the highest court in the land, the Supreme Court of Canada.

I would have to say to them, as we are trying now to do on their new Act: "If that is the case and it is yours and under criminal jurisdiction, we cannot change the law, you will have to change it." This they are doing under The Children and Young Offenders Act, and we are working with them.

Now it is just nonsense—I do not like to use that word to the hon. member—but it is nonsense to say: "You, the Attorney General of Ontario, can just tell Ottawa what to do and they will do it." I wish I could sometimes; I just cannot.

Mr. Brown: It would be nice, Mr. Chairman, to believe that the whole problem rests in Ottawa. I do not think the whole problem rests in Ottawa. Whatever problems you have in dealing with Ottawa are part of the nature of your job, and I assume you are working to carry those out to the best of your ability. It is easy to hide behind this division. But that does not mean that in your position you cannot exercise a tremendous amount of power both in direct consultation with Ottawa and in a public position within the province itself.

I say to you that if you are as concerned as you expressed last night about the injustice that is happening to children, I would expect that to show other than at the time

of your estimates. I would expect that you would be prepared to take a stand, as indeed parents would be prepared to take a stand on behalf of their child, if they thought their child was being wronged. In essence, who else is going to do it in the province of Ontario? The great problem in this province has been that the people who are in the key positions are not taking this kind of a stand to bring about change.

In listening to you carefully last night, and in going over it in my mind, I heard someone saying: "It would be nice if we could have a change that would eliminate this system if it does not disrupt anything, if it is not uncomfortable for the existing facilities, if it does not disturb people too much."

This is the underlying message that I get from you. The change that you are waiting to have come about, is a change that is going to be a nice change that everybody will applaud and that will not disrupt anything. We cannot change the juvenile court system nicely. It has long passed that time. It is not going to sweetly evolve out of what it has been into an appropriate form by some kind of a pleasant osmosis.

There is a large vested interest in maintaining the concept of guilt or innocence in dealing with children who are deviant. There is a strong reluctance to accept the social science knowledge about what produces deviance, how it can be corrected, how you can energize a community and an individual in the community to comply with the rules and regulations and laws of that community. There is a strong reluctance to accept this knowledge and this information.

I am saying to the Attorney General that we do have the knowledge of how to deal with these children more appropriately than we are dealing with them; that we do not have to wait to use that knowledge; that that knowledge can be used at the present time despite the fact that you may not be able, by order, to alter the structure of the juvenile courts. A great deal could be done in that direction.

My concern is that once again it is easy for the Minister, it is easy for people in his department, it is easy for the court, it is easy for all the law enforcement people to say: "We are victims of the Act, we are victims of the setup, we cannot do anything about it." But that does not help the child who is apprehended and processed through an inappropriate court. That is of small comfort to the kid who is stigmatized by the system, and I think it is about time we stopped hiding behind these kinds of excuses.

Mr. Chairman: On vote 206, the member for Humber.

Mr. G. Ben (Humber): Mr. Chairman, I had been waiting for vote 207 which dealt with the probation services—

Mr. Chairman: We are trying to get to vote 207.

Mr. Ben: I am sorry, but I now see that family court is being discussed under vote 206 as a provincial court. At one time it was called the Metropolitan Toronto Juvenile and Family Court and—

Mr. Chairman: May I point out that much of this discussion has been out of order. It is on the treatment of children, juvenile children.

Mr. Ben: Just a second. The juvenile and family court is now a provincial court, and it has two divisions: one is an adult division —a family court division—and it has a juvenile division.

Mr. Chairman: Did you wish to discuss the operation of family courts?

Mr. Ben: That is correct. Yes, that is what I wanted to discuss.

First of all I would remind the Minister that three years ago before the 1967 election he indicated there would be an amendment coming to The Deserted Wives' and Children's Maintenance Act. We are still waiting for that.

Hon. Mr. Wishart: That is not my jurisdiction.

Mr. Ben: Not your jurisdiction? I am sorry. There were reports made to the Minister from Metro Toronto and from the court itself with certain recommendations. I am still waiting to see that report. I remember it was a series of questions that I asked three years ago.

Mr. Singer: The private members' hour is coming up.

Mr. Ben: Oh, all right, Mr. Chairman. Since I am in the middle of it now, I would like to move adjournment so that I could continue on from where I am leaving off now.

Hon. R. S. Welch (Provincial Secretary): You do not have to.

Mr. Singer: There is no adjournment.

Mr. Ben: May I just finish with this, then. I would like the Minister to have that answer for Monday. Where are these reports that were supposed to have been produced and which were received from Metro Toronto and from the court officials?

Secondly, on July 21, 1967, this Minister was reported in the Toronto *Daily Star* as saying that the provincial government may set up family and juvenile courts in Scarborough and Etobicoke.

What, sir, happened to the proposed family and juvenile courts in Scarborough and in Etobicoke? Would he also produce answers to those questions on Monday?

Hon. Mr. Welch moves the committee of supply rise and report progress and ask for leave to sit again.

Motion agreed to.

The House resumed, Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee of supply begs to report progress and asks for leave to sit again.

Report agreed to.

THE SCHOOLS ADMINISTRATION ACT

Mr. T. Reid (Scarborough East) moves second reading of Bill 215, an Act to amend The Schools Administration Act.

Mr. T. Reid: Mr. Speaker, the purpose of this private member's bill, as on other occasions, is to provoke discussion on a very important issue. I might just add that since being introduced for first reading last Friday the bill has provoked extensive discussion in Scarborough among high school principals and members of the school board.

By way of introducing the bill I would like to say I believe that student protest in our high schools in the 1970s could be much more significant than the university student protest of the 1960s. The purpose of my present bill is to introduce the possibility of a different and more broadly based method of decision-making within high schools based on the two-fold concept of, first, the individual high school as primarily a community of students and teachers, and secondly, the school as a community or neighbourhood institution. I am certain that the adoption of these principles in the internal management of some of our high schools would help to ensure a positive response on the part of the adults involved in our education system, and on the part of most parents and taxpayers to the growing student protest movement in our high schools in this province.

Generally speaking, the bill would enable a board of education in Ontario to establish, in any of its high schools, a governing council consisting of the principal of the high school *ex officio*—that is to say by the right of his office—some teachers elected by all the teachers in that particular high school, some grade 12 or grade 13 students elected by all the students in that particular high school, and finally, adult members of the community served by the school who shall be elected by the members of a representative organization —that is, a community organization or association, designated by the local school board.

The governing council in the high school would determine the policies in the school that would otherwise be within the present jurisdiction of the principal. The council would be responsible for the general policies of administration of the school. The principal of the school would be the chief executive officer of the council and it would be expected he would serve as chairman, or as vice-chairman.

Let me say a few other things about the bill. It is important to realize that this bill is simply permissive legislation. It would enable any school board in Ontario to establish for one or more of any of the high schools within its jurisdiction, such a governing council. It is not mandatory legislation. It simply says that it is possible for a school board or for a number of school boards to try a different model of policy making or administration in some of the high schools.

Let me give you some idea of what I envisage by this council. For example: In a high school with 1,500 students, which would have, perhaps, between 70 and 75 teachers, you would have a 30-member council. The principal would be one of those members. There might be 12 teachers on the council elected by the teachers in the high school. They would be elected, of course, by secret ballot, and hopefully they would make their views known to the other teachers in the school quite widely before election day.

There would be, perhaps, several high school students elected by the 1,500 students in the school. One would hope, Mr. Speaker, that unlike the election of students to most present councils in the high schools, that these elections would be widely contested and widely debated among the students. For example, one would hope that the students running for the governing council of the high

school would be allowed to go into classes during regular class hours to make their views known about what they see the purpose and the policies of the council to be.

That would bring the total to 20 members. There would be ten other members of that council elected, as I noted earlier, by a representative community association, comprising most of the people living in the high school district. These elections would again be democratic and, hopefully, quite hotly contested. That would be the nature of the council.

The council would then determine the policies of the school within the present jurisdiction of the principal. It is important to note here, at this point, Mr. Speaker, that it would not mean that the council could take over the administration of the school. Like many other bodies that are responsible for an association or organization, there would be a committee structure with an executive committee. There would be a committee on academic standards, for example, a committee on discipline, and even a committee, on perhaps, physical plant.

The principal, of course, would be assisted by a vice-principal, and hopefully, as noted in the Hall-Dennis report, his administrative staff would be increased so he could really become a chief administrator. I would not see this council becoming directly involved in the administration of the school.

Let me turn to one of the comments that the Hall-Dennis report makes about the responsibilities and the problems that arise in a school that is basically set up under the authority of one person. That is the present high school system. I do not intend, Mr. Speaker, to make this an attack on principals at all. I think most of the principals that I have met, and I am sure most of the principals if not almost all of them, are very competent and very sensitive to the needs of the pupils in their schools. But the Hall-Dennis report does point out, on page 149, and I quote directly:

> It is possible for a principal to wield too much power in school matters. He can control such matters as promotion, marks, grading and examination. He can assign people to groups by whatever plan and whatever philosophy he prefers, subject only to the degree of uniformity required by higher authority. He can control the discipline and morale within his school. And in this respect, system-wide attempts at uniformity have little real effect.

I think it is true that there have been some abuses in some schools of this immense power that The Schools Administration Act and regulations 339-66 by The Department of Education give to the principal—regulations directly from the department and indirectly through the local boards. It was with this in mind that I think it would be worthwhile to attempt, at least, to try a somewhat different model.

The next question we should ask ourselves is this: Let us take a look at some of the present powers of the principal of a high school. Let us start out with The Schools Administration Act and the Minister's regulations. Then we can see the scope—and there is quite a limited scope in some respects —for the responsibilities of this proposed high school council.

One finds in The Schools Administration Act, section 12, subsection 2, the following statements:

> It is the duty of a principal, in addition to his duties as a teacher, to maintain proper order and discipline in the school.

I can see the council being responsible for the maintenance of "proper order and discipline in the school." Subsection (b) says:

> The principal should be responsible to register the pupils, classify them according to the course of studies prescribed, and record the progress through the school.

I do not see that as being a heavy policy matter. That is a straight administrative matter. I see that the principal would simply be instructed by the high school council to go ahead and administer that statement in The Schools Administration Act. The council would not be concerned with such a straight administrative problem.

The same thing in the *addendum* to subsections (b) and (a):

> The principal has the duty to ensure that the attendance of pupils for every school day is recorded in the register supplied by the Minister, in accordance with the instructions contained therein.

Again, that is a strictly administrative matter and I could not see the council concerning itself with that type of problem.

Then we get into subsection (c) where it says:

> It is the duty of a principal to prepare and conduct the school according to a timetable which shall be accessible to pupils, teachers and inspectors.

I would say that the preparation of this timetable could involve matters of policy, but the implementation of it would be strictly an administrative matter. So the council would be concerned with the policy implications for the school and would discuss that fully, perhaps in a committee and from there to the school council, but would leave the implementation, or the "conduct" of it as the law requires now, in the administrative hands of the principal.

One can go through all these subsections on the duties of a principal and classify, in a very general way, whether they are primarily administrative matters or matters of policy.

The general point I would make, sir, is that the policy matters should be the concern of the council, and the strictly administrative detailed matters which are spelled out without differentiation really in the law and later in the regulations—that the administrative matters would simply be handed back, in a sense, to the principal.

There is, of course, one very important section in The Schools Administration Act, rather a subsection under section 22, and that is, as we know well in this House:

> It is the duty of a principal to suspend any pupil guilty of persistent truancy or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board and inspector of the suspension. The parent or guardian of any pupil suspended may appeal against the action of the principal to the board, which has the power to remove, confirm or modify the suspension.

I would say that type of matter should definitely come under the high school council trying a different model of administration and management in the high school. Without amending this present law under The Schools Administration Act, which I think ought to be done, I feel that the high school council would be concerned with that type of issue.

Now when we turn to the regulations, we find a number of other duties of the principal laid down—for example, in section 2, subsection 7:

> The board may determine the period of time during each school day when the school building and the playground shall be open to the pupils.

I would say that the high school council would be very much concerned with this type of issue: making recommendations to the board as to when the school should be opened for other purposes.

Specifically for the principal, Mr. Speaker, we find in section 7, under the heading "Textbooks and reference books" the following:

> Subject to the approval of the board, the principal shall select from the approved list of books for the use of pupils in grades 1 to 12 inclusively.

We find in the same section further on:

> Where no textbook for a subject is included in the approved list, the principal shall select suitable textbooks where required.

I would say that the academic standards committee, or if you like, the curriculum and academic standards committee—of the high school council would be very much concerned with that type of issue. They would try to examine perhaps—remember we are talking about the teachers, some students, and some adults, in the community, some of them parents, and deciding the relevancy perhaps of some of the courses in the school and having a good open debate to get at the root problems of some of the current issues in the high schools, particularly the complaint that many courses are not relevant to the society that students find themselves living in. One need mention only the issue of drugs on the health curriculum.

We find also that the principal of the day school, at the present time, under the regulations—and this is section 12, subsection 6—shall be the principal of the evening courses of study in that school. We find that the principal of the evening courses of study shall be responsible for the admission of students and shall determine the courses of study to which a student may be admitted.

I would see the council made up of the teachers and some of the senior students and adults in the community who would be very concerned with the issue of the school offering evening courses of study. We find for the evening courses of study also, "The principal has the power to admit students to the schools." So I could see the council being concerned with admission policies for the evening school.

We find also in the regulations, in section 16, subsection 3, "The principal is responsible for the making of a school record for each pupil." We have had long discussions in this

House and outside the House about the issue of student records, their abuse and so forth. I would say that the high school council could debate this issue of student school records so that the people in the community can see the advantages and disadvantages of the present method of collecting information for those records and the present ways in which that information is made available to the police, for example, and other agencies. I can see the council being concerned with that policy issue.

One finds also, just below, that:

> A principal is responsible for the maintenance of close co-operation of the homes and where applicable the industry and business of the community.

I would see the council working very closely with the principal to improve community relations.

I could go on, Mr. Speaker, with the duties of a principal, but there is one issue in this area where I must say I do not have an answer. That is, the regulations say:

> A secondary school principal shall recommend to the board:
>
> 1. The promotion and appointment of teachers;
>
> 2. The demotion or dismissal of a teacher whose work or attitude is unsatisfactory, but only after warning the teacher in writing, giving him assistance, and allowing him a reasonable time to improve.

To be honest with you, Mr. Speaker, I cannot sort out my own thoughts in a conclusive way with regard to this issue being raised at the university level, the question being: "Should the student be party, in a legal way, to the question of promotion or appointment of teachers?" I must say, I still have the same problem when I refer to my own bill, and see in effect what it could do in some schools in this regard.

Concluding that part of my remarks, Mr. Speaker, The Schools Administration Act and the regulations spell out in detail the responsibilities and duties of high school principals. My proposal is to at least allow some school boards, or any school board in this province, to establish, in perhaps only one of its high schools, a type of administration different from the current model; a very authoritarian model.

I will conclude my remarks by referring to a number of specific issues which I think could have been better handled by a high school council than by the present system of what Lloyd Dennis calls the "authoritarian principalship."

First, I believe that if a number of high schools, in Metropolitan Toronto had had such high school councils over the last two years, many communities would now be much better informed about such problems in their own communities as the non-medical use of drugs, including the use of such drugs by high school students. I think that the students on those high school councils would have insisted on having an open and honest debate in their communities if these councils had existed.

Secondly, I think these councils would have had tremendous debates, and very productive debates, on the use of the high schools as community centres – both for adults in the community and for high school students in non-school hours. And I would simply refer the members of this House, sir, to the comments that were made in the Hall-Dennis report on pages 149, 151 and 152 concerning the need to have a much better relationship between the entire community and the school.

Another area where I think the students would have insisted that the school discuss a very important problem to them, is the whole area of sex education. I think if there had been high school councils, the students on those councils would have placed on the agenda that they wanted a full and open discussion on sex education in the high schools. And I think that would have been a very productive discussion; it would have been between the teachers, the principal, the high school students and their parents. I would have thought that now, today, we could have had a much more productive approach to this very contentious issue.

Mr. Speaker, in concluding, I simply say that I think the school boards in Ontario should be allowed, under the laws of this province, to establish such high school councils, giving them the legal responsibility and authority and accountability for the responsibility that principals now hold in high schools. I do not think it is sufficient to establish advisory committees. I think we must see what happens in a high school where the council has the legal authority and the accountability to make this type of policy decision.

If we do not try it, Mr. Speaker, we will never know whether or not it will work. If we do not try it we might wake up five or six years from now and find that our high schools are not places of learning but places

where students go and just sit because they are not involved with what happens in their own communities. Thank you, Mr. Speaker.

Mr. Speaker: We were two or three minutes late in starting this hour. I realize the hon. member has exceeded his 20 minutes, but I propose to allow each of the succeeding speakers a few minutes longer.

Mr. J. R. Smith (Hamilton Mountain): On the principle of maintaining and improving the lines of communication between the school and the community, I am hopeful that the hon. member for Peterborough (Mr. Pitman) will, perhaps, in his remarks this morning, elaborate on some of the things he said at the meeting of the home and school association in Ottawa, I believe last spring, in which he drew very forcibly to the attention of the home and school delegates at that meeting, the need for greater integration of the school and the community.

Perhaps the hon. member for Scarborough East and I share one thing in common in that we were part of the school system of this province in the forties and the fifties when, indeed, looking back upon it, I would say it was perhaps an authoritarian system. The principal was "the captain of the ship", and I think, Mr. Speaker, things have drastically changed in the past ten years. One might readily say there is a generation gap between us and those teachers who are presently in high school.

There is need for a greater liaison and integration between the school and the community, and I feel this is really the spirit of this particular Act. But I think it ought to be pointed out, that the provision already exists in the statutes for three advisory committees to the school board, namely the advisory vocational committee, the advisory committee on schools for trainable retarded children, and the French-language committee for secondary school purposes.

It should also be noted that under paragraph 1 of section 35 of the same Act, "A board may appoint such committees as it may deem expedient." I maintain, Mr. Speaker, that there is ample opportunity, therefore, for any school board to appoint committees in order to assist it in establishing its policies and in developing greater understanding.

It is that flexibility in the present Act that I think provides a great deal of scope for imagination and creativity for the more progressive school boards in this province to take advantage of. However, the bill must, I think, be opposed on several grounds. In the first place it appears that this bill provides for the establishment of a governing council of persons who assume powers without having the risk of responsibility. Mr. Speaker, I maintain the responsibility for operating the schools rests with the legally elected school boards. The school board cannot delegate this responsibility to persons who, in themselves, carry no responsibility for their actions. Mr. Speaker, we live in an age when many people have a hang-up on student power and all these sorts of movements.

As a sidelight, recently the young socialists in Hamilton organized a student power meeting in McMaster. I believe that was the name of the group. A photo appeared in the paper of this huge lecture hall with six or ten people in this vast auditorium listening to a bearded speaker. Similarly, Mr. Thode organized a dialogue meeting at McMaster, which was held on Thanksgiving weekend, and also had a very poor response.

I do not know if all of the students in the high school system are this hung-up on really radical student power. But, with rights, also come responsibilities. We, as citizens, have rights and they also carry the responsibility of citizenship in a community. If citizens have rights, they also carry the responsibility of citizenship in a community.

Mr. Speaker, I think we should all think about the fact that the principal of the secondary school derives his duties and powers from The Schools Administration Act and regulations, and the hon. member for Scarborough East has enumerated many of these to this House this morning. But the regulations, section 16(3c) states:

> A principal is responsible for the maintenance of close co-operation with the home and where applicable with industry and the business of the community.

This is where we should zero in as legislators and as people in our own respective communities to see that this becomes a reality.

I think that the Hall-Dennis report on living and learning, with emphasis on the elementary section of the school system, certainly shows where this sort of approach can be taken in schools. I think, the more progressive principals in our school system are doing this. I am sure we have a carry-over of many who are nearing retirement who are still exponents of the authoritarian school doctrine, but these things are changing. There is progression and progress. I think also under

the regulations, in section 16(9c), "The secondary principal shall develop co-operation amongst the members of the staff and co-operation of efforts by—" and then the duties of the vice-principal and so on are enumerated.

Under that, there is a regulation saying that he is to call meetings of his teachers to discuss matters relating to the management and organization of the school. What is to prevent any such staff meeting from inviting representatives of a student body to appear before them and sit down and discuss the curriculum programme, the athletic programme or the planned facilities?

Tuesday morning I was in an elementary school and we were setting up the overhead projector and the student helping me said, "You know, Mr. Smith, we have so much equipment in this school, that there are more slide projectors than film strips." You see, very often the students can see things that perhaps the administrators overlook and they are very astute in their observations. But these provisions are already in existence and provide ample opportunity for the principal to discuss matters affecting the school with the members of the staff, and if he wishes, with his students.

It is common knowledge, Mr. Speaker, that many principals refer matters to the president and the executive of elected student councils when policies and rules of the school are under study. I know of many principals in my area who have arranged for students—usually representatives of the elected student councils—to attend staff meetings at various times during the year. It can be seen that these principals do make use of the staff, and the students' ability, when policy matters are under discussion.

Another thing that I think is rather objectionable in the Act as it appears before us this morning, is the fact that the staff members elected to this council are elected for a term of three years. Having taught in the school system of this province, and experienced the mobility that there is in it, I think that is locking people in for a long time and conditions change radically in a school in a period of three years.

I wonder if the federation of home and school associations for this province has been consulted about this bill, because these people have given a great deal of thought to this matter in recent years. It may not be in favour of this, because of the fact that for many years this voluntary association has been a pioneer in working closely with the schools at the local level. It might prefer to have a more active part than is provided for under this bill, where in fact it just becomes one of the various voluntary associations in the community that is interested in the school system. I think we all recognize that the federation of home and school associations is probably next to the teachers' federation or equal to the teachers' federation as the most interested in the education system of our province.

Also, I think it is interesting to note that no reference is made to such a governing council in the elementary school level either in the public or separate school domain, and it seems that the purpose of the governing council is to improve communication and understanding with the local community. The elementary schools perhaps also should be considered, and with these new county regional boards of education, the need for such liaison and dialogue at the elementary level, I think, is probably just as important, if not more important, than at the secondary level when you have children coming from such large jurisdictions to form a school community.

I would like to compliment the Buchanan Park Home and School Association in my own riding, which has done a great deal of work on this particular subject with letters and bringing forth speakers to the parents and members, and in trying to bring about this form of dialogue and integration of the school with the community.

Mr. Speaker, only students enrolled in grades 12 and 13 are to be included on the council, as provided in this bill. It must be assumed that a number of qualified and mature and worthy pupils in grade 10 or below would therefore be excluded, and of course some schools would not have grade 13 classes.

Just last week I was talking to a young man in this building from Marathon, where I believe they only have seven or eight students this year in grade 13, and I think it would be a parody to have such a small minority of the student high school body in grade 13 and a small class of grade 12 dictating the wishes and desires of a large student body. Then, of course, I can see the problem arising in a few years of lowering the voting age or lowering the grade level in the lower grades, and then if we are going to wipe out the grade system in secondary schools I suppose the whole thing will go out the window.

Finally, Mr. Speaker, I would like to reiterate the need for continued co-operation between the school and the community, and near the end of the 1960s I think we are moving towards this, but this goal certainly may not be achieved by the use of a governing body as suggested in this bill. I feel that it is far too inflexible a structure for the new age in education that is upon us.

Mr. W. G. Pitman (Peterborough): Mr. Speaker, I would like to use my time in this debate to discuss the matter of theme, rather than of specifics. I accept the challenge of the member for Scarborough East to take part in a discussion of the problem of the greater democratization and greater participation in the schools of Ontario, rather than the specifics of his legislation.

The member for Hamilton Mountain was kind enough to refer to Bill 204, and this bill standing in my name on the order paper, and this bill attempts to deal with this matter in a different way. Naturally, I prefer that response. I feel that an advisory committee in every school, both at the elementary level and in the secondary school, will, you might say, remove the problem of responsibility, but at the same time will also remove the problem of insularity. I think the greatest problem which I see in a governing council of this sort is the fact that it may well become cut off from the community in just the same way as school boards can become cut off. I think the advisory committee reporting back through the home and school association—which I think is the natural, already existing organization which can provide the adult participation—is perhaps a more effective means, a more effective agent.

I, too, am concerned about the rules that are provided for only grades 12 and 13, and that the other students might not have the advantages of greater participation at an earlier point in their academic careers. It seems to me there are three areas of concern in this whole debate. One is in the concept of the role of the school, and it seems to me that is the challenge of definition. The second area of concern in the age of very fast-changing educational development is in the specific roles of principals, teachers, parents and students.

I think the third area of concern is in the structures by which these roles are to be carried out. Just for a moment I think we might look at the role of the school in today's society. If you believe that the role of the school is to prepare young people to accept our definition of the good life, then you certainly are quite willing to accept at least an authoritarian-oriented kind of direction in administration. If, however, you believe that it is a place where young people are encouraged to enquire and to criticize, and to develop the concept of responsibility—indeed, to flex their ability to perform the democratic function—then obviously an authoritarian type of control in the school is quite unacceptable.

If you believe the school is concerned with education in a narrower sense, you might say "book learning," from the age of 5 to 18, then this kind of authoritarian-oriented administration is acceptable. However, if the school is the extension of life and of society, then of course we wonder how this institution can dwell in a democratic society. Controlled by the few, it becomes completely immoral or undemocratic.

I, for one, accept the second definition of what schools are all about in both those cases, so therefore I think that the problem then becomes a changing of roles of those who are working and those who are associated with the schools. The concept of the role of the principal as the captain of the ship has already been mentioned by the member for Hamilton Mountain. Of course it was a simple concept and it still is found in The Schools Administration Act, but obviously it is becoming a more and more impossible role.

Principals, I think, have perhaps the most difficult job at any point in the educational system, and I would share with the member for Scarborough East my respect for those who are playing this role, particularly at the present time. They are harassed by an enlarging superstructure of administrative officials under each board. They are harassed by parents who are concerned and do not understand what is going on. They are faced with the changes in the educational system which are concerning their teachers, and of course they also have to deal with the many students under their control, and their jurisdiction.

It seems to me the time has come to change the role of the principal. I tried to begin that change in another bill which I placed on the order paper—Bill 212. This is a bill simply to take away this massive responsibility in which the principal controls everything from the future development and life style of every young person in his school to the planting of trees on the front lawn. It is a ludicrous situation we have in the schools today. I think it is time that it was ended; it is time to begin using business officials to deal with much of the paper work which makes the principal's job so time-consuming, and in some cases

ineffective. It is time, I think, to develop committee structures within the school, and this is perhaps where the thing should begin.

I am suggesting advisory committees involving parents and teachers and students outside the school, as advisory to the school. But within the school, surely the time has come to develop a committee structure of principals, teachers and students, to deal with such matters as discipline and curriculum. I think it is time to make the principal, in a sense, the master teacher in the school, give him time to do some teaching, give him time to have an opportunity to encourage the learning atmosphere rather than to be so totally concerned with the discipline and with the administration of details of the school. I think it is time, surely, to end this kind of emphasis in which you have one man in the school who makes the rules, enforces the rules and punishes those who do not obey them. Within a democratic society, if the school is an extension of our democratic society, this surely is fairly unacceptable.

I think we should change the role of the teachers. They too are frustrated by the tempo of change, the rush of innovation around them, in which they are asked to question their very background, all their experience and what they are doing day by day. I think they want to take part in the decision-making process, but right now, of course, they have no time to do so. They lack in many cases some of the skills, particularly, for example, in the area of curriculum building. But the major problem is that they must find time to prepare themselves to accept this new role and they must have time as well to participate in the decision-making which has been envisaged by the legislation which has been presented in this House.

Once again I think it is a matter of finding a structure by which this new role can be created.

And finally, of course, there is the parent. Perhaps the parent is the one most of all alienated by the school system. He has no real role except to pay the bill and make sure his young son or daughter gets to school on time. If he does not do either of these things, of course, he can be brought before the courts. So that virtually is his only role under the legislation of this province.

I think parents are particularly alienated at the present time because they do not understand what is going on in the schools. You and I, Mr. Speaker, could assume that our roles in the school were very much what our parents had experienced in their school days. That cannot be assumed today either in terms of the curriculum or the teaching methods or the administration of schools. And I think we now need a massive involvement of parents.

I think here again the home and school association has attempted to provide this agency but, of course, in many cases all that has happened within the home-and-school setting is that they have been told what is going on. They have not been asked to influence or take a part. That is why I see the advisory committee to each school as a major breakthrough in this regard.

As well as that, the home-and-school member very often finds himself in a one-to-one situation, in a schoolroom where he or she, the parent, is sitting in a seat which really belongs to his son or daughter. He is encouraged by this to feel incapable of coping with what is going on in this school setting.

Indeed, Mr. Speaker, I will go even farther to say that I suspect that the parents who have the least involvement, the least dialogue, are those who need it most. These in many cases are parents of children who are not getting along well in school. There is even a class dimension, I think, to this. It is often the parents of lower class or lower middle class young people who have the least opportunity to participate effectively.

I think the home and school association can be the vehicle of parent expression; I think they are moving very quickly in that direction. Once again, though, the structure has to be there. The role must change and the structure must be there to meet that change, and once again I suggest an advisory committee, as a means, as an agency.

Finally, the students themselves are the objects of the system, so to speak, or at least they seem to be, in regard to the object of the educational system. But they are no longer willing to accept that kind of a role. I think they feel they are not being prepared for life as much as they are taking part in life—since they are, I think, more intuitive than perhaps most of us in realizing that we live in a continuing learning society, that life is education, education is life, and they are no longer willing to accept the former role.

I think they want responsibility. I think they have shown in the past they are willing to accept their responsibilities and do so with a high degree of maturity. Once again, these structures do not exist at the present time and they must be found.

I do want to draw to a conclusion on one note of warning. I think that in the Hall-Dennis type of education system there is one highlight that I spoke of last night in the Attorney General's estimates. I think in the Hall-Dennis type of educational setting there are going to be young people who cannot accept the freedom to decide what they want to do—to make these choice—nor will they be able to accept the responsibility for their own discipline.

In other words, I think particularly in this transition period from an authoritarian-oriented school setting to a far more liberal and open school setting, there are going to be very real problems. There will be a minority, a very minute number, I hope, who will not be able to cope with this freedom and this amount of choice.

I think in this regard, the school may not be able to handle 100 per cent of the school population of this province and in that case I think the community is going to have to find some other agency. Last night I suggested some agency between The Department of Correctional Services and the department which we are now discussing.

I hope, Mr. Speaker, that this will be a discussion that will continue and I hope it will encourage principals and school boards to begin to experiment. There are all kinds of experiments. In fact, perhaps we in this Legislature are somewhat arrogant in suggesting to any board or to any school how they should go about democratizing and giving greater participation. I sincerely hope that our discussion in this House will encourage that development.

Mr. T. P. Reid (Rainy River): Mr. Speaker, I rise with a great deal of pleasure to support the bill introduced by the hon. member for Scarborough East. I might just draw to your attention, before getting into my remarks, that in the last few days we have heard primarily from the lawyers. It has been lawyers' week in the House, but this morning it seems to be the teachers in the House and perhaps this is a welcome change that should continue on into the future.

Interjections by hon. members.

Mr. T. P. Reid: Mr. Speaker, it was very interesting to hear the remarks of the hon. member for Hamilton Mountain and the hon. member for Peterborough, especially because they delineated so well, I think, the basic philosophy that underlies the parties in this Legislature.

We have a young man from Hamilton Mountain who is himself a school teacher and who was educated under the present system and who was a part of the teaching process within the present system. Quite frankly, Mr. Speaker, I was rather shocked and amazed to hear the remarks that he made about this bill. I thought he sank to the level of being extremely picayune in picking out certain things that he did not agree with, especially after my colleague had mentioned the whole idea of this debate.

We know it is not going to come to a vote. The whole idea of this debate was to open this particular subject for discussion, and discussion of the principles involved in this bill. The member's main theme seems to be: "We are reasonably pleased with the present system and we would like to see it continued. We do not want to get into this kind of reform in our schools."

I must commend the hon. member for Peterborough for what I thought was one of the best speeches I have heard in this Legislature all week. On the other hand, the level has not been all that high because of the particular members involved, but certainly I think it was an excellent speech and I commend him for his comments.

Interjections by hon. members.

Mr. T. P. Reid: I would like to make a number of points concerning this bill. I would like to point out to the hon. member for Hamilton Mountain, in the first place, that this is enabling legislation only. It does not necessitate school boards or high school principals bringing in this kind of system overnight. It is a suggestion that this can be done if they want to do it.

I would like to mention a point that I think the other speakers, both the hon. members for Hamilton Mountain and Peterborough, missed in reviewing the people who are involved in the educational process. The people they missed in particular in the democratization and the participation in the educational programme and the policies evolving therefrom, the people no one mentioned, were the teachers themselves.

I find this rather strange to understand because the people who spoke were all teachers, and were involved in education. I myself taught for a couple of years and one of the things I found most frustrating was the fact that I, as a teacher, was very seldom, if ever, consulted on school administration which directly affected me as a teacher and

affected my teaching, and on the policies that made the whole school run.

There was the odd teachers' meeting where everybody got together and complained bitterly about the principal and the way he ran the school. Then he walked in like Napoleon with his hand tucked into his suit jacket and said: "Well, are there any complaints?" Of course, everyone said, as they stood stiffly to attention: "No, your honour, everything is fine, you are doing a great job, but little Joey is having trouble with his mathematics."

The teachers themselves have never been directly involved in the administration and the policies of the school, and there is nothing more frustrating than being directly involved in the educational process, or any process, and not being able to make a contribution and have your views known.

Being in the Legislature and being members of the Opposition we feel very frustrated sometimes, and the member for High Park (Mr. Shulman) vented this this morning. We offer what we think are constructive criticisms, constructive suggestions, and these are either ignored or not accepted by the government opposite. I suggest to you, sir, that this is the same thing that happens with teachers within the educational system. They have no say in the way the school is run.

That is one point that I think should be made here this morning because it was ignored by the other speakers.

I want to go back to something the member for Peterborough touched on, and that is the fact that the students in the school have changed but the school system has not changed, and this is our biggest problem. The member for Hamilton Mountain—who I cannot help but come back to, and I must score him on this point—spoke with the voice of that authoritarian system, as if he, himself, was hoping that tomorrow he might be appointed a principal. Then he would have all that power in his hands and be able to tell the students they should walk only down the right hand side of the corridor and not more than three inches from the wall.

Mr. J. R. Smith: A point of order, Mr. Speaker. What exactly did I say that gave the hon. member for Rainy River that impression? I certainly hope I did not leave the hon. members of this House with that impression.

Mr. Speaker: I do not believe that is a point of order, however, the hon. member for Rainy River may reply if he wishes.

Mr. T. P. Reid: I would certainly like to do so, Mr. Speaker. In the first place, the member opposed the bill practically in its entirety. In other words, he opposed the principle of the bill itself. He called for no reforms of the present system and seemed to indicate to this House that he was perfectly happy with the present system.

If I am wrong in that, I apologize, but it sounded almost as if the member's speech had been written by Blind Bill, and one can only wonder. In any case, Mr. Speaker, as I said, the students have changed, the structure has not. The same has happened with the universities. This should serve as a warning to us—as members of society as a whole—that that is what is going to happen in our school system if the school system, the structure of that school, and the participation in the educational process, do not change.

The students in the school today are radically different from what I was when I was a student and that was only some ten years ago.

The impact of television in itself has completely changed the educational process. There are a great many people who believe that the educational process starts and finishes in that school, that when the student goes there at 9.00 o'clock his education starts, and when he leaves at 4.00, his education is finished.

The students today are getting their education from television, from the events in the world around them. They are so far ahead of the educational system that it has led to an increasing frustration on their part. This has led to the kind of violence and the radicalism that we see in society today. It has been exemplified by the violence, the type of thing that has happened in our universities. It can only spread to the high school students because this process is speeding up all the time.

The students who followed me are much more intelligent, much more knowledgeable, much better informed than I ever was when I was a high school student. Of course, that only means that they are that much better off than we are. But that point should be strongly emphasized and the point is that these students—who are so far ahead of this kind of structure—want to see that structure changed. They want to become involved in the educational process; they want to be taught with, not at. They want to learn with, not have it fed to them on a spoon as the educational system does.

I can go on for hours recounting to this Chamber the problems I had with my high school principal. He thought he was going to run the school and I thought I was, and unfortunately he won. But I do not think his winning that battle really contributed very much to my educational needs.

An hon. member: It made you what you are today.

Mr. T. P. Reid: Yes, it made me perhaps what I am today. That may be one of the best arguments against his kind of teaching that I can think of.

However, I want to re-emphasize that point. Reforms have to take place within the system and they have to be done quickly, because if they are not, we are going to have the same types of situations in the schools as in the universities. The feeling is growing in the schools today. A great many of the courses are completely irrelevant; students themselves have no connection with the education that they are getting. To most of them it is like picking up a sack of comic books and reading the comic books. They have no more relevance to them as students as members of society, than a "Superman" comic book does to a child who is just learning to read. We as a Legislature must be prepared to debate these subjects, to make certain recommendations to the high school boards to get the people in the community involved.

The member for Peterborough touched on the point that the most alienated people, after the students from the educational system, are the parents because they have no say. Surely one of the main purposes of the educational process—and of this Chamber in particular—should be not only to lead the people in certain directions but to educate them as to reasons why we are doing these things. If we fail in these endeavours, we can only see more of the kind of violence that we have seen in our universities.

Hon. R. S. Welch (Provincial Secretary): Mr. Speaker, prior to moving the adjournment of the House, I would like to indicate to the House that on Monday, under our new arrangements, we will continue with the consideration of the estimates of The Department of the Attorney General, to be followed by the estimates of The Department of Lands and Forests, Revenue and others, as they have been announced.

Hon. Mr. Welch moves the adjournment of the House.

Motion agreed to.

The House adjourned at 1.00 o'clock, p.m.

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